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Appendix One: Allowable Uses in a Zone Table

## 15.1 GENERAL PROVISIONS

- 15.1.1 Purpose
- 15.1.2 Interpretation
- 15.1.3 Conflict
- 15.1.4 Effect on Previous Ordinances and Maps

### 15.1.1 Purpose

This Title of the Huntsville Town Ordinances is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Huntsville Town including, among other things, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, and fostering permitted industries.

### 15.1.2 Interpretation

In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. Specific uses listed as Permitted are approved by the Huntsville Town Council in a zone are allowed; uses not specifically listed are allowed under conditional use only. Conditional uses require a Conditional Use Permit.

### 15.1.3 Conflict

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinance or laws, but shall prevail notwithstanding such provisions which are less restrictive. Where a conflict exists between various provisions of this ordinance, the Huntsville Town Council shall rule on which provision applies.

### 15.1.4 Effect on Previous Ordinances and Maps

The existing ordinances of Huntsville Town covering the zoning of areas and districts in Huntsville Town, in their entirety, and including any maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein and in the Huntsville Town zoning map contained in the Appendix. This shall be, provided, that this ordinance is a continuation of previous ordinances, and does not change anything already done by previous ordinance, whether in the same or in different language. This ordinance will be interpreted upon all of the following: questions of construction, and questions including, but not limited to construction; questions relating to the tenure of officers; questions relating to the boards established by previous ordinances; questions of conforming and nonconforming use, buildings, and structures; and questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

15.2 ZONES

- 15.2.1 Establishment of Zones
- 15.2.2 Boundaries of Zones
- 15.2.3 Filing of Map
- 15.2.4 Rules for Locating Boundaries

**15.2.1 Establishment of Zones**

For the purpose of this Ordinance, the incorporated areas of Huntsville Town, to which this Title applies, are divided into nine (9) classes of zones. Some of these zones do not apply, and may never apply, to any incorporated area of Huntsville Town, having been included to allow for flexibility in the future planning and growth of Huntsville Town, and to maintain the unique character of Huntsville Town.

RESIDENTIAL ZONE	R-1
PARK ZONE	P
COMMERCIAL ZONE	C-1
AGRICULTURAL ZONE	A-3
COMMERCIAL RESORT ZONE	CR-1
SHORELINE ZONE	S
OPEN SPACE ZONE	O
FLOOD PLAIN ZONE	FP
RECREATION ZONE	RC

**15.2.2 Boundaries of Zones**

The boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled Huntsville Town Zoning Map, or as hereafter amended. On such map, all boundaries, notations and other data shown thereon are made by this reference as much as part of this title as if fully described and detailed herein.

**15.2.3 Filing of Map**

The Huntsville Town Zoning Map shall be filed in the custody of the Huntsville Town Clerk of Huntsville Town, and may be examined by the public subject to any reasonable requirements established by the Huntsville Town Clerk.

**15.2.4 Rules for Locating Boundaries**

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- A. Wherever the Zone boundary is indicated as being approximately upon the center line of a street, alley or block or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
- B. Where the application of the above rule does not clarify the zone boundary location, the Huntsville Town Appeal Authority shall interpret the map.

**15.3 LAND USE PERMIT ADMINISTRATION**

- 15.3.1 Land Use Permits Required
- 15.3.1. A Details on the Acceptable Uses in a Zone Table.
- 15.3.2 Zones Requiring a Land Use Permit
- 15.3.3 Applicant Notice

**15.3.1 Land Use Permits Required**

Land Use Permits shall be required as described in the Building Permits and Signage Titles. Land uses will be subject to the specific zone regulations as well as the applicable Architectural, Landscape and Screening Standards, Business Licensing, Signs, and Sensitive Land regulations of the Huntsville Town Land Use Title.

- A. Details on the “Acceptable Uses in a Zone” table are contained in Appendix One Table 15-1.<sup>1</sup>

**15.3.2 Zones Requiring a Land Use Permit**

No structure shall be constructed, changed in use, or altered until a Land Use Permit is approved as defined in the Building Permit Title.

**15.3.3 Applicant Notice**

For each Land Use application, Huntsville Town shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

**15.3.4 Huntsville Town Planning Commission<sup>2</sup>**

The Huntsville Town Planning commission shall be comprised of five (5) members and one alternate, appointed by the Mayor with the advice and consent of the Huntsville Town Council. One member will be appointed to serve as the Chairman, who will conduct the meetings to be held as workload demands, and shall follow the rules of meeting conduct adopted by the Huntsville Town Council. The alternate shall be invited to all meetings and in the event of one of the five members being absent; the alternate is eligible to vote. The Huntsville town council may remove a member of the Huntsville Town Planning Commission if they fail to attend a minimum of 60% of meetings, or exhibit conduct unbecoming the office.

- A. The Huntsville Town Planning Commission is a recommending body only; making recommendations to the Huntsville Town Council on: rezoning and subdividing applications, annexation petitions and land use, building plans and ordinance compliance. They are responsible for drafting land use ordinances and the Huntsville Town General Plan (including zoning maps and periodic updates as required by State law) for the Huntsville Town Council review and conduct of studies as directed by the Huntsville Town Council. All recommendations by the Huntsville Planning commission shall be made by a majority vote of a quorum.
- B. The Huntsville Town Planning commission will identify compliance of all subdivisions and lot boundary changes with applicable Titles and make a recommendation to the Huntsville Town Council for their approval. All subdivisions and boundary changes require review by the Weber County Surveyor prior to submission to the Huntsville Town Planning commission. The landowner shall pay all fees for Weber County Surveyor or Recorders services directly to the County.<sup>3</sup>

<sup>1</sup> Amended 08-21-2014: Allowable Uses in a Zone Table was added to Title 15.3.1.A.

<sup>2</sup> Amended 10-6-2008: 15.3.4 was added along with paragraph A. To allow for an alternate member of the Planning Commission, and to describe Planning Commission responsibilities.

<sup>3</sup> Amended 9-3-2009: Paragraph B was added, Planning Commission will review all subdivisions and lot boundary changes.



## 15.4 CONDITIONAL USES

- 15.4.1 Purpose
- 15.4.2 Conditional Use Permit
- 15.4.3 Review Procedure
- 15.4.4 Determination
- 15.4.5 Basis for Issuance of Conditional Use Permit
- 15.4.6 Building Permit and Improvement Guarantee
- 15.4.7 Expiration
- 15.4.8 Discontinued Use

### 15.4.1 Purpose

The purpose of Conditional Uses is to allow in certain areas, compatible integration of such uses as special exceptions but which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that particular zone due to conditions and circumstances peculiar to that location and/or only if such uses as designed, laid out and constructed on the proposed site in a particular manner.

### 15.4.2 Conditional Use Permit

A Conditional Use Permit shall be required for all uses not specifically listed for a given zone. The Conditional Use Permit shall be approved by the Huntsville Town Council after review and recommendation by the Huntsville Town Planning Commission. A Conditional Use Permit may be revoked at a later time by the Huntsville Town Council, after review and recommendation by the Huntsville Town Planning Commission, upon permittees failure to comply with the conditions imposed with the original approval of the permit.

### 15.4.3 Review Procedure

- A. Application for a Conditional Use Permit shall be made to the Huntsville Town Planning Commission. A site plan showing details and other requirements shall accompany the completed application forms provided by the Huntsville Town Clerk or Huntsville Town Building Official.
- B. The application together with all pertinent information shall be considered by the Huntsville Town Planning Commission at its next regularly scheduled meeting. The applicant shall be notified of the date, time, and place of each public meeting.
- C. The Huntsville Town Planning Commission may call a special public hearing on any application after adequate notice if it is deemed in the public interest. The applicant shall be notified of the date, time, and place of each public hearing.

### 15.4.4 Determination

After the completion of the review procedure in 15.4.3, the Huntsville Town Planning Commission will pass their decision to recommend or not recommend a Conditional Use on to the Huntsville Town Council. In recommending any Conditional Use, the Huntsville Town Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare. The applicant shall be notified of the decision.

The Huntsville Town Council may uphold or reverse the recommendation of the Huntsville Town Planning Commission and impose any additional conditions that it may deem necessary if granting a Conditional Use Permit.

### 15.4.5 Basis for Issuance of Conditional Use Permit

The Huntsville Town Planning Commission shall not recommend a Conditional Use Permit unless evidence is presented to establish:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and
- B. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and
- C. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
- D. That the proposed use conforms to the goals, policies and governing principles for land use as stated in the Huntsville Town General Plan.
- E. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

#### **15.4.6 Building Permit and Improvement Guarantee**

Following the issuance of a Conditional Use Permit, the Huntsville Town Building Permit Official shall approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permits and conditions pertaining thereto.

Prior to the issuance of an Occupancy Permit, the developer shall guarantee to Huntsville Town, the completion of any uncompleted improvements or conditions of approval, which shall be included in the Assurance Bond held by Huntsville Town.

#### **15.4.7 Expiration**

Unless there is substantial action under a Conditional Use permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The Huntsville Town Council may grant a maximum extension of six (6) months under exceptional circumstances. Upon expiration of any extension of time granted by the Huntsville Town Council, or failure to complete all conditions and requirements of the Conditional Use Permit within an eighteen (18) month period of time, the approval for the Conditional Use Permit shall expire and become null and void.

#### **15.4.8 Discontinued Use**

When an approved Conditional Use has been discontinued and/or abandoned for a period of one (1) year, the Conditional Use Permit becomes null and void. In order to restore the Conditional Use, a new application shall be filed for review and consideration by the Huntsville Town Planning Commission and Huntsville Town Council. If two (2) years expire with discontinued use and/or abandonment, the owner will remove the structure or use it for an approved use. If the owner does not remove the structure, Huntsville Town will remove the structure and place a lien on the property for the cost of removal and disposition.

## 15.5 APPEAL AUTHORITY

- 15.5.1 General Considerations
- 15.5.2 Appointment – Membership, Term, and Vacancy
- 15.5.3 Organization - Procedures
- 15.5.4 Powers and Duties
- 15.5.5 Appeals
- 15.5.6 Variances
- 15.5.7 District Court Review of Huntsville Town Appeal Authority Decisions

### 15.5.1 General Considerations

In order to provide for the just and fair treatment in the administration of the Huntsville Town Land Use Title, and to ensure that substantial justice is done, the Huntsville Town hereby appoints the Huntsville Town Appeal Authority to exercise the powers and duties provided in this Title.

The Huntsville Town Appeal Authority established will hear and decide:

- A. Requests for variances from the terms of the Land Use Titles; and
- B. Appeals from decisions applying the Land Use Titles.

### 15.5.2 Appointment – Membership, Term, and Vacancy

- A. Membership:
  - 1. The Huntsville Town Appeal Authority shall consist of five (5) Members.
  - 2. The Huntsville Town Council shall appoint the Members and alternate Members for a term of five (5) years.
  - 3. The Huntsville Town Council shall appoint Members of the first Huntsville Town Appeal Authority to terms so that the term of one Member expires each year.
- B. Alternate Members:
  - 1. The Huntsville Town Council shall appoint however many alternate Members that the Huntsville Town Council considers appropriate.
  - 2. No more than two alternate Members may sit at any meeting of the Huntsville Town Appeal Authority at one time.
  - 3. The Huntsville Town Appeal Authority shall make rules establishing a procedure for alternate Members to serve in the absence of appointed Members of the Huntsville Town Appeal Authority.
- C. Member Removal:
  - 1. At the discretion of the Huntsville Town Council, any Member of the Huntsville Town Appeal Authority may be removed upon the receipt of written charges filed against the Member with the Huntsville Town Council.
  - 2. The Huntsville Town Council shall provide the Member being considered for removal with a public hearing at a meeting of the Huntsville Town Council if that Member requests one.
- D. Vacancy:
  - 1. The Huntsville Town Council shall fill any vacancy at the next regularly scheduled Huntsville Town Council meeting.
  - 2. The Member appointed shall serve for the unexpired term of the Member or alternate Member whose office is vacant.

- E. No Member of the Huntsville Town Appeal Authority shall be a Member of either the Huntsville Town Council or the Huntsville Town Planning Commission. However, a Member of the Huntsville Town Council should be present at hearings to explain the decision under appeal.

### 15.5.3 Organization - Procedures

- A. The Huntsville Town Appeal Authority shall:
1. Organize and elect a Chairperson;
  2. Adopt rules that comply with any Ordinance adopted by the Huntsville Town Council;
  3. Notify each of its Members of any meeting or hearing of the Appeal Authority;
  4. Provide each of its Members with the same information and access to municipal resources as any other Member;
  5. Convene only if a quorum of its Members is present; and
  6. Act only upon the vote of a majority of its convened Members.
- B. The Huntsville Town Appeal Authority shall meet at the call of the Chairperson and at any other times that the Huntsville Town Appeal Authority determines it necessary to meet.
- C. The Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
- D. Meetings:
1. All meetings of the Huntsville Town Appeal Authority shall comply with the legal requirements of open and public meetings.
  2. The Huntsville Town Appeal Authority shall:
    - a. Keep minutes of its proceedings, showing the vote of each Member upon each question, or if absent or failing to vote, indicating that fact; and
    - b. Keep records of its examinations and other official actions.
  3. The Huntsville Town Appeal Authority may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.
  4. The Huntsville Town Appeal Authority shall file its records in the office of the Huntsville Town Clerk.
  5. All records of the Huntsville Town Appeal Authority are public records.
- E. The concurring vote of three Members of the Huntsville Town Appeal Authority is necessary to reverse any order, requirement, decision, or termination of any administrative official or agency or to decide in favor of the appellant.
- F. Decisions of the Huntsville Town Appeal Authority become effective at the meeting in which the decision is made.

### 15.5.4 Powers and Duties

- A. An Appeal Authority shall:
1. Act in a quasi-judicial manner; and
  2. Serve as the final arbiter of issues involving the interpretation or application of Land Use Titles.
- B. The Huntsville Town Appeal Authority shall hear and decide:
1. Appeals from Land Use decisions applying the Land Use Titles;
  2. Special exceptions to the terms of the Land Use Titles; and

3. Variances from the terms of the Land Use Titles.
- C. The Huntsville Town Appeal Authority may make determinations regarding the existence, expansion, or modification of nonconforming uses under the Huntsville Town Land Use Titles.

#### 15.5.5 Appeals

- A. The applicant, a board or officer of the municipality, or any person adversely affected by the Huntsville Town Council's decision administering or interpreting a Land Use Title may, within the time period provided, appeal that decision to the Huntsville Town Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the Huntsville Town Council in the administration or interpretation of the Land Use Titles.
- B. The Huntsville Town Appeal Authority shall determine the correctness of a decision of the Land Use authority in its interpretation and application of a Land Use Ordinance. Only those decisions in which the Huntsville Town Council has applied the Land Use Titles to a particular application, person, or parcel may be appealed to an Appeal Authority.
- C. A person may not appeal, and the Huntsville Town Appeal Authority may not consider, any Land Use Titles amendments.
- D. The appellant has the burden of proving that the Huntsville Town Council erred in the administration or interpretation of the Land Use Titles.
- E. Appeals may not be used to waive or modify the terms or requirements of the Land Use Titles.
- F. Any appeal to the Huntsville Town Appeal Authority must be filed within ten (10) days of the adverse decision being appealed from.
- G. Any officer, department or board of town affected by the grant or refusal of a building permit or by any other decision of the administrative officer in the administration or interpretation of the Land Use Titles may appeal any decision of the Huntsville Town Appeal Authority.
- H. The Huntsville Town Appeal Authority shall hear and decide appeals from Huntsville Town Planning Commission decisions regarding conditional use permits.
- I. The Huntsville Town Appeal Authority shall respect the due process rights of each of the participants in the appeal process.
- J. A decision of the Huntsville Town Appeal Authority takes effect on the date when the Huntsville Town Appeal Authority issues a written decision. A written decision, or other event as provided by Ordinance, constitutes a final decision.
- K. The adversely affected party must present to the Huntsville Town Appeal Authority every theory of relief that it may also raise in district court.

#### 15.5.6 Variances

- A. Any person or entity desiring a waiver or modification of the requirements of the Land Use Titles as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the Huntsville Town Appeal Authority for a variance from the terms of the Title.
- B. The Huntsville Town Appeal Authority may grant a variance only if:
  1. Literal enforcement of the Land Use Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Title; and

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone; and
  3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; and
  4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
  5. The spirit of the Land Use Title is observed and substantial justice done.
- C. In determining whether or not enforcement of the Land Use Title would cause unreasonable hardship, the Huntsville Town Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
1. Is located on or associated with the property for which the variance is sought; and
  2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the Land Use Title would cause unreasonable hardship, the Huntsville Town Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. In determining whether or not there are special circumstances attached to the property under 15.5.6.B.2 the Huntsville Town Appeal Authority may find that special circumstances exist only if the special circumstances:
1. Relate to the hardship complained of; and
  2. Deprive the property of privileges granted to other properties in the same zone.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The Huntsville Town Appeal Authority and any other body may not grant use variances.
- I. In granting a variance, the Huntsville Town Appeal Authority may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
  2. Serve the purpose of the standard or requirement that is waived or modified.

#### **15.5.7 District Court Review of Huntsville Town Appeal Authority Decisions**

- A. Any person adversely affected by a final decision made in the exercise of or in violation of the provisions of this Title may file a petition for review of the decision with the district court within thirty (30) days after the local land use decision is final.
1. The time to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 63-34-13, Utah Code Annotated, until thirty (30) days after:
    - a. The arbitrator issues a final award; or
    - b. The property rights ombudsman issues a written statement under Subsection 63-34-13(4)(b), U.C.A., declining to arbitrate, or to appoint an arbitrator.
  2. A tolling operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
  3. A request for arbitration filed with the property rights ombudsman after the time under Subsection (1), above, to file a petition has expired does not affect the time to file a petition.

- B. The petition is barred unless it is filed within 30 days after the Huntsville Town Appeal Authority's decision is final.
- C. No person may challenge in district court a municipality's land use decision made under this Title, or under a regulation made under authority of this Title, until that person has exhausted the person's administrative remedies as provided in this Title.
- D. The courts shall:
1. Presume that a decision, Ordinance, or regulation made under the authority of this Title is valid; and
  2. Determine only whether or not the decision, Ordinance, or regulation is arbitrary, capricious, or illegal.
- E. A final decision of the Huntsville Town Council or an Appeal Authority is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
- F. A decision, Ordinance, or regulation involving the exercise of legislative discretion is valid if the decision, Ordinance, or regulation is reasonably debatable and not illegal.
- G. A determination of illegality requires a determination that the decision, Ordinance, or regulation violates a law, statute, or Ordinance in effect at the time the decision was made or the Ordinance or regulation adopted.
- H. Evidence provided to the court:
1. The Huntsville Town Appeal Authority shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
  2. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.
- I. Court review of the record
1. If there is a record, the district court's review is limited to the record provided by the Huntsville Town Appeal Authority.
  2. The court may not accept or consider any evidence outside the record of the Huntsville Town Appeal Authority unless that evidence was offered to the Huntsville Town Appeal Authority and the court determines that it was improperly excluded.
  3. If there is no record, the court may call witnesses and take evidence.
- J. Filing of petition
1. The filing of a petition does not stay the decision of the Huntsville Town Appeal Authority.
  2. Procedure:
    - a. Before filing a petition under this section, or a request for mediation or arbitration of a constitutional taking issue under Section 63-34-13, U.A.C., the aggrieved party may petition the Appeal Authority to stay its decision.
    - b. Upon receipt of a petition to stay, the Huntsville Town Appeal Authority may order its decision stayed pending district court review if the Huntsville Town Appeal Authority finds it to be in the best interest of the municipality.
    - c. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 63-34-13, U.A.C., the petitioner may seek an injunction staying the Huntsville Town Appeal Authority's decision.

**15.6 RESIDENTIAL ZONE R-1**

- 15.6.1 Purpose
- 15.6.2 Use Regulations
- 15.6.3 Area Regulations
- 15.6.4 Frontage Regulations
- 15.6.5 Every Dwelling is to be on a “Lot”
- 15.6.6 Front Yard Regulations
- 15.6.7 Side Yard Regulations
- 15.6.8 Rear Yard Regulations
- 15.6.9 Height Regulations
- 15.6.10 Coverage Regulations
- 15.6.11 Special Provisions
- 15.6.12 Lots in Separate Ownership
- 15.6.13 Yard Space for One Building Only
- 15.6.14 Sale or Lease of Required Space
- 15.6.15 Sale of Lots below Minimum Space Requirements

**15.6.1 Purpose<sup>4</sup>**

The purpose of the R-1 zone is to designate regulations on areas to be designated for use for residential purposes.

**15.6.2 Use Regulations**

In Residential Zone R-1, no building or structure or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot.<sup>56</sup> No residential dwelling or a portion of a residential dwelling shall be rented for a term less than 30 days. Violations will be subject to a Class B Misdemeanor.<sup>7</sup>
- B. Churches.
- C. Cemeteries.
- D. Libraries, museums, public art galleries.
- E. Public schools, pre-school, child day care or nursery.
- F. Agriculture; nurseries and greenhouse, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.
- G. Large animals and household pets, in accordance with the Huntsville Town Animal Control Title.
- H. A Residential Zone Bed and Breakfast subject to the following standards:
  - 1. Two parking spaces shall be provided for the family plus one space for each guest room. No parking may be located on the public thoroughfare;
  - 2. Proprietor or owner must occupy the property;

<sup>4</sup> Amended 11-07-2013: To add a Specific Development Plan Overlay Zone.

<sup>5</sup> Amended 9-06-2012: Added: If a single family dwelling is rented for less than 90 days, you need a business license.

<sup>6</sup> Amended 10-16-2014: Deleted: If a single family dwelling is rented for less than 90 days, you need a business license.

<sup>7</sup> Amended 10-16-2014: Added: No residential dwelling or a portion of a residential dwelling shall be rented for a term less than 30 days. Violations will be subject to a Class B misdemeanor.



3. Meals may only be served to overnight guests;
  4. Not more than three (3) guests sleeping rooms per dwelling;
  5. Allowed only in existing dwellings with no exterior additions nor change in residential character;
  6. Business license must be obtained;
  7. No traveler or guest may rent a room for more than seven (7) consecutive nights;
- I. Signage is restricted. These regulations are contained in the Huntsville Town Signs Title.
- J. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing residence is used as a temporary residence during construction of a new residence, upon issuance of the occupation permit for the new residence, the old residence must be removed within thirty (30) days.
- K. Home occupations, in accordance with the Home Occupations Title of this Ordinance.
- L. Accessory uses (e.g., garage, shop, storage, etc.)<sup>8</sup>
- M. No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) residence, except as outlined in J. above.
- N. Hotels, Motels, and condominiums are not allowed.<sup>9</sup>

### 15.6.3 Area Regulations

The minimum lot area for a single family dwelling shall be not less than thirty-two thousand six hundred and seventy (32,670) square feet, which is three-quarters (3/4) of an acre.

### 15.6.4 Frontage Regulations<sup>10</sup>

- A. The minimum width of a lot, for a single family dwelling, along the street frontage shall be one hundred thirty (130) feet. Where the lot frontage is on a cul-de-sac, the 130 foot width requirement shall be along the front property boundary line running from one radial property side boundary to the other and measured perpendicular to the circumference of the cul-de-sac. Alleys shall not be considered street frontage unless the Town designates it as such where no other street frontage is available.
- B. The frontage requirement minimum is one hundred twenty (120) feet when an alleyway is the only reason for not being able to provide one hundred thirty (130) feet of frontage.
- C. Transverse lot splitting will not be allowed if the frontage requirements stated in items A. and B. are not met for the newly formed lots.
- D. Primary vehicular access to the lot shall be from the frontage. Primary vehicular access is defined as the access used to access the residence the majority of the time.
- E. Primary vehicular access to lot must be identified on submitted site plan.

### 15.6.5 Every Dwelling is to be on a “Lot”

Every dwelling shall be located and maintained on a “lot” as defined in this ordinance; such lot shall have the required frontage on a public street or on a right-of-way which has been approved by Huntsville Town. No building may be located upon any area on the lot covered by an easement.

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<sup>8</sup> Amended 4-16-2015: Deleted last sentence to paragraph L.

<sup>9</sup> Amended 9-06-2012: Added (N) to 15.6.2.

<sup>10</sup> Amended 2-3-2011: Added last sentence to paragraph A. and paragraphs D. and E.

**15.6.6 Front Yard Regulations**

- A. The minimum depth of the front yard for the dwelling and for private garages shall be thirty (30) feet from the property line.
- B. No obstruction to view in excess of two (2) feet in height shall be placed or permitted to remain on any corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

**15.6.7 Side Yard Regulations**

- A. The minimum side yard for any dwelling, private garage or accessory building shall be ten (10) feet and the total width of the two required side yards shall be not less than twenty (20) feet. Measurement of the side yard shall be the distance between the wall of a structure (above or below ground) and the side property line. If the wall is built straight up from the foundation, the measurement can be made from the foundation wall. The only portion of the structure allowed to violate the ten (10) foot setback is a roof eave extending out 18 inches or less.<sup>11</sup>
- B. Where the rear of a residential lot abuts the side of an adjoining residential lot, the minimum side yard for any dwelling shall be ten (10) feet and the total width of the two required side yards shall not be less than twenty (20) feet. The minimum side yard for a private garage or accessory building shall not be less than ten (10) feet.
- C. Where the side of a residential lot abuts an alley, the minimum side yard for any residence will be ten (10) feet from the alley boundary. The minimum side yard for a garage or accessory building that abuts an alley will be one (1) foot measured from the alley boundary.

**15.6.8 Rear Yard Regulations**

- A. The minimum depth of the rear yard for any main building shall be thirty (30) feet, and for accessory buildings not less than ten (10) feet, except that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard. Where alleys exist, the accessory building distance shall be one (1) foot from the alley boundary.

**15.6.9 Height Regulations**

- A. No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet.
- B. No dwellings shall be erected to a height of less than one (1) story above ground.
- C. No building which is accessory to a single-family dwelling shall be erected to a height greater than thirty-five (35) feet.
- D. Building, Height of: the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof.<sup>12</sup>

**15.6.10 Coverage Regulations**

- A. No buildings, structures, or group of buildings (including accessory buildings) shall cover more than sixty (60) percent of the area of the lot.
- B. No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

<sup>11</sup> Amended 11-10-16: To change Title 15.6.7.A.

<sup>12</sup> Amended 3-16-2017: To add Paragraph D. to Title 15.6.9: Height Regulations.

### 15.6.11 Special Provisions

The above specified uses shall be permitted only under the following conditions:

- A. Public health requirements concerning domestic water supply and sewage disposal shall comply with State and Weber/Morgan County requirements. A septic tank certificate of design approval from the Weber/Morgan County Health Department shall be required in all applications for a building permit.
- B. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as determined by the Huntsville Town Engineer wherein no buildings or structures shall be constructed or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this ordinance, adequate measures must be taken as determined by the Appeal Authority so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
- C. The required yard space shall be kept free of debris, refuse, or other inflammable material which may constitute a fire hazard, as further defined in the Huntsville Town Nuisance Title.

### 15.6.12 Lots in Separate Ownership

The requirements of this Title as to minimum building site area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time this ordinance becomes effective.

### 15.6.13 Yard Space for One Building Only

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

### 15.6.14 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.

### 15.6.15 Sale of Lots below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

### 15.6.16 Swimming Pools<sup>13</sup>

A family swimming pool shall be permitted in the side or rear yard of a dwelling as an accessory use, only under the following conditions:

- A. The location of such family swimming pool or accessory machinery shall not be less than ten feet from the dwellings property boundaries. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard setback for an accessory building.
- B. An outdoor family swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height or a power safety cover meeting the requirements of the International Building Codes. Lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises. A “substantial fence” means any fence that will not allow normal passage by any person except through an otherwise locked gate.

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<sup>13</sup> Amended 8-6-2009: 15.6.16 was added to include a section on swimming pools.



**15.7 PARK ZONE (P)**

- 15.7.1 Use Regulations
- 15.7.2 Special Provisions

**15.7.1 Use Regulations**

In the Park Zone P, no building or structure or land shall be used for other than public parks, public recreational grounds and facilities, not open to the general public, and to which no admission charge is made.

**15.7.2 Special Provisions**

- A. Public health requirements concerning domestic water supply and sewage disposal shall comply with State and Weber County requirements.
- B. Fees and regulations on use and permitted activities shall be enacted by resolution of the Huntsville Town Council.

**15.8 COMMERCIAL ZONE C-1**

- 15.8.1 Purpose
- 15.8.2 Use Regulations
- 15.8.3 Front Yard Regulations
- 15.8.4 Side Yard Regulations
- 15.8.5 Rear Yard Regulations
- 15.8.6 Height Regulations
- 15.8.7 Coverage Regulations
- 15.8.8 Architectural, Landscape and Screening Standards
- 15.8.9 Parking

**15.8.1 Purpose**

The purpose of the C-1 zone is to designate regulations on areas to be used for commercial business purposes.

**15.8.2 Use Regulations**

All uses allowed in the Commercial Zone C-1 are designated either as permitted in Table 15.4-1, or as conditional and approved pursuant to a Conditional Use Permit by the Town Council. All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other causes. Signage regulations are contained in the Huntsville Town Signs Title.

**15.8.3 Front Yard Regulations**

Same as for Residential Zone R-1 for dwellings. For other buildings, none.

**15.8.4 Side Yard Regulations**

Same as for Residential Zone R-1 for dwellings. For other buildings none, except that wherever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten (10) feet on the side of the building adjacent to the zone boundary line and on corner lots the side yard which faces on a street shall be not less than ten (10) feet. For setbacks where the boundary is a natural stream or river corridor, see Huntsville Town Sensitive Lands Title.

**15.8.5 Rear Yard Regulations**

Lots which rear upon the side yard of another lot in a residential zone, the minimum rear yard shall be ten (10) feet. For setbacks where the boundary is a natural stream or river corridor, see Huntsville Town Sensitive Lands Title.

**15.8.6 Height Regulations<sup>14</sup>**

No building or structure shall be erected to a height greater than two and one-half (2-1/2) stories, or thirty-five (35) feet unless the height is for a unique architectural feature(s) in a Commercial (C-1) Zone, recommended by the Planning Commission and approved by the Town Council. The unique structure(s) height cannot exceed forty feet (40), be no greater in area than 150 sq. ft. each and no greater in length than 20 feet each (e.g. bell tower, etc.) There shall not be more than two unique structures per acre.

**15.8.7 Coverage Regulations**

No building or structures or group of buildings with their accessory buildings shall cover more than sixty (60) percent of the area of the lot.

**15.8.8 Architectural, Landscape and Screening Standards**

As permitted in the Huntsville Town Architectural, Landscape, Screening, Storm Water, and Waste Disposal Standards Title.

**15.8.9 Parking**

As permitted in the Huntsville Town Vehicle Parking and Loading Title.

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<sup>14</sup> 9/01/2016: Title 15.8.6: Height Regulations was amended to allow for unique structures height not to exceed 40 feet.

**15.8.10 Special Development Plan Overlay Zone**

A Special Development Plan (SDP) Overlay zone may be established within an existing C-1 zone, following the requirements of Title 15.29, which allows variations from the regulations of the C-1 zone. The Town council may establish a SDP Overlay zone when it deems it beneficial, or a developer may propose a SDP Overlay zone be established to support a proposed development. Adoption of an SDP Overlay zone shall conform to the following:

- A. An SDP Overlay zone shall be adopted for a given area by following the normal ordinance amendment process, including:
  - 1. If being proposed by a developer, they shall submit an application for a rezoning, including a Conceptual Plan outlining their ideas for the development.
  - 2. The rezoning application will be reviewed by the Planning Commission at their next regularly scheduled meeting and their recommendations passed on to the Town Council.
  - 3. The Town Council will review the rezoning application and if they determine that the concept presented in the application merits further consideration, the Mayor will establish a Development Review Committee (the “DRC”) consisting of two members of the Town Council and two members of the Planning Commission. The DRC will schedule a meeting with the Applicant and will attempt to define the areas of initial agreement between the Town and the Applicant and will, to the extent possible, enumerate the issues that must be investigated and resolved by the Applicant prior to the Town Council giving its final consent to the application.
  - 4. The DRC, in cooperation with the Applicant, will draft a Development Agreement (DA) that will define the scope and nature of the proposed development in as much detail as reasonably possible.
  - 6. The completed draft DA will be sent to the Town Council for review and comments. If the Town Council determines that the DA is in the best interest of the Town, the Council will schedule a public hearing to gather comments from the public.
  - 7. After the Town Council has received public comments regarding the application and the draft DA, the Town Council may elect to execute the DA. After the DA has been signed by both Parties the Town Council will enact an ordinance establishing the DA as the SDP Overlay Zone.
  
- B. In order to approve an SDP Overlay zone, at least one of the following findings shall be made by the Town Council:
  - 1. The SDP Overlay zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through C1 zoning.
  - 2. The SDP Overlay zone provides equal or greater compatibility with surrounding land uses than what would likely occur with C-1 zoning.
  - 3. The SDP Overlay zone promotes efficient land use by allowing housing and commercial development at densities that are deemed appropriate for the area.
  - 4. The SDP Overlay zone would encourage mixed-use development where appropriate. where the boundary is a natural stream or river corridor, see Huntsville Town Sensitive Lands Title.

## 15.9 COMMERCIAL RESORT ZONE CR-1

- 15.9.1 Intent and Purpose
- 15.9.2 Submittal Requirements
- 15.9.3 Minimum Lot Area, Width and Yard Regulations
- 15.9.4 Signs
- 15.9.5 Architectural, Landscape and Screening Standards
- 15.9.6 Parking

### 15.9.1 Intent and Purpose

The purpose of the CR-1 zone is to provide suitable areas for the location of the various types of commercial activity needed to serve the recreational needs of the people of Huntsville Town and Ogden Valley, providing for locations in Huntsville Town where housing, service facilities, and goods normally required by the public in the pursuit of recreation activities can be obtained.

In this role, even though this zone is primarily commercial in nature, it should be compatible with the general surrounding natural environment. To this end, the general setting, architectural design of buildings and structures, layout of parking areas, and landscaping shall be subject to review and recommendations by the Huntsville Town Council. Design Review and approval by the Huntsville Town Planning Commission and Huntsville Town Council will ensure that the natural environment is preserved to the greatest possible extent.

### 15.9.2 Submittal Requirements

Detailed plans shall be filed with the Huntsville Town Planning Commission for review. Site Plan submittals shall include all requirements set forth in the Huntsville Town Architectural and Landscape Standards Title, including fully dimensioned architectural elevations, in color, of all proposed structures.

### 15.9.3 Minimum Lot Area, Width and Yard Regulations

- A. Area: Three-quarters (0.75) of an acre for dwelling units and one (1) acre minimum for all other uses except where an increase is required by the Weber/Morgan County Health Department to satisfy sanitary sewage disposal requirements
- B. Width: 130 feet minimum frontage
- C. Yard Front: 30 ft. on streets of less than 80 ft. in width; 50 ft. on streets and highways of 80 ft. or more in width
- D. Yard Side: 20 feet minimum, except where bounded by a natural stream or river corridor and then as permitted in the Huntsville Town Sensitive Lands Title.
- E. Yard Rear: 20 feet, minimum except where bounded by a natural stream or river corridor and then as permitted in the Huntsville Town Sensitive Lands Title.
- F. Height: Conditional Use Permit is required if over 25 feet in height.
- G. Coverage: No building or structure or group of buildings with their accessory buildings shall cover more than thirty five (35%) percent of the area of the lot. Parking lots are not included in this percentage.

### 15.9.4 Signs

As permitted in the Huntsville Town Signs Title.

### 15.9.5 Architectural, Landscape and Screening Standards

As permitted in the Huntsville Town Architectural, Landscape and Screening Standards Title.



**15.9.6 Parking**

As permitted in the Huntsville Town Vehicle Parking and Loading Title.

**15.10 AGRICULTURAL ZONE A-3**

- 15.10.1 Purpose
- 15.10.2 Agriculture Preferred Use
- 15.10.3 Permitted Uses
- 15.10.4 Permitted Uses Requiring Five (5) Acres Minimum Lot Area
- 15.10.5 Conditional Uses
- 15.10.6 Site Development Standards
- 15.10.7 Permitted Signs

**15.10.1 Purpose**

The purpose of the A-3 Zone is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of animals, and to direct orderly low density residential development in a continuing rural environment. This zone requires a three-acre minimum lot size.

**15.10.2 Agriculture Preferred Use**

Agriculture is the preferred use in this agricultural zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery. No agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

**15.10.3 Permitted Uses**

- A. Accessory building or use customarily incidental to any permitted or conditional use.
- B. Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- C. Animals or fowl kept for family food production as an accessory use.
- D. Cemetery; chinchilla raising, convalescent or rest home.
- E. Church, synagogue or similar building used for regular religious worship.
- F. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any rear or side lot line.
- G. Fruit or vegetable stand for produce grown on the premises only.
- H. Golf course, except miniature golf course.
- I. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- J. Home occupations, in accordance with the Huntsville Town Home Occupations Title.
- K. Household pets which do not constitute a kennel.
- L. Parking lot accessory to uses allowed in this zone.
- M. Private park, playground or recreation area, but not including privately owned commercial amusement business.
- N. Private stables, horses for private use only and provided that not more than one (1) horse may be kept for each ten thousand (10,000) square feet of area devoted exclusively to the keeping of horses.
- O. Public building; public park, recreation grounds and associated buildings; public school; private education institution.

- P. Single Family Dwelling.
- Q. Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

#### 15.10.4 Permitted Uses Requiring Five (5) Acres Minimum Lot Area

- A. Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
- B. Fruit and vegetable storage and packing plant for produce grown on premises.
- C. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughter house shall:
  - 1. not exceed a density of twenty-five (25) head per acre of used and;
  - 2. be carried on during the period of September 15 through April 15 only;
  - 3. be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
  - 4. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation
- D. The use of farm equipment by a farm operator for off-farm contracting work to supplement farm income.

#### 15.10.5 Conditional Uses

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in the Huntsville Town Conditional Uses Title. All other proposed uses will be reviewed on a case-by-case basis by the Huntsville Town Council.

- A. Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
  - 1. Animal hospital or clinic, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
  - 2. Dog breeding and dog kennels on a minimum of three (3) acres, as an accessory use to a single family dwelling, limited to 10 dogs of more than 10 weeks old. Any building or enclosure for the dogs shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence.
- B. Child day care
- C. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
- D. Home occupations - with visiting clientele.
- E. Planned Residential Unit Developments (PRUDs) are not allowed in this zone.

- F. Private park, playground or recreation areas not open to the general public and to which no admission charge is made, but not including a privately owned commercial business.
- G. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses.
- H. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre.
- I. Public storage facilities developed by a public agency and meeting the requirements of this Land Use Ordinance.
- J. Public Utility Substations in accordance with the Huntsville Town Public Utility Substations Title.
- K. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time.
- L. Residential Facility for Handicapped Persons.
- M. Residential Facility for Elderly Persons.
- N. School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- O. Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.
- P. The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than three (3) acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.
- Q. The storage and use of light construction equipment such as a backhoe, front end loader or up to a ten wheel truck for off-premise contract work by the owner resident of property of not less than five acres in area.
- R. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- S. Cluster Subdivisions in accordance with the Huntsville Town Cluster Subdivisions Title.

**15.10.6 Site Development Standards**

	Permitted & Conditional Use	Permitted Uses Requiring Five Acres Minimum
1. Minimum lot area		
a. Single Family Dwelling	Three acres	N/A
b. Other	Three acres	Five acres
2. Minimum lot width (frontage)	130 feet	300 feet
3. Minimum yard setbacks		
a. Front	30 feet	
b. Side		
i. Dwelling	10 feet	
ii. Other main building	10 feet each side	
iii. accessory building	10 feet	
c. Side, facing street	10 feet	
d. Rear		
i. Main building	30 feet	
ii. Accessory building	One foot except 10 feet where accessory building on a corner lot rears to an easement or side yard of an adjacent lot	
4. Main building height		
a. Minimum	One story	
b. Maximum	35 feet	
5. Maximum accessory building height	35 feet	

For setbacks where the boundary is a natural stream or river corridor see the Huntsville Town Sensitive Lands Title.

**15.10.7 Permitted Signs**

The height, size, and location of permitted Commercial signs shall be in accordance with the regulations set forth in the Huntsville Town Signs Title.

## 15.11 SHORELINE ZONE S

- 15.11.1 Purpose
- 15.11.2 Permitted Uses
- 15.11.3 Conditional Uses
- 15.11.4 Area Regulations - Building Site Area Required
- 15.11.5 Yard Regulations
- 15.11.6 Special Provisions

### 15.11.1 Purpose

The Shoreline Zone is established as a district in which the primary use of the land is for farming and for recreational purposes. In general, this zone is intended to cover any land within Huntsville Town, not currently in another zone, which is bounded by Pine View Reservoir and the Shores adjacent thereto.

This zone is characterized by agricultural use situated adjacent to the shore of Pine View Reservoir and interspersed by dwellings, recreational camps, resorts and outdoor recreation facilities.

The objectives in establishing the Shoreline Zone S are:

- A. to promote the use of the land for agriculture, fishing, wildlife, and recreational purposes both public and private;
- B. to facilitate the conservation of water and other natural resources;
- C. to reduce hazards from floods and fires;
- D. to preserve open space, natural scenic attractions, natural vegetation, and other natural features within the zone;
- E. to insure adequate provision for water supply, domestic sewage disposal and sanitation.

In order to accomplish these objectives and purposes and to protect the essential characteristics of the zone, the following regulations shall apply in the Shoreline Zone S.

### 15.11.2 Permitted Uses

- A. Agriculture, grazing and pasturing of animals
- B. Boating, water skiing, and other water recreation activities
- C. Cemeteries
- D. Fishing
- E. Golf courses, excluding miniature golf courses
- F. Keeping of animals and fowl for family food production
- G. Public parks and recreation grounds; public campgrounds and picnic areas; public buildings
- H. Single family dwellings

### 15.11.3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in the Huntsville Town Conditional Uses Title.

- A. Home occupations
- B. Private parks and recreation grounds; public utility substations and transmission lines

**15.11.4 Area Regulations - Building Site Area Required**

The minimum lot and building site area shall be one recorded lot or parcel of land not less than five (5) acres and a minimum width of three hundred (300) feet for each dwelling or use.

**15.11.5 Yard Regulations**

Front Setback	30 ft. on roads of less than 80 ft. in width; 100 ft. on roads and highways of 80 ft. or more in width
Side	20 ft., except 30 ft. on side facing street on corner lot
Rear	
Main Bldg	30 feet
Accessory Bldg	10 feet

**15.11.6 Special Provisions**

The above specified uses shall be permitted only under the following conditions:

- A. Public health requirements concerning domestic water supply and sewage disposal shall comply with the water requirements in the Huntsville Town Culinary Water Title and sewage requirements of the Weber/Morgan County Health Department.
- B. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as determined by the Huntsville Town Engineer wherein no buildings or structures shall be constructed or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this Title, adequate measures must be taken as determined by the Huntsville Town Appeal Authority so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
- C. The required yard space shall be kept free of debris, refuse or other inflammable material which may constitute a fire hazard.
- D. The Maximum Height of any structure is thirty five (35) feet.

**15.12 OPEN SPACE ZONE O**

- 15.12.1 Purpose
- 15.12.2 Permitted Uses
- 15.12.3 Conditional Uses
- 15.12.4 Sign Regulations

**15.12.1 Purpose**

The Open Space Zone is specifically intended to encourage the preservation of a natural environment in an otherwise suburban setting; to hold for future generations open space in which plants and animals can be protected and studied; to inhibit the construction of buildings in a flood plain, in wetland areas, in areas of severe slope, and in areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate stream pollution.

**15.12.2 Permitted Uses**

- A. Agriculture
- B. Botanical or zoological garden
- C. Cemetery
- D. Conservation areas: botanical or zoological
- E. Fishing ponds; private or public
- F. Golf course, except miniature golf courses
- G. Horse raising, provided conducted in a pasture of at least a five (5) acre size and with a maximum density of two (2) horses per acre
- H. Private park, playground or recreation area
- I. Public park, public recreation grounds and associated buildings, but not including privately owned commercial amusement businesses.
- J. Wildlife sanctuaries
- K. Trails and bike paths

**15.12.3 Conditional Uses**

The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in the Huntsville Town Conditional Uses Title.

- A. Golf Driving Range in conjunction with a golf course
- B. Public Utility Substations

**15.12.4 Sign Regulations**

The height, size, and location of the following permitted signs shall be in accordance with the regulations set forth in the Huntsville Town Signs Title.



### 15.13 FLOODPLAIN ZONE FP

- 15.13.1 Purpose
- 15.13.2 Permitted Uses
- 15.13.3 Conditional Uses
- 15.13.4 Site Development Standards
- 15.13.5 Sign Regulations
- 15.13.6 Flood Plain Map

#### 15.13.1 Purpose

The purpose of the FP Zone is to delineate the known flood plains of natural waterways in areas of Huntsville Town, as defined by the United States Army Corps of Engineers (USACE) and the Federal Emergency Management Agency (FEMA) with the following specific intent:

- A. Control uses of land in the defined flood plain
- B. Protect human life and health
- C. Minimize public and private property damage
- D. Protect unsuspecting buyers of property within a flood plain
- E. Minimize surface and ground water pollution
- F. Provide for public awareness of the flooding potential
- G. Maintain a stable tax base
- H. Help qualify owners of structures in a flood plain for the federally subsidized flood insurance program

A flood plain is understood to be the relatively flat area or lowlands adjoining a river, stream watercourse, lake or other body of standing water that has been or may be covered by flood water.

A flood plain overlay zone, as defined by the USACE and FEMA, is understood to be the boundaries of the Intermediate Regional Flood. An Intermediate Regional Flood is a flood having an average frequency of occurrence in the order of once in one hundred (1/100) years although the flood may occur in any year.

The flood plain zone is designed to overlay or be superimposed over existing zoning within the defined flood plain. Such an overlay zone can be interchangeably referred to as a floating zone because the existing zone remains effective except for the conditions superimposed by the flood plain zone.

#### 15.13.2 Adoption of the Weber County Flood Ordinance<sup>15</sup>

Huntsville Town adopts the Title 22—Flood Damage Prevention Ordinance of Weber County, except for the substitution of the following:

- A. Substitute “Huntsville Town Council” for “Board of Commissions”.
- B. Substitute “Huntsville Planning Commission” for “County Planning Director”.
- C. Substitute “Huntsville Appeals Authority” for “County Planning Commission”.

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<sup>15</sup> Title 15.13.2: Adoption of the Weber County Flood Ordinance was added.

**15.13.3 Permitted Uses**

There are no permitted uses in this zone.

**15.13.4 Conditional Uses**

Conditional uses are allowed within a land parcel containing FP zone, however they are confined to the area between the boundary of the FP zone and the property line of the respective zones within which the flood plain overlay zone extends as much as possible. Conditional uses include: golf courses, historical restoration, trails, wildlife sanctuaries, pastures, campgrounds. Conditional uses are allowed only when authorized by a Conditional Use Permit obtained as provided in the Huntsville Town Conditional Uses Title.

**15.13.5 Site Development Standards**

Same as those specified for the particular use in the respective zone over which the flood plain overlay zone extends.

**15.13.6 Flood Plain Map**

The boundaries of the flood plain are the boundaries of the base flood (100 year flood) as identified by the Federal Emergency Management Agency (FEMA), Federal Flood Insurance Administration in their Flood Hazard Boundary Maps (FHBM's). Flood plains will be determined by the current FEMA flood plain map, contained in the Appendix to these Ordinances. In accordance with guidelines set by the Federal Flood Insurance Administration, the elevations of the lowest inhabitable floor for any building or structure shall be equal to or higher than the base flood elevation as determined by the Flood Hazard Boundary Map and the Huntsville Town Engineer.

**15.14 RECREATION ZONE RC**

- 15.14.1 Purpose
- 15.14.2 Permitted Uses
- 15.14.3 Area Regulations
- 15.14.4 Special Provisions

**15.14.1 Purpose**

The Recreation Zone RC is established as a zone in which the primary use is for private recreational purposes (i.e., private seasonal recreational camps).

The objectives of the Recreational Zone RC are:

- A. to promote the use of the land for private fishing and recreational purposes
- B. to facilitate the conservation of water and other natural resources
- C. to preserve open space, natural scenic attractions, natural vegetation, and other natural features within the zone;

In order to accomplish these objectives and purposes and to protect the essential characteristics of the zone, the following regulations shall apply in the Recreation Zone RC.

**15.14.2 Permitted Uses**

- A. Parking of motor homes, travel trailers, and tents
- B. Boating, water skiing, and other water recreation activities
- C. Fishing
- D. Private recreation grounds; private picnic areas

**15.14.3 Area Regulations**

The minimum lot area shall be one recorded lot or parcel of land not less than three-quarters (0.75) of an acre and a minimum width of one hundred thirty (130) feet.

**15.14.4 Special Provisions**

- A. Motor homes, travel trailers or tents shall be allowed and may be occupied on a permanent basis.
- B. Motor homes, travel trailers or tents may be kept, placed or stored on the premises between October 15th of each year and May 1st of each succeeding year.
- C. There shall be no sewage dump facility permitted in this zone.
- D. The required yard space shall be kept free of debris, refuse or other inflammable material which may constitute a fire hazard.
- E. This zone is not available for use by the general or paying public or as a commercial venture or enterprise.
- F. Usage of the premises is limited to owners of the property, whether through direct title or through a Club or Private Organization, which is deemed to be a non-profit association of persons who are bona fide members which owns or leases a building or property or a portion thereof, the use of such premises being restricted to members and their guests.

## 15.15 SENSITIVE LANDS

- 15.15.1 Purpose
- 15.15.2 Stream Corridors and Wetlands
- 15.15.3 Wildlife Range Areas
- 15.15.4 Consideration of Scenic and Historical Resources

### 15.15.1 Purpose

The purpose of this title is to identify and coordinate the application of natural resource protection guidelines and standards, as well as to protect the health, welfare and safety of the citizens of Huntsville Town and minimize potential degradation of natural and man-made resources by identifying known sensitive areas, and shall apply specifically to new uses and development of land. This Title specifies the areas for which an Environmental Analysis shall be performed prior to development, or other mitigation methods which may either be required or are recommended and shall apply specifically to new use and new development of real property.

Huntsville Town recognizes individual property rights and shall make every effort to balance the right of the individual property owner with the health, welfare, and safety of the general public.

### 15.15.2 Stream Corridors and Wetlands

- A. Intent: Huntsville Town acknowledges that wetlands and stream corridors provide important hydrologic, biological and ecological, aesthetic, recreational and educational functions. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.
- B. Jurisdiction: All significant natural wetlands, as determined by the Corps of Engineers, and natural stream corridors, are regulated as provided herein and are subject to the jurisdiction of this ordinance, State and Federal agencies.
- C. Boundary Delineations: Wetland boundaries are determined on a case-by-case basis by the United States Army Corps of Engineers. Areas that may be suspected of containing wetlands shall be addressed in a written Army Corps of Engineers Statement provided by the applicant. Fees, costs and expenses, if any, for analysis and delineation are borne by the applicant. Delineation of wetlands shall be subject to the approval of the United States Army Corps of Engineers.

Protected Stream Corridors are delineated using information provided by the Utah Department of Wildlife Resources.

- D. Setbacks. All natural stream and river corridors are significant. The area within a setback shall be undisturbed; however, it may be developed as a trail or public pathway. The high water mark is as determined by the Huntsville Town Engineer. Setbacks are determined to be as follows:
  - 1. Structures, buildings, accessory structures, and parking areas shall not be developed within 75 feet on both sides of year round streams, as determined from the high water mark of any stream. Leach fields shall not be developed within 100 feet on both sides of year round streams, as determined from the high water mark of any stream.
  - 2. Structures, buildings, accessory structures, wastewater septic fields and parking areas shall not be developed within 100 feet on both sides of the South Fork and Middle Fork of the Ogden River as delineated from the high water mark of the water course.
  - 3. Exceptions: Bridges or stream alterations shall be approved by Corps of Engineers and Utah Department of Water Resources, Division of Water Quality.
  - 4. Ephemeral Streams: Development shall not be permitted within 50 feet of the channel of a natural ephemeral stream, as defined by its ordinary high water mark.

- E. Runoff Control. All development projects adjacent to wetlands and streams shall provide appropriate temporary runoff controls during construction phases, and permanent runoff control to minimize sediment and other contaminants from flowing into wetlands and streams, to the maximum extent feasible, as approved by the Huntsville Town Engineer.
- F. Stream flow. A Development Proposal shall be reviewed by the Army Corps of Engineers, State Division of Water Resources, and State Division of Wildlife Resources, and shall not cause any of the following:
  - 1. Reduction of the flow in a natural stream below the minimum flow, as determined by the State Division of Water Resources;
  - 2. Further reduction in the flow of a natural stream if the flow in that stream is already below the minimum flow;

### 15.15.3 Wildlife Range Areas

- A. Intent: Huntsville Town is the home of numerous species of wildlife including many birds. Portions of Weber County provide valuable winter and summer range for game. In addition, Weber County is an important part of the migration routes for geese, Sandhill Crane and ducks. Hawks and other raptors have numerous nesting areas in Weber County. Much of this land is in federal ownership; however, there are some identified sensitive lands in private ownership.
- B. Preservation of wildlife habitat is encouraged. When new residential or commercial development is proposed within critical wildlife habitat, mitigation stipulations shall be designed and implemented. In most cases, setbacks from water bodies should be sufficient.
- C. Development Limitations in areas of Critical Habitat. All development subject to this subsection shall incorporate the following principles in establishing the limits of disturbance and siting of buildings, structures, roads, trails and other similar facilities:
  - 1. Maintain buffers between areas dominated by human activities and core areas of wildlife habitat, with more intense human activities, such as automobile and pedestrian traffic, relegated away from core habitat areas.
  - 2. Facilitate wildlife movement across areas dominated by human activities by:
    - a. Maintaining connectivity between open space parcels on adjacent and near-by parcels and subdivisions.
    - b. Locating roads away from natural travel corridors used by wildlife, such as riparian areas;
    - c. Minimizing fencing types that inhibit the movement of big game species;
    - d. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and natural areas.
- D. Mimic features of the local natural landscape in developed areas by:
  - 1. Retaining as much pre-development, high quality habitat as possible, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
  - 2. Minimizing levels of disturbance to trees, the under-story, and other structural landscape features during construction;
  - 3. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation.
  - 4. Enhancing the habitat value of degraded pre-development landscapes with selective plantings.
- E. Development is discouraged in delineated habitat areas but may be mitigated as follows:
  - 1. Fences: Fencing is a structural element with which certain big game species have particular difficulty as it creates a serious impediment to big game movement throughout Weber County. Use of fencing within

- subdivisions or boundaries of subdivisions, commercial, industrial or multi-family development shall be minimized. Fencing, if built, should follow the recommendations and guidelines of the Utah Division of Wildlife Resources and U. S. Bureau of Land Management, which are on file with the Weber County Planning Commission office. The recommended fence types help to facilitate movement of wildlife and provide for their safety.
2. Landscaping: The use of wildlife resistant type landscaping (lists of plant materials are available in the Huntsville Town Planning Commission office) is encouraged in order to avoid loss of plant material, due to wildlife damage, and to avoid the additional cost of replacement by property owners.
  3. Buffering: Buffers may be required to protect critical areas and their functions or to prevent risk.

#### **15.15.4 Consideration of Scenic and Historical Resources**

It is the policy of Huntsville Town to preserve and create scenic views of the surrounding mountains, and rural vistas, from public places within Huntsville Town, and to achieve visual quality within areas of existing and future development by considering provisions for screening of equipment, uses and structures; specifying design standards such as architectural style, landscaping, setbacks, height limits, view corridors, historic zones and material requirements and regulating signs.

It is the policy of Huntsville Town to identify and promote any sites and structures determined to have historical or archaeological significance to the community, the region, or the State of Utah.

**15.16 REZONING**

- 15.16.1 Purpose
- 15.16.2 Development and Rezoning
- 15.16.3 Petition Procedure
- 15.16.4 Concept Development Plan
- 15.16.5 Concept Development Plan Attached to Rezoning
- 15.16.6 Procedure for Processing Development Plan
- 15.16.7 Development To Take Place Only in Accordance with Approved Plans
- 15.16.8 Reversion to Original Zoning Designation
- 15.16.9 Huntsville Town Zoning Alternative Actions
- 15.16.10 Petition Fees and Meeting Agenda

**15.16.1 Purpose**

The purpose of this Title is to establish responsibilities and commitments of both Huntsville Town and a zoning Petitioner at the time Huntsville Town considers rezoning property in response to a petition filed by an applicant/developer. This Title also outlines the procedure and options of Huntsville Town in considering rezoning approval.

**15.16.2 Development and Rezoning**

- A. It is required of a Petitioner for rezoning to gain Huntsville Town Council approval to a development concept for the property which is the subject of a zoning petition. Approval of a development concept will be in accordance with policies and guidelines outlined in the Huntsville Town General Plan respecting the needs and desires of residents in the immediate area. Spot zoning is not allowed.
- B. Therefore, in order to associate projected development with a rezoning petition, Huntsville Town requires that a Concept Development Plan (15.16.4) showing a petitioner's general development proposals be submitted as a part of a rezoning petition for all proposed developments.
- C. With this information, Huntsville Town can more readily determine whether a rezoning petition would be in conformance with the Huntsville Town General Plan and Land Use Titles, their goals and policies, and would still be compatible with surrounding land use and zoning. Huntsville Town can then better assess the impact of the proposed development on existing public infrastructure along with the attitudes of property owners and residents of the impacted area. The intent herein is to enhance flexibility and facilitate ease of acceptance in Huntsville Town's response to rezoning requests.

**15.16.3 Petition Procedure**

- A. The Huntsville Town procedure for processing rezoning petitions for any zone within Huntsville Town requires a petitioner to submit as part of the rezoning petition, a Concept Development Plan, and to specify the general land uses, the general site and building arrangements which will occupy the property, and the general time frame and phasing of development if rezoning is granted.
- B. Neighboring property owners will be notified not only of the rezoning petition, but also of the general details of what is proposed and how and when it will be located on the property. The Notice of Public Hearing before Huntsville Town Council shall also contain the same development information. A notice will be mailed or emailed to all affected entities at least fourteen (14) days prior to the first public meeting on the rezoning. At least fourteen (14) days prior to the first public hearing, a notice will be mailed or emailed to all affected entities; a notice will be published in the local paper; notices will be posted in three (3) public places and on the Huntsville Town website.
- C. The Huntsville Town Planning Commission and the Huntsville Town Council will consider whether the petition should be approved or disapproved based upon the merits and compatibility of the proposed project, with consideration to the Huntsville Town General Plan, and with consideration to surrounding land uses and its impact

on the surrounding area. The Huntsville Town Planning Commission and the Huntsville Town Council will consider also whether the proposed development, and in turn the petitioned-for rezoning, is needed to provide a service or convenience brought about by changing conditions, and which therefore promotes the public welfare. They may require changes in the Concept Development Plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

#### **15.16.4 Concept Development Plan**

The Concept Development Plan to be submitted with a rezoning petition shall indicate general land use types, approximate locations and arrangements of buildings, structures and facilities, general open space, parking, access traffic patterns, letters of feasibility from the appropriate state or county agencies wastewater provision, and, for review by the Huntsville Town Engineer, a general plan from the Petitioner's Project Engineer discussing the mitigation and treatment of storm water run-off. More specific development plans shall be reviewed by Huntsville Town at a later date as part of its site plan design review, conditional use approval, and building permit issuance process. The information shown on the Concept Development Plan may vary in detail depending on the size of projects. Small projects shall be more detailed than larger projects which may be described in broad general terms in plan and/or narrative form.

#### **15.16.5 Concept Development Plan Attached to Rezoning**

At the time of rezoning approval by the Huntsville Town Council, the Concept Development Plan is also approved and becomes attached to the rezoning and the rezoned land. The petitioner/owner and any assigns or successors in interest, becomes committed to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use, building arrangement, etc., will not be approved nor will building permits be issued by Huntsville Town until and unless such plan is amended by Huntsville Town Council after recommendations of the Huntsville Town Planning Commission and after public hearing as per the procedure followed for original approval. If Huntsville Town denies such changes or amendments and/or the Concept Plan is abandoned, Huntsville Town may institute steps to revert the zoning to its former or other appropriate zone as herein outlined.

#### **15.16.6 Procedure for Processing Development Plan**

After rezoning is completed, a Final Development Plan shall be processed and specific plans for all or a phase of the development on the rezoned land shall be reviewed as required by the appropriate zoning titles and other applicable regulations and codes in effect. The Final Development Plan shall be in accordance with the approved Concept Development Plan and any conditions attached thereto.

#### **15.16.7 Development To Take Place Only in Accordance with Approved Plans**

Where a Concept Development Plan has been approved in conjunction with the rezoning of land, and where more specific plans, such as a Final Development Plan, which includes engineered site plans, and detailed architectural plans, among other items, have been approved as part of the zoning process for obtaining building permits, such Building Permits shall be issued only for uses, buildings, structures, and site designs approved on the plan. Permits shall be issued and development shall only proceed in such a manner as to assure that all amenities and features of the plan are constructed and all conditions are complied with as development proceeds. Within thirty (30) days of approval of the rezoning, the Weber County Planning Commission will be notified of the decision.

#### **15.16.8 Reversion to Original Zoning Designation**

- A. If development does not occur as proposed at the time of zoning approval, the public benefits expected from the development cannot be realized and the effect of the rezoning is therefore without merit in terms of improving the public economic prosperity, general welfare, safety, health and convenience to Huntsville Town's residents. If in such cases Huntsville Town finds that the zoning purpose has not been attained, Huntsville Town then may declare its intent to revert the zoning to its former or other appropriate zone so future opportunities for similar development in the same general area may be shared by all properties deemed suitable and so that a speculative zoning monopoly is not created.
- B. If Building Permits have not been obtained and construction of the development or an agreed upon phase thereof, in accordance with the approved Concept Development Plan and Final Development Plan, has not commenced



within two (2) years from the date of zoning approval or other time period as set by the Huntsville Town Council, Huntsville Town may examine the reasons for the delay and the progress of the developers to that point and may either extend the time period or initiate steps to revert the zoning designation of the previously rezoned land to its former or other appropriate zone. The reversion of zoning shall follow the same procedure established by law for amending the zoning map.

#### **15.16.9 Huntsville Town Zoning Alternative Actions**

- A. In all rezoning petition considerations, the Huntsville Town Council, after considering the recommendations of the Huntsville Town Planning Commission, and after holding the required public hearing(s), may take any of the following final alternative actions:
1. Where a Concept Development Plan is required as provided for in this Title, the Huntsville Town Council may approve rezoning and concurrently approve a Final Development Plan for the development of the petitioned-for property, in whole or in part, with or without changes or conditions, and adopt an ordinance rezoning the property. The petitioner will be required to have said plan recorded in the Weber County Recorder's Office as a covenant running with the land, as described above.
  2. The Huntsville Town Council may grant or deny a rezoning petition outright in whole or in part.
  3. The Huntsville Town Council may rezone the subject land to any other zone or zones deemed more appropriate when considering the Huntsville Town General Plan, citizen's comments and other factors and which may allow some or all of the petitioner's requested uses.
- B. The Huntsville Town Council, upon its own initiative, or after receiving the recommendations of the Huntsville Town Planning Commission, may zone or rezone land:
1. Where it is determined to be in the best interests of the general public, or
  2. As a result of amendments to the Huntsville Town General Plan, in order to achieve consistency, or
  3. Where changed conditions, public attitudes or life styles so indicate a need.

#### **15.16.10 Petition Fees and Meeting Agenda**

The Huntsville Town Clerk, upon receipt of a properly prepared Rezoning Petition shall collect such fees to recover the costs of processing said petition, as have been established by resolution by the Huntsville Town Council; and at that time shall place the petition on the Meeting Agenda for consideration at a regular Huntsville Town Planning Commission meeting within fourteen (14) days of its receipt.

#### **15.16.11 <sup>16, 17</sup>**

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<sup>16</sup> Amended 2-3-2011: Section 15.16.11 was added to include Transfer Development Rights.

<sup>17</sup> Deleted 1-07-2016: Section 15.16.11 Transfer Development Rights was deleted.

**15.17 NONCOMPLYING BUILDINGS, NONCONFORMING USES, AND PARCELS**

- 15.17.1 Maintenance Permitted
- 15.17.2 Repairs, Alterations
- 15.17.3 Additions and Enlargements
- 15.17.4 Alteration Where Parking Insufficient
- 15.17.5 Moving Noncomplying Buildings
- 15.17.6 Restoration of Damaged Buildings
- 15.17.7 One-Year Vacancy or Abandonment
- 15.17.8 Continuation of Use
- 15.17.9 Occupation Within One Year
- 15.17.10 Change of Use
- 15.17.11 Expansion of Use Permitted
- 15.17.12 Nonconforming Use of Land
- 15.17.13 Conforming Use of Land
- 15.17.14 Nonconforming Parcels in Areas Subjected to Change in Zoning and Subdividing
- 15.17.15 Nonconforming status of a school use or structure

**15.17 Introduction**

Huntsville Town desires to bring non-conforming land uses, non-conforming buildings, non-complying parcels of land, and non-complying building structures into compliance and/or conformity as soon as is practicable, but recognizes the right of existing land uses and structures to continue to exist until such time as owners no longer desire to use them in their current state.<sup>18</sup>

**15.17.1 Maintenance Permitted**

A noncomplying building or structure may be maintained as long as it is not abandoned. However,

- A. The property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.
- B. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
- C. Abandonment may be presumed to have occurred if:
  - 1. a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use;
  - 2. the use has been discontinued for a minimum of one year; or
  - 3. the primary structure associated with the nonconforming use remains vacant for a period of one year.
- D. The property owner may rebut the presumption of abandonment and shall have the burden of establishing that any claimed abandonment as described above has not in fact occurred.

**15.17.2 Repairs, Alterations**

Repairs and structural alterations may be made to a nonconforming use. Any noncomplying building or portion thereof declared unsafe by the Huntsville Town Building Inspector may be strengthened or restored to a safe condition.

**15.17.3 Additions and Enlargements**

- A. A building or structure nonconforming as to use shall not be added to or enlarged in any manner, unless the building or structure is brought into conformance with the use regulations of the zone in which it is located.<sup>19</sup>

<sup>18</sup> Amended: 8/04/2016: To add Title 15.17: Introduction paragraph.

<sup>19</sup> Amended: 8/04/2016: Title 15.17.3.A.

- B. A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless the entire building or structure is brought into conformance with building regulations of the zone in which it is located.<sup>20</sup>

#### **15.17.4 Alteration Where Parking Insufficient**

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Title may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Title for such alteration or enlargement.

#### **15.17.5 Moving Noncomplying Buildings**

No noncomplying building or structure shall be moved in whole or in part to any other location on the lot, except by permit of the Appeal Authority as herein provided, unless every portion of such building or structure is made to comply to all regulations of the zone in which it is located.

#### **15.17.6 Restoration of Damaged Buildings**

A noncomplying building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity, or act of God, terrorism, or war, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

#### **15.17.7 One-Year Vacancy or Abandonment**

A building or structure or portion thereof, nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year, except for dwellings and buildings to house animals and fowl, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

Wherever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformance with the provisions of this Title if

- A. the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within one year after Written Notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within one year; or
- B. the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

Any building, structure, or use for which a valid building permit has been issued and actual construction was lawfully begun prior to the effective date of this Title, may be completed and used in accordance with the plans, specifications and permit on which said building permit was granted. Actual construction is hereby defined to be: The actual placing of construction materials in their permanent position, fastened in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

#### **15.17.8 Continuation of Use**

Nonconforming uses and noncomplying structures, existing at the time this Ordinance became effective, may be continued.

- A. Except as provided in this Chapter, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.

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<sup>20</sup> Amended: 8/04/2016: Title 15.17.3.B.

- B. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
- C. For purposes of this Chapter, the addition of a solar energy device to a building is not a structural alteration.

#### **15.17.9 Occupation Within One Year**

A vacant noncomplying building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the building or structure became noncomplying.

#### **15.17.10 Change of Use**

Except by permit of the Appeal Authority as provided in 15.5, the nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use.

#### **15.17.11 Expansion of Use Permitted**

A nonconforming use may be extended to include the entire floor area of the existing building in which it was conducted at the time the use became nonconforming, provided, however, that a certificate of occupancy be first obtained for such extension of use.

#### **15.17.12 Nonconforming Use of Land**

The nonconforming use of land, or a portion thereof, existing at the time this Title became effective, may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof is abandoned or changed, any future use of such land shall be in conformity with the provisions of this Title.

#### **15.17.13 Conforming Use of Land**

Any land, building, structure or use thereof conforming to current Huntsville Town Land Use regulations as of the effective date of adoption of these revised ordinances shall be deemed to be in conformity with the revised Huntsville Town ordinances regardless of different requirements set forth in the revised ordinances and shall not be made nonconforming by the adoption of the revised ordinances.

#### **15.17.14 Nonconforming Lots or Parcels of Record <sup>21</sup>**

- A. A parcel nonconforming as to area and frontage requirements, containing a single family residence that has not been abandoned, and was created and recorded prior to the July 1992 amendments to the Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101 et. seq., Subdivision Law; shall be considered to be a legally complying lot entitled to the same rights as lots conforming to current Huntsville Town area and frontage requirements.
- B. A parcel nonconforming as to current area and frontage requirements which was created and recorded prior to the July 1992 amendments to the Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101 et. seq., Subdivision Law; and met area and frontage requirements for the zone in which it was created at the time it was created; may submit an application for subdivision approval provided that it meets all other applicable requirements of the Huntsville Town Subdivision and Zoning Titles. The Landowner will have the burden to prove that their lot met area and frontage requirements for the zone in which it was created at the time it was created.

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<sup>21</sup> Amended 11-07-13: Non-conforming lots or non-conforming structure shall be considered a legal building lot entitled to the same rights as conforming lots, if the lot was created prior to July 1992.

**15.17.15 Nonconforming status of a school use or structure**

Huntsville Town may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a continuous period of one (1) year.

## 15.18 HOME OCCUPATIONS

- 15.18.1 Purpose
- 15.18.2 Use
- 15.18.3 Allowed Activities
- 15.18.4 Disallowed Activities

### 15.18.1 Purpose

It is the purpose of this Title to allow persons residing in dwellings in residential and agricultural areas to use their mental or physical expertise and talent to a limited extent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of Huntsville Town and guaranteeing to all residents freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects of limited business activities being conducted in such areas.

### 15.18.2 Use

Home Occupations with visiting clientele are allowed as a Permitted Use in the R-1 and A-3 Zones. The regulations on visiting clientele are covered in this and the Huntsville Town Vehicle Parking and Loading Title. The occupation shall be secondary to the primary use of the dwelling, which is a residence. The occupation shall be conducted so that neighbors, under normal conditions, are not aware of its existence. It shall not be a nuisance, cause undue disturbance or involve the use of hazardous materials. The occupation shall conform to all fire, safety and health codes, including:

- A. Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand (12,000) pounds gross vehicle weight.
- B. Any signage shall be in compliance with the Huntsville Town Signs Title.
- C. Is limited to the on-site employment of immediate family members who occupy the dwelling. (This criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises.)
- D. Shall not alter the residential character or appearance of the dwelling or neighborhood.
- E. Shall not occupy more than twenty-five percent (25%) of the main floor of the dwelling nor more than fifty percent (50%) of the floor area of any garage or outbuilding in which the use is conducted.
- F. Shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour.
- G. Shall not cause a demand for municipal services in excess of that associated with normal residential use.
- H. Shall be enclosed within a structure in complete conformity with the building codes as adopted by Huntsville Town.

### 15.18.3 Allowed Activities

The following activities are examples of allowable Home Occupations:

- A. Group instruction or motivational meetings as a forum for sales presentations held not more than once every month.
- B. Musical Instruction.
- C. Phone-order or mail-order services.

- D. Barber or beautician services with not more than 2 stations on the premises.
- E. Child day care of not more than eight (8) children, including care giver's children under six (6) years of age.
- F. Computer Information Services.
- G. Garage Sales of personal used items from a single dwelling held no more than once every 3 months.

#### **15.18.4 Disallowed Activities**

The following activities shall not constitute Home Occupations:

- A. Any activity which noticeably produces electrical interference, smoke, dust, odors, or heat.
- B. Any activity which produces increased foot and vehicular traffic, parking, sounds or noises, lighting, vibration, or anything that is uncommon to the established character of the surrounding area to such a degree so as to constitute a nuisance to the residents of the immediate area.
- C. Any activity which violates existing or criminal codes of Weber County, the State of Utah or the United States Government.
- D. Retail sales of goods produced off-premise including short-term boutiques, etc. or group garage sales of personal used items held more than once every 6 months.
- E. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, auto repair service, public stable or adult oriented business.

## 15.19 PUBLIC UTILITY SUBSTATIONS

- 15.19.1 Purpose
- 15.19.2 Minimum Lot Area - Public Utility Substations
- 15.19.3 Minimum Yards
- 15.19.4 Street Access
- 15.19.5 Location to be Approved

### 15.19.1 Purpose

The location and arrangement of Public Utility Substations and associated structures will comply with requirements set forth in this Title and will be in accordance with construction plans submitted to the Huntsville Town Planning Commission and approved by the Huntsville Town Council.

### 15.19.2 Minimum Lot Area - Public Utility Substations

There will not be a minimum lot area for Public Utility Substations.

### 15.19.3 Minimum Yards

Each public utility substation shall be provided with a yard on each of the four sides of the building not less than ten (10) feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard, side yards and rear yards shall equal those required for a single-family residence in the same zone.

### 15.19.4 Street Access

Each Public Utility Substation shall be located on a lot which has adequate access from a street, alley, right-of-way, or easement.

### 15.19.5 Location to be Approved

The location of any public utility substations must be approved by the Huntsville Town Council upon the recommendations of the Huntsville Town Planning Commission. Public utility substations are not be allowed in the Residential R-1 zone.



**15.20 ARCHITECTURAL, LANDSCAPE AND SCREENING STANDARDS**

- 15.20.1 Purpose
- 15.20.2 Applicability
- 15.20.3 Minimum Standards, Architectural
- 15.20.4 Minimum Standards, Landscaping
- 15.20.5 Landscape Standards for Off-Street Parking Lots
- 15.20.6 Minimum Standards, Screening/Buffering
- 15.20.7 Clear Sight Distance for Landscaping and Screening
- 15.20.8 Storm Drainage
- 15.20.9 Application and Review

**15.20.1 Purpose**

The purpose of the Architectural, Landscape and Screening Standards are:

- A. To provide for commercial development that is aesthetically pleasing and compatible with the rural nature and natural setting of Huntsville Town.
- B. To enhance the character, value and quality, of non-residential development.
- C. To protect and stabilize the general appearance of buildings, structures, landscaping and open areas.
- D. To insure adequate light, air, and privacy for property in Huntsville Town.
- E. To encourage and promote acceptability, attractiveness, cohesiveness, and compatibility of new buildings, development, remodeling and additions, so as to maintain and improve the established standards of property values in Huntsville Town.

**15.20.2 Applicability**

The Standards, as set forth in this ordinance shall apply to all uses of a commercial, public, or quasi-public nature, and while recommended for consideration, does not specifically apply to single family residential use and their approved accessory uses, or agricultural uses.

**15.20.3 Minimum Standards, Architectural**

The following Architectural Design Standards shall apply to exteriors of new and remodeled structures in Huntsville Town unless exempted in Section 15.3.2 of this ordinance.

- A. **Earth Colors.** External surfaces shall employ natural, muted, earth tone colors that reflect the dominant color of the surrounding vegetation or landscape, such as the red brick in the historical downtown area. The roof of an addition to an existing structure, when matching existing colors shall be exempt.
- B. **Exposed Surfaces of Buildings,** including the rear and non-street Sides of buildings, all exposed sides or surfaces of sides of buildings shall be constructed of non-reflective materials and shall be of textured concrete, brick, stone and/or wood employing a rustic or rural theme.
- C. **All Dead or Removed Plants,** identified in the landscape plan shall be replaced, within thirty (30) days of their demise or removal during the growing season, or as soon as possible in the spring, with the same or similar type and size of plant materials approved on the Landscape Plan.
- D. **Plant Material.**
  - 1. **Trees:** Trees shall be species having an average mature crown spread of greater than fifteen (15) feet, as typically grown in the Ogden Valley area and having trunk(s) which can be maintained in a clean condition

over five (5) feet of clear wood. Trees having an average mature crown spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.

Tree species shall be a minimum of seven (7) feet overall height and a minimum two (2) inch caliper trunk immediately upon planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and three (3) feet deep with no bottom (to allow for growth of tap root), and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6x6x6) or equivalent.

2. Shrubs and Hedges: Shrubs shall be self-supporting, woody species normally grown in the Ogden Valley area. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen with a maintained height of not more than six (6) feet, nor less than four (4) feet, within 2 years after time of planting.
  3. Vines: Vines are plants that normally require support to reach mature form and shall be a minimum of thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
  4. Ground Covers: Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within two (2) growing seasons after planting.
  5. Lawn Grass: Grass areas shall be planted in species normally grown as permanent lawns in the Huntsville Town area. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion and providing that in areas where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.
- E. Considerations. Trees should never be planted under overhead service wires. Trees with low-growing branches which may scrape cars should be avoided as well as trees with gum or moisture which may drop on cars or with blossoms, buds, or pods which can clog drains.
- F. Shrubs and Trees with thorns on their low branches should be avoided. The trees and foliage selected should be set off or complement the architecture and scale of nearby buildings. Height, color and texture of landscaping are, therefore, important. Flowers or other foliage requiring care should never be used unless adequate care will be available.
- G. In areas designated by Utah Division of Wildlife Resources as Priority and Critical Wildlife Habitat, it is recommended that wildlife resistant landscaping materials are used. These types of plants are not as attractive for wildlife to feed on, thereby saving the property owner the expense of having to replace plant material. Lists of specific wildlife resistant plants are available from Wildlife Resources or may be available in the Huntsville Town Hall.

#### 15.20.4 Minimum Standards, Landscaping

- A. A Landscape Plan, drawn to scale no greater than 1" = 40 feet, including all dimensions, and clearly labeled plant types, material types, and irrigation systems shall be included with Site Plan submittals.
- B. All landscaped areas shall be protected from vehicular traffic in all parking areas and along driveways by the use of barriers or concrete curbs.
- C. All landscaping elements of the Landscape Plan, including irrigation systems, screening devices, buffers, walls, etc. shall be installed prior to the issuance of a Certificate of Occupancy or the costs for the landscaping shall be included in the Assurance Bond held by Huntsville Town.

- D. All commercial sites shall have a minimum of ten percent (10%) of the total lot area landscaped and a minimum of seventy-five percent (75%) of the landscaped area shall be living plant materials.
- E. There shall be a minimum landscaped area five (5) feet wide along property lines on street right-of-ways within the project limits.
- F. All areas within the site which are not occupied by the primary and accessory uses or structures, or parking areas shall also be landscaped.
- G. Plant sizes at the time of installations shall be as follows:
1. Deciduous trees shall have a minimum trunk size of two (2) inches caliper.
  2. Evergreen trees shall have a minimum height of six (6) feet as measured from top of root ball.
  3. All woody shrubs shall have a minimum height or spread of eighteen (18) inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five (5) gallon containers will generally comply with this standard.
  4. Vines shall be five (5) gallon minimum size.
  5. Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one (1) growing season. Turf areas, where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30% shall be planted with sod or other deep-rooting, water conserving plants for erosion control and soil conservation.
  6. Turf grass, if used, shall be limited to no more than 10% of the landscaping requirement.
  7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark or similar types of landscaping materials.
  8. Water conserving landscaping methods and materials are recommended and encouraged.

Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of four (4) inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.

- H. The owner of the premises shall be responsible for the maintenance, repair and replacement, within thirty (30) days of removal, of all landscaping materials on the site. In cases where the thirty (30) day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.

#### **15.20.5 Landscape Standards for Off-Street Parking Lots**

- A. A minimum of ten (10%) of all areas used for parking lots shall be landscaped, and areas designated for future development shall be landscaped in order to screen cars, guide traffic, provide shade, and frame views.
- B. A strip of land at least five (5) feet in depth located between the abutting right-of-way and the off-street parking area or other vehicular use area which is exposed to an abutting right-of-way shall be landscaped, such landscaping to include one (1) tree for each fifty (50) linear feet or fraction thereof.

Such trees shall be located between the abutting right-of-way and off-street parking area or other vehicular use area and shall be planted in a planting area of at least twenty-five (25) square feet with a dimension of at least five (5) for proper tree growth.

In addition, a hedge, wall or other durable landscape screen of at least four (4) feet, but not to exceed six (6) feet in height shall be placed along only the perimeter of such landscaped strip, except that if placed along the side lot lines the first twenty (20) feet of the side lot lines, as measured from the street right-of-way, shall be a maximum of three (3) feet in height. If such durable screen is of non-living material, for each ten (10) feet thereof, one shrub or vine shall be planted abutting such screen. Such shrubs or vines shall be planted along the street side of such screen device unless they are of sufficient height at the time of planting to be readily visible over the top of such

screen. The remainder of the required landscape areas shall be landscaped with grass, ground cover or other landscape treatment, excluding paving.

- C. All property other than the required landscaped strip lying between the right-of-way and off-street parking area shall be landscaped with at least grass or other ground cover.
- D. Necessary access ways from the public right-of-way through all such landscaping shall be permitted to service the parking lot or other vehicular use areas and such access ways may be subtracted from the linear dimension used to determine the number of trees required.
- E. Exceptions.
  - 1. Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape screen on an abutting property, said existing screen may be used to satisfy the landscape screening requirements of this ordinance if protection against vehicular encroachment is provided for hedges.
  - 2. Where the abutting property is zoned or used for non-residential uses, only the tree provision with its planting area, as prescribed in this subsection, will be allowed along the property line.
  - 3. Areas where clear sight distance must be maintained for traffic safety reasons, as discussed in Section 15.3.8.
- F. Requirements for Interior Landscaping: (within the boundaries of the parking lot/area), in addition to perimeter landscaping requirements, of off-street parking lots/areas, when more than four (4) parking spaces are required:
  - 1. Two (2) square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required, and excluding all parking spaces which are directly served by a driving surface/aisle which abuts and runs parallel to such perimeter.
  - 2. Other vehicular use areas, such as loading areas and interior driving surfaces/ aisles, such as access points/driveway entrances, and areas of traffic circulation, shall have one (1) square foot of landscape area for each 100 square feet, or fraction thereof, of paved area.
  - 3. Each separate landscaped area shall contain a minimum of twenty-five (25) square feet and shall have a minimum dimension of five (5) feet and shall include at least one tree having a clear trunk of at least five (5) feet in height with the remaining area landscaped with shrubs, ground cover or other permitted materials not to exceed four (4) feet in height, as measured from the parking surface.
  - 4. The total number of trees shall not be less than one (1) tree for each one hundred (100) square feet or fraction thereof of required interior landscaped area. Such landscaped areas shall be designed and located in such a manner as to divide and break up the expanse of paving.
  - 5. In other vehicular use areas where the strict application of this subsection will seriously limit the function of said area, the required landscaping may be located near the perimeter of the paved area including such perimeters which may be adjacent to a building on the site; however, planting islands break up solid expanse of pavement and establish the desired direction of circulation. Such required interior landscaping which is located as herein provided shall be in addition to the perimeter landscaping requirements.
  - 6. The front of a vehicle may encroach upon any interior landscaping area when said area is at least three and one-half (3.5) feet in depth per abutting parking space and protected by a durable barrier or curbing.

#### 15.20.6 Minimum Standards, Screening/Buffering

- A. All elements of the Landscape Plan, including planting, irrigation, screening, and paving shall be installed as approved. If landscaping improvements are not to be completed until after the occupancy of the primary building, a financial guarantee, not to exceed one (1) year, shall be posted and approved by the Huntsville Town Attorney and the Huntsville Town Council.
- B. Parking areas shall be screened/buffered from view along all street right-of-ways or along any property line which is contiguous to a residential use of zoning districts, or along those separated by an alley, with a minimum four (4) foot screening/buffering device as measured from the parking surface, within the five (5) foot landscape area.

- C. The side and rear lot screening device shall be a minimum of six (6) feet in height Except that the first twenty (20) feet of the side lot lines, as measured from the Street right-of-way shall be a maximum of three (3) feet in height.
- D. Loading, delivery and service bays shall be located in the rear or side yards and shall be screened from street right-of-ways by a screening/buffering device a maximum of six (6) feet in height.

#### 15.20.7 Clear Sight Distance for Landscaping and Screening

When an access way intersects with a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping and screening within the triangular areas described below shall provide unobstructed cross-visibility at a level between two (2) and eight (8) feet in height. Trees may be planted inside the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility zone, and placed so as **not to create a traffic hazard**. Plant materials, excepting turf grass, shall not be located closer than three (3) feet from the edge of any access way pavement. The triangular areas referred to above are defined as follows:

- A. The area of property on either side of an access way formed by the intersection of each side of the access way and the public right-of-way line. The two (2) sides of the triangle shall be ten (10) feet in length measured from the point of intersection and the third side (hypotenuse) being a line connecting the ends of these two sides.
- B. The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way. The two (2) sides of the triangle shall be formed by the property lines for a length of twenty (20) feet back from their intersection and the third side being a line connecting the ends of these two sides.

#### 15.20.8 Storm Drainage

Considerations relating to utility easements, drainage, and other engineering questions shall be addressed. There shall be a provision within the development for adequacy of storm and surface water drainage and retention facilities. In calculating the required detention for a site, storm drain calculations shall be submitted using the 100-year storm intensity-duration-frequency curve for the Ogden Valley. These storm drain calculations shall be made by a Professional Engineer, Licensed in the State of Utah. The Engineer shall also specify and design the storm drain collection and retention facilities on the site. In cooperation with the storm water pollution prevention efforts, consideration will be given to the use of de-silting basins, and oil-water separation facilities that are a part of storm water drainage and retention systems.

Storm drain calculations and facilities will not be required for individual residential lots in any zone.

#### 15.20.9 Application and Review

All applications for building or occupancy permits shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Huntsville Town Planning Commission as defined in the Huntsville Town Land Use Title.

## 15.21 SIGNS

- 15.21.1 Purpose
- 15.21.2 Applicability
- 15.21.3 Master Signage Plan
- 15.21.4 Non-complying Signs
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- 15.21.13 Sign Materials and Display Standards
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- 15.21.15 Construction Standards
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### 15.21.1 Purpose

The purpose of this Sign Title is to provide for reasonable display of all signage in Huntsville Town to identify and advertise products, services, and business establishments. This will provide information and convenience to the general public. These regulations and criteria are designed to protect and promote the public health, safety, and general welfare of persons within the community. They are also designed to aid in the orderly development and promotion of business by providing regulations which encourage aesthetic creativity, effectiveness, and flexibility in the display and use of signs while protecting and enhancing community character in Huntsville Town.

### 15.21.2 Applicability

- A. Permit Required. No person shall erect, alter or relocate any sign without first obtaining a Land Use Permit unless herein otherwise stated, and meeting the standards set forth in this Title. Signs complying with the requirements of this Title which identify seasonal businesses may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new permit. All applications for Land Use Permits shall be accompanied by plans, designs, specifications and drawings stating specifically all dimensions, lighting, colors and plan of installation including clearances and setbacks. Land Use Permits expire six (6) months after issuance if the sign is not erected or altered pursuant to the permit.

Applications for permits shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located and all relevant dates in regard to expiration of any lease or lease options. A permit may be revoked and a sign removed if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

- B. Maintenance and Repainting Exempt. The repainting, changing of parts, and general maintenance of signs located on the site shall not be deemed alterations requiring a Permit, except for non-complying signs as set forth in 15.21.4.

### 15.21.3 Master Signage Plan

The number, sizes and types of signs allowed in commercial zones (C1- and CR-1) are based upon the number and sizes of freestanding buildings, storefronts and complexes of buildings. A Master Signage Plan shall be required to ensure compliance with standards and requirements of this Title when multiple signs are allowed and/or multiple tenants, businesses or other entities occupy a single building or storefront.

- A. Approval of the Master Signage Plan. The Master Signage Plan is subject to approval, and once approved, all individual Land Use Permits shall comply therewith.

- B. Requirements. Each Master Signage Plan shall clearly indicate the location, size, illumination details, type and all dimensions, including height, of each sign on the property, as well as the distribution or allowed signage among multiple tenants, businesses or entities within a building or complex.
- C. Adjustments to Number of Signs Permitted. Subject to an approved Master Signage Plan, the number of wall signs may be increased in order to allow signage for each tenant, business or entity occupying a single building, storefront or complex. In no event shall the wall sign total area be increased beyond the standards set forth in 15.21.6.

#### **15.21.4 Non-complying Signs**

- A. A non-complying sign is any sign which was legally placed or erected or previously existed as a non-complying sign prior to the effective date of this Title, which does not conform to the provisions of this Title, as it may be amended from time to time.
- B. Non-Complying Sign Re-installation. A sign may be re-installed which duplicates the original non-complying sign in dimensions and location. Any changes in size or location shall require compliance to this Title and the Huntsville Town Lighting Title.

#### **15.21.5 Definitions**

Certain words, phrases, terms and concepts used in this Section are operationally defined. These definitions may be found in the Huntsville Town Definitions Title.

#### **15.21.6 Allowable Signs by Zoning District**

- A. Commercial Resort Zone CR-1
  - 1. Commercial Uses – same as 15.21.6.B
  - 2. Residential Uses – same as 15.21.6.C, plus
    - a. Rental units of less than eight (8) units. One (1) wall sign identifying the name of the owner and/or property, not to exceed six (6) square feet is permitted.
    - b. Rental units of eight (8) units or more. One (1) wall sign not to exceed ten (10) square feet in area is permitted.
    - c. Subdivision Sign. One (1) ground/monument not to exceed six (6) feet in height and ten (10) feet in width. The sign may be placed on a landscaped, mounted berm up to two (2) feet from grade.

- B. Commercial Zone C-1
  - 1. Commercial Uses (C-1 and CR-1)
    - a. Freestanding Signs.

Areas: No freestanding sign shall be larger than (50) square feet in total area.

Location of signs. Business signs shall not be located in any required yard, except that signs attached to a building may project not more than six (6) feet into a required yard, and not less than ten (10) feet above ground or sidewalk. Signs shall not project across any property line nor be located on Huntsville Town property. Property, identification, and service signs shall not be located closer than ten (10) feet to any side or rear property line. Name plates may be located anywhere on the property.

Numbers: There may be one (1) sign for each business. In the case Of a parcel of property having multiple occupancy with a common frontage, there shall be only one such sign for the multiple occupancies, but it may contain multiple listings on the same sign.

Lighting: No internally lighted sign shall be permitted. Lighting shall be permitted only if it is of an indirect type and shielded or filtered. No floodlights shall be installed in any way which will permit direct rays of such light to penetrate into any property used for residential purposes.

Height: No freestanding sign shall be taller than six (6) feet above the Grade of the property including any base.

Projection: No such sign shall project over a public property line.

- b. Wall or Building signs. Each freestanding building or complex of buildings is allowed one (1) wall sign per street frontage which shall not exceed five percent (5%) of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by 5%) not including false fronts. If multiple units, each unit to be allowed 5% of width of the unit multiplied by the height.

Area: No sign shall be larger than (100) square feet in total area.

Number: There may be one (1) such sign for each business per street exposure.

Height: No part of any such sign shall extend above the top level of the wall or building upon or in front of, which it is situated.

Projection: No such sign, including any structural part, shall project over any public land.

- c. Roof Signs: No roof signs shall be permitted.
- d. Ground/Monument Sign. Each freestanding building or complex having primary or secondary entry from a street, shall be allowed one (1) ground sign per frontage, not to exceed six (6) feet in height and ten (10) feet in width. The sign may be placed on a landscaped, mounded berm up to two (2) feet from grade.

#### C. Residential Zone R-1

##### 1. Name plates and signs as follows:

- a. Name Plates: One (1) name plate for each dwelling unit, not exceeding four (4) square feet in area, indicating the name of the occupant and/or a permitted home occupation;
- b. Property Signs: One (1) or more signs not exceeding eight (8) square feet in combined total area for each frontage of the lot, appertaining to lease or sale of the property;
- c. Location of Signs: Identification signs shall not be located in any required front or side yard except that signs attached to a building may project not more than six (6) feet into a required yard or for historic identification only as approved by the Huntsville Town Council. Signs shall not project across any property line nor be located on Huntsville Town property.
- d. Height: Freestanding signs shall not have a height exceeding six (6) feet.
- e. Lighting: No lighted signs shall be permitted.

- 2. For R-1 lots with a residence that has a home business in the residence and a property boundary that adjoins a State or county highway; one sign meeting the requirements in Title 15.21.B shall be allowed on only for that home business and only along the property boundary adjoining the state or county highway.<sup>22</sup>

<sup>22</sup> Amended 11-10-2016: Title 15.21.6.C.2: was added.



**15.21.7 Optional and Alternative Signs**

- A. Canopy signs. Canopy signs may be substituted for wall signs, subject to approval of the Master Signage Plan. Any approved canopy sign shall have a minimum vertical clearance of eight (8) feet from any walking surface.
- B. Projecting signs. Projecting signs that are perpendicular to a building may be substituted for wall signs, subject to approval of the Master Signage Plan. No sign face of a projecting sign may project more than four (4) feet from the wall to which it is mounted. Any projecting sign shall have a minimum vertical clearance of eight (8) feet from any walking surface.
- C. Entrance/Exit Signs. Entrance/Exit signs are limited to two (2) signs for each approved driveway opening for commercial uses and multi-tenant dwellings, and shall be limited to a maximum of three (3) square feet per side, and shall be no higher than five (5) feet above the ground at the top of the sign. Setbacks shall be 10 feet from right-of-way. Content is limited to “Entrance” and “Exit.”

**15.21.8 Window Signs**

Signs displayed in windows of buildings or storefronts are permitted. A Sign Permit is not required for their display, provided the following standards are met:

- A. Size limit. Window signage shall occupy no more than twenty-five percent (25%) of the area of the window in which the signs are displayed. In no event shall window signage exceed sixteen (16) square feet in any one (1) window that would reduce air and/or light.
- B. Prohibited features of window signs. No window sign, not any other sign within a building or structure shall flash, rotate or be mechanically or electronically animated in any way so as to be visible from outside of the building or structure for purposes of public safety.

**15.21.9 Prohibited Signs**

The following signs and types of signs are prohibited in all zoning districts in Huntsville Town:

- A. Moving signs. Flashing, blinking, fluttering, undulating, swinging, changing, rotating or otherwise moving signs, pennants, tethered “party or weather-type” balloons, holograms, light beams, lasers or other like decorations.
- B. Moving appurtenances. Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.
- C. Rotating beacon lights.
- D. Inflatable advertising devices or signs (does not refer to passenger-type hot air balloons being used for passenger flight).
- E. Portable signs. This includes signs on trailers which may be towed by vehicles and which may be changeable copy, a-frame, sandwich, or otherwise portable, except as permitted in 15.21.11. Utility trailers painted as a sign shall not be parked on Huntsville Town roads longer than seventy-two (72) continuous hours.
- F. Banners, except as permitted in 15.21.12.
- G. Changeable Copy Signs. Electronic changeable copy signs except public service purposes. Manual changeable copy signs except as permitted in 15.21.11.
- H. Off-site Signs. All off-site, off-premise and directional signs which advertise businesses, establishments, activities, facilities, goods, products, or services not made, produced, sold or present on the premises or site where the sign is installed and maintained are prohibited, except as exempted in 15.21.10.

- I. Luminous Tube Signs. External gas filled luminous tubes, such as neon, argon or fluorescent, signs or valances, unless inside a building or in a window and not to exceed four (4) square feet in area, except as listed in 15.21.13 and may not flash or blink.
- J. Other temporary signs. Any other device in the form of a sign which is of a temporary nature, or mobile, and not permanently affixed to a building or an upright support affixed firmly to the ground, except as permitted in 15.21.12.
- K. Roof signs. Signs mounted on a roof or atop a parapet wall.
- L. Billboards.
- M. Pole signs.
- N. Signs which emit smoke or noise.

#### 15.21.10 Other Signs

In addition to being regulated by other ordinances and State or Federal law, the following signs are allowed and only regulated in the following manner:

- A. Traffic signs.<sup>23</sup> All signs erected in a public right-of-way by a public agency for the purpose of controlling or directing traffic are not regulated in this Title.
- B. Political signs. Political signs pertaining to a specific election, which are displayed not earlier than sixty (60) days prior to the election and which are removed by the candidate or property owner who placed the sign, within fifteen (15) days after the election.
- C. Governmental flags. Official governmental flags of the United States, the State of Utah, Weber County, or Huntsville Town, and which are properly displayed, and provided they are not mounted on a roof or atop other signs. One (1) corporate flag may be displayed beneath a proper display of any or all of the official flags listed in this paragraph. Flagpole height may not exceed the maximum height allowed in the zone for which it is being placed. If over the height allowed in the zone, the flagpole shall have a Conditional Use Permit approved by the Huntsville Town Planning Commission. Governmental uses, such as libraries and schools, shall be exempt from height requirements of this sub-section.
- D. Private warning signs. Private warning signs, provided they do not exceed four (4) square feet.
- E. Temporary construction signs. Temporary construction signs announcing the construction of a building or project naming owners, contractors, subcontractors, the suppliers to contractors and subcontractors, architects, and engineers, not to exceed one (1) sign of twenty (20) square feet in area for each street frontage of the building or project.
- F. Historical signs. Historical name signs for sites and/or structures designated by the Huntsville Town Council as having historical significance to Huntsville Town.
- G. Guidance signs. Guidance and other informational signs authorized by the Utah Department of Transportation or other governmental agency.
- H. Business signs. No more than one (1) “Open/Closed” and one (1) “Vacancy/No Vacancy” sign, one (1) “Hours of Operation” sign, and one (1) “Credit Card Acceptance” sign, not to exceed a total of four (4) square feet in area, displayed for each business.

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<sup>23</sup> Amended 1-4-18: Title 15.21.10.A: Deleted “in a private road right of way.”

- I. Non-commercial signs. Signs that contain non-commercial messages that do not advertise a product or service provided they do not exceed six (6) square feet in area.
- J. Statuary and sculptures. Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.
- K. Murals. Murals, when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.
- L. Real estate signs. Signs of real estate companies or private individuals announcing a property for sale, rent or lease, provided that no such sign exceeds sixteen (16) square feet and that only one (1) sign per property per street frontage is displayed. The sign shall be placed on the property advertised, not on Huntsville Town property.
- M. Gate or arch sign. A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed eight (8) square feet and that the sign provides a vertical clearance of at least fourteen and one-half (14.5) feet from the driving surface, not to exceed 18 (18) feet in height and a minimum passable width of twenty (20) feet, not to exceed thirty (30) feet pole to pole. Depth of the Arch shall not exceed two (2) feet. A Land Use Permit, to assure standards are in compliance, and a Building Permit for proper installation of footings and to ensure wind tolerance, are required.
- N. Minor residential signs. Wall signs not to exceed one (1) foot by two (2) feet in size that identify the occupants/owners and/or home occupation of a residential property. Larger residential signs shall comply with 15.21.6.C.
- O. Addressing Numbers. Addressing numbers shall be no more than twelve (12) inches in height.
- P. Athletic Field Scoreboard signs. Not to exceed 120 square feet in any zone. The Huntsville Town Planning Commission shall recommend for approval the location of all scoreboard signs. The Huntsville Town Council shall approve or disapprove.
- Q. Subdivision Entry Signs. An approved, recorded subdivision may locate one (1) entry sign at each entrance. The sign shall be of the Monument type and meet all specifications/requirements for Monument signs (15.21.6.2.c). The name of the subdivision shall be the only text included on said sign. The Huntsville Town Planning Commission shall approve location and design style. A double entry sign may be recommended by the Huntsville Town Planning Commission where there is a divided center island entry street. The Huntsville Town Council shall approve or disapprove.
- R. Signs on Developed Public Property. The Huntsville Town Planning Commission may approve, by Conditional Use Permit, an off-premise sign on developed public property, as a secondary use, when evidence is presented that the purpose of the secondary use will serve the health, welfare and/or safety of the general public.
- S. Directory Signs. In all districts where group occupancies in office buildings or commercial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession or business. Said sign shall be situated at least two feet inside the property line and shall not exceed six (6) feet in height. Said sign shall not exceed an area of ten (10) square feet and shall not be placed within a clear-vision area of a corner lot as set forth in this section.
- T. Church and Quasi-Public Organizations Identification Signs: In all districts, a church or quasi-public organization may erect no more than (2) wall signs on the premises to identify the name of the organization and announce activities thereof.

#### 15.21.11 Special Purpose Signs

- A. Manual changeable copy signs. One (1) reader board or changeable copy sign per business is permitted to be displayed, at one (1) square foot of sign area per linear foot of building frontage, and may be either ground or wall sign by the following types of businesses:

1. Theaters. Motion picture theaters and playhouses.
  2. Auditoriums and Performing arts facilities.
  3. Convention facilities. Businesses with convention facilities.
  4. Gasoline Stations. Businesses that sell motor fuels at retail cost, dispensed from pumps on premises.
  5. Grocery stores.
- B. Movie poster signs. Motion picture theaters, facilities for performing arts, and retail stores whose primary business is the sale and/or rental of pre-recorded video tape and digital video discs to the general public shall be permitted to display a maximum of two (2) poster signs. Movie posters shall be displayed in a display case which shall be permanently affixed to the wall of the building or storefront. Movie posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted, and shall not exceed twelve (12) square feet in area. The area of any movie poster sign conforming to this section shall not count toward the total signage allowed in 15.21.6.

#### **15.21.12 Temporary Sign Usage**

Signage for the temporary uses listed below, and for one-time grand openings, is permitted, with a Land Use Permit, subject to the conditions and limitation stated herein. Unless otherwise specified, signs shall be removed within 3 days of discontinuance of the use or event.

- A. Christmas tree sales. One (1) ground sign, not to exceed six (6) feet in height or one (1) wall sign, or one (1) banner per sales lot is permitted, not to exceed twenty (20) square feet.
- B. Contractors and real estate/subdivision sales offices. In addition to the construction sign allowed in Title 15.21.10, one (1) wall sign affixed to the office and not to exceed twenty (20) square feet in area is permitted.
- C. Public interest event or special event. One (1) ground sign not to exceed six (6) feet in height, or one (1) banner is permitted, neither of which shall exceed twelve (12) square feet in area. The sign or banner shall be displayed on the site of the event. Up to two (2) off-premise directional signs, each not to exceed six (6) square feet in area, are also permitted. Signs may be displayed up to sixty (60) days prior to the event and shall be removed within seven (7) days after the event. Location, numbers of signs, and a time limitation may be adjusted and shall be approved by the Huntsville Town Council.
- D. Farm stands. Farm stands are permitted one (1) temporary ground or wall sign or banner, not to exceed twelve (12) square feet in area.
- E. Grand openings. On a one-time basis, a business establishment shall be permitted one (1) banner not to exceed twelve (12) square feet, to be displayed for a period of not more than fourteen (14) calendar days.
- F. Real Estate sales signs, per Title 15.21.10; however, no Temporary Permit is required, but signs must be placed on private property, not on Huntsville Town property.

#### **15.21.13 Sign Materials and Display Standards**

- A. Sign materials. Any and all materials used to construct signs, supports or fasteners shall conform to the following standards:
  1. Permitted materials, generally. Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass metal or metallic leaf, which is rust resistant, painted or anodized or otherwise treated to prevent reflective glare.
  2. Permitted support structure materials. Exposed metal support structures for signs, as used for connecting one structure or assemblage to another structure or sign, shall be faced, painted, or covered with materials which match or blend with the face of the sign.
  3. Rustic Ground/Monument signs. Rustic ground/monument signs shall be constructed of carved, rough-hewn, sandblasted wood, or similar material. Letters may be raised or carved and may be painted, stained

or left to weather naturally. Supports shall be of rough-hewn posts or logs, or finished logs. Fasteners may be of wrought iron, chain, or angle iron and shall be of a weatherized bronze, rust or black finish and shall be non-reflective.

- B. Display standards. The display of all signs regulated by this Title shall comply with the standards of this section.
1. No obstruction permitted. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
  2. No projection within right-of-way. No signs, except traffic signs and similar regulatory notices shall be allowed to project or be located within a public right-of-way. No freestanding sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty-five (25) feet from the intersections of the projecting property lines; unless same in its entirety is less than three (3) feet above the street grade.
  3. External illumination. Illumination source shall be included with the Master Sign Plan.
  4. Internal Illumination. Individual pan-channel letters with a plastic face or individual cut-out letters (i.e. letters routed out of the face of an opaque cabinet sign) are permitted. The plastic face or backing of the letters shall be ivory colored. Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for “halo” or “silhouette” lighting. The light source for internally illuminated signs shall be white.
  5. Wall signs mounted on parapets. A wall sign mounted on a parapet wall shall be mounted six (6) inches or more below the top of the parapet wall.
  6. No imitation of traffic signs. Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver visibility upon roads.
  7. No prevention of ingress/egress. Signs shall not be erected, relocated or maintained in such a way that prevents free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
  8. No mounting on natural features. No signs shall be painted or mounted on trees. No land- form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying a sign.
  9. Clearance. The clearance of a projecting canopy or wall sign shall be measured from the lowest edge of the overhang 8 feet to the driving or walking surface below.
  10. Sign Setbacks.
    - a. Monument and/or Ground signs. Any rustic monument sign or ground sign shall be set back a minimum of ten (10) feet from any property line. Signs fronting on State highways shall be set back 20 feet from the right-of-way.
    - b. Projections into public right-of-way. Projections into the public right-of-way are not allowed, except for signs set by public agencies for safety purposes, such as the Utah Department of Transportation.
    - c. Clear sight triangle. Signs shall not be placed within the clear sight triangle and shall not obstruct view of traffic.
  11. Landscaping. The ground area around the base of all ground/monument signs shall be landscaped in accordance with the requirements the Huntsville Landscaping Title. The Huntsville Town Planning Commission may exempt some monument/ground signs from this standard where it is demonstrated, by the owner/developer, that the landscaping would unduly interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be impractical.
  12. No street frontage. <sup>24</sup>When a freestanding building, complex or storefront does not face a public street, and is accessed via a pedestrian area or common parking and driveway area, the linear footage of building or storefront facing the pedestrian area or common parking area shall substitute for purposes of determining allowable signage.
  13. Sign area. The area of a sign shall be the measurement of the face of the sign that is designed to present a message or attract attention, exclusive of structural support members. Two sided signs shall be permitted provided that the combined area of the two sides do not exceed the maximum allowed area, the two faces

<sup>24</sup> Amended Jan 4, 2018: Title 15.21.13.B.12: Deleted “or approved private road”

are back to back and are at no point farther than one (1) foot from one another. Otherwise, the area of all faces shall be included in determining the area of the sign.

#### 15.21.14 Dangerous or Defective Signs

- A. Removal or repair by owner. Any sign that is found to be in a dangerous or defective condition shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, an Officer of Huntsville Town shall proceed with zoning enforcement measures.
- B. Removal by Huntsville Town. Any Huntsville Town Officer may cause the removal of any sign that endangers the public safety or a sign for which no Land Use Permit has been issued, if, after giving notice, the owner has not remedied the violation.
- C. Cost of removal. The cost associated with the removal of a sign by an Officer of Huntsville Town shall be paid by the owner of the property on which the sign is located. If the cost is not paid within thirty (30) days, the unpaid balance shall be considered a lien against the property and said lien shall be filed by the Huntsville Town Attorney.

#### 15.21.15 Construction Standards

Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in the Building Codes, as adopted by Huntsville Town. A Building Permit for the sign structure shall be required, as well as a Land Use Permit. If there is any indication, in the opinion of the Huntsville Town Engineer, that the proposed structure may not resist wind, seismic forces or other loads or stresses, a Utah Licensed Professional Engineer's Certificate on the sign's structural details shall be required.

#### 15.21.16 Violations

It is unlawful to erect or maintain a sign contrary to the provisions of this section. If a sign is erected or maintained in violation of this section, an Officer of Huntsville Town may do the following:

- A. Order the violation to be corrected within a fixed period of time, not to exceed thirty (30) days, if correction of the violation will bring the subject sign into compliance with the provisions of this Title; but,
- B. If correction of the violation results in further violation of the provisions of this Title, order that the subject sign be removed by, and at the expense of the owner of the sign, within a fixed period of time not to exceed thirty (30) days.

If the owner of the sign contests the order of the Huntsville Town Ordinance Enforcement Officer, the remedy shall be an appeal to the Appeal Authority, which appeal shall be in writing and taken within fifteen (15) days of a final order from the Huntsville Town Council. If the owner of the sign fails or refuses to remove the subject sign at the order of the Huntsville Town Council, Huntsville Town may remove the sign at any time after the owner, thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law.

The cost associated with the removal of a sign by the Ordinance Enforcement Officer shall be paid by the owner of the property on which the sign is located. If the cost is not paid within thirty (30) days, the unpaid balance shall be considered a lien against the property and said lien shall be filed by the Huntsville Town Attorney.

## 15.22 LIGHTING

- 15.22.1 Purpose
- 15.22.2 Conformance with Applicable Regulations
- 15.22.3 Definitions
- 15.22.4 General Requirements
- 15.22.5 Prohibitions
- 15.22.6 Permanent or Temporary Exemptions
- 15.22.7 Procedures for Compliance
- 15.22.8 Temporary Exemptions
- 15.22.9 Public Nuisance
- 15.22.10 Penalties

### 15.22.1 Purpose

In order to preserve the rural character and public values of Huntsville Town, this ordinance is intended to regulate the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky; glare to on-coming traffic, intrusion of light onto adjacent properties, and light pollution in general, which may have a detrimental effect on the welfare and safety of the populace, as well as the ambiance and rural character of Huntsville Town.

### 15.22.2 Conformance with Applicable Regulations

All outdoor artificial illuminating devices, unless exempt, shall be installed in compliance with the provisions of this Title, the zoning regulations and any building codes which may hereafter be enacted, as applicable.

Where any provisions of any of the Utah State statutes or Federal law, or any companion zoning ordinance comparatively conflicts with the requirements of this outdoor light control ordinance, the most restrictive shall be applied.

### 15.22.3 Definitions

- A. Outdoor Light Fixtures. Outdoor artificial illuminating devices; outdoor fixtures, lamps and other devices, permanent or portable, used for illuminating or advertisement. Such devices shall include, but are not limited to light for
  - 1. Buildings and structures
  - 2. Recreation areas
  - 3. Parking lot lighting
  - 4. Landscape lighting
  - 5. Advertising or other signage
  - 6. Street lighting
- B. Individual. Individual shall mean any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures, corporations or utility.
- C. Installed. Installed shall mean the initial installation of outdoor light fixtures defined herein.

### 15.22.4 General Requirements

- A. Outdoor Lighting. For outdoor lighting, low pressure sodium lamps are preferred.
- B. Shielding. All exterior illuminating devices, except for those specifically exempted from this ordinance, shall be fully or partially shielded.

1. "Fully Shielded" shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
2. "Partially Shielded" shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below that plane center line of the light source "lamp", minimizing light above the horizontal.

**C. Filtration**

1. Those outdoor light fixtures requiring a filter shall be equipped with a filter whose transmission is less than five (5%) total emergent flux at wavelengths less than thirty-nine hundred (3900) angstroms. Total emergent flux is defined as that between three-thousand (3000) and seven-thousand (7000) angstrom units.
2. It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose transmission is less than ten percent (10%) total emergent flux at wavelengths less than forty-four hundred (4400) angstroms until such time as the mercury vapor bulb burns out after which a mercury vapor bulb shall not be replaced in the fixture.
3. Low pressure sodium lamps are the preferred lamp for minimizing the adverse effects on astronomical observations.

**D. Requirements for Shielding and Filtering.** The requirements for the shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

**REQUIREMENTS FOR SHIELDING AND FILTERING**

<b>Fixture Lamp Type</b>	<b>Shielding</b>	<b>Filtered<sup>4</sup></b>
Low Pressure Sodium <sup>1</sup>	Partially	None
High Pressure Sodium	Fully	None
Metal Halide <sup>4</sup>	Fully	Yes
Fluorescent	Fully	Yes <sup>2</sup>
Quartz <sup>3</sup>	Fully	None
Incandescent Greater than 150 W	Fully	None
Incandescent Less than 150 W	None	None
Mercury Vapor	Prohibited <sup>5</sup>	Prohibited <sup>5</sup>
Gas filled Tubes (neon, argon, krypton)	None	None
Natural Gas/Fossil Fuels	None	None
Other Sources	As approved by the Huntsville Town Planning Commission	
Footnotes:		
1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.		
2. Warm white and natural lamps are preferred to minimize the detrimental effects of night lighting.		
3. For the purpose of this chapter, quartz lamps shall not be considered an incandescent light source.		
4. Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.), unless fully shielded. Metal halide lamps shall be in enclosed luminaries.		
5. The installation of mercury vapor fixtures is prohibited.		

**15.22.5 Prohibitions**

- A. Searchlights. The operation of searchlights for advertising purposes is prohibited.
- B. Commercial/Recreational Facility. No outdoor commercial or recreational facility, public or private, shall be illuminated by means not conforming to this Title after 11:00 p.m., except to conclude a specific recreational activity, sporting event, or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.



- C. Outdoor Building or Landscaping Illumination. The unshielded, or otherwise non-conforming outdoor illumination of any building, landscaping, signage, or other purpose not specifically exempted in this Title is prohibited.
- D. Mercury Vapor. The installation of mercury vapor is prohibited.

#### 15.22.6 Permanent or Temporary Exemptions

- A. Nonconforming Fixtures. All outdoor lighting fixtures shall be brought into compliance with this ordinance.
- B. Fossil Fuel Light. Fossil Fuel Light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels in service prior to September 1, 2003 shall be exempt from this ordinance provided, however, that no change in use, replacement, structural alterations, or restoration after abandonment of such fixtures shall be made unless it thereafter conforms to the provisions of this ordinance.
- C. Governmental Facilities. Those facilities and lands owned and operated as protected by the U.S. Federal Government or Huntsville Town are exempted by law from all requirements of this ordinance.
- D. R-1 Zone Exemption. The intent in R-1 zone is to comply with dark sky ordinances, however all lighting in the Huntsville Town R-1 residential zone shall be exempt from the need for permits but the requirements and regulations of this ordinance shall be complied with.
- E. Special Exemption. The Appeal Authority may grant a special exemption to these requirements only upon written finding that there are extreme geographic or geometric conditions warranting that exemption; and that there are no complying fixtures that would otherwise suffice.

#### 15.22.7 Procedures for Compliance

- A. Application
  - 1. Any individual applying for a Land Use Permit and/or Building Permit, intending to install outdoor lighting fixtures, shall as a part of the application, submit evidence that the proposed work will comply with this Ordinance.
  - 2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Huntsville Town Planning Commission providing evidence that the proposed work will comply with this ordinance.
  - 3. Utility companies entering into a duly approved contract with the town in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.
- B. Contents of Application or Submittal. The submittal shall contain but shall not necessarily be limited to the following, all or part of which may be part of, or in addition to, the information required elsewhere in the Land Use Ordinance, upon application for the required permits.
  - 1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
  - 2. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include, but is not limited to, manufactures, catalog cuts, and drawings (including sections where applicable).

The above required plans and descriptions shall be sufficiently complete to enable the Huntsville Town Planning Commission to readily determine whether compliance with the requirements of this Title may be reasonably secured. If it is not reasonably possible to make a ready determination of whether or not the lighting plan will conform, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing laboratory.

- C. Issuance of Permit. Upon compliance with the requirements of this Title, Huntsville Town shall issue a permit for installation of the outdoor lighting fixtures to be installed as in the approved application. In the event the application is part of the Land Use Permit, Building Permit, or Site Design Review, the issuance of the Land Use Permit and/or Building Permit will be made if the applicant is in compliance with this Title as well as other applicable regulations in the Huntsville Town Ordinances. Appeal of any provision in this Title will be made to the Appeal Authority.

#### 15.22.8 Temporary Exemptions

- A. Request for Temporary Exemption. Any individual may submit a written request on a form prepared by the Huntsville Town Planning Commission for a Temporary Exemption to the requirements of the ordinance. Such exemption would be valid for thirty (30) days, renewable at the discretion of the Huntsville Town Planning Commission.

The request for Temporary Exemption shall contain minimally the following information:

1. Specific exemptions requested.
  2. Type and use of exterior light involved.
  3. Duration of time for requested exemption.
  4. Type of lamp and calculated lumens.
  5. Total wattage of lamp or lamps.
  6. Proposed location of exterior light.
  7. Previous temporary exemptions; if any.
  8. Physical size of exterior light and type of shielding provided.
- B. Appeal for Temporary Exemption. An appeal of a denial for Temporary Exemption may be filed within fifteen (15) days of the denial. Appeals to decisions of the Huntsville Town Planning Commission shall be heard by the Appeal Authority.
- C. Extension of Temporary Exemption. No extension shall be granted beyond the original thirty (30) days.

#### 15.22.9 Public Nuisance

Any lighting fixture which violates any provision of this ordinance constitutes a public nuisance and shall be abated.

#### 15.22.10 Penalties

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a separate offence for each and every day or portion thereof during which a violation of any of the provisions of this ordinance is committed, continued or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished as prescribed by the Utah Revised Statutes.

**15.23 VEHICLE PARKING AND LOADING**

- 15.23.1 Purpose
- 15.23.2 Access to Lots in Subdivisions
- 15.23.3 Parking Space for Non-Dwelling Buildings and Uses
- 15.23.4 Adjustments for Unusual and Unique Conditions
- 15.23.5 Location of Parking Space
- 15.23.6 Computation of Parking Requirements
- 15.23.7 Parking Lot Design and Maintenance
- 15.23.8 Off-Street Truck Loading Space
- 15.23.9 Regulations Governing Accessory Vehicle Off-Street Parking Within Required Side Yard Areas
- 15.23.10 Off Site Improvements Required

**15.23.1 Purpose**

The purpose of this Title is to regulate parking and loading spaces, vehicle traffic, and access, in order to provide orderly and adequate development of these needed amenities. In so doing, this will promote the safety and well-being of the citizens of Huntsville Town. Subsequently, there shall be provided, in certain zones in Huntsville Town, at the time of the construction of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles.

**15.23.2 Access to Lots in Subdivisions**

Access to lots in subdivisions shall be across the front lot line abutting a public or private street approved by the Huntsville Town Planning Commission or as otherwise approved by the Huntsville Town Appeal Authority.

**15.23.3 Parking Space for Non-Dwelling Buildings and Uses**

For new buildings and uses or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building there shall be provided:

Bed and Breakfast Inn	One space per each rental sleeping room in addition to the owner/host which requires two spaces
Church	One space per five fixed seats
Day Care Center	One space per employee plus one space per ten (10) children
Private School	One space per three students, plus one space per staff member
Hotel	One space per two sleeping units
Business Office	One space per professional staff plus four spaces for client use
Medical or Dental Office	Four spaces per professional staff plus one space per subordinate staff
Motel	One space per sleeping or living unit
Restaurant	One Space per eating booth or table
Retail Store	One space per 300 square feet of floor space in building
Service Repair Shop	At least four client spaces
Businesses not listed	one (1) parking space for each two (2) employees working on the highest employment shift
All other uses	Where uses are not specifically listed above, the Parking Requirements shall be recommended by the Huntsville Town Planning Commission and established by the Huntsville Town Council based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses

#### 15.23.4 Adjustments for Unusual and Unique Conditions

The Huntsville Town Council may adjust the required number of spaces listed in this chapter if in its determination that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted.

#### 15.23.5 Location of Parking Space

Parking space as required above shall be on the same lot with the main building, or in case of buildings other than a dwelling, may be located within the same block not farther than five hundred (500) feet there from.

#### 15.23.6 Computation of Parking Requirements

When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half shall be disregarded, and fractions including one-half and over shall require one parking space.

#### 15.23.7 Parking Lot Design and Maintenance

- A. Public Parking Lot Standards. Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface and shall have appropriate bumper guards or curbs where needed, as determined by the Huntsville Town Engineer to protect adjacent property owners or persons using a sidewalk. Surface drainage is not allowable across pedestrian walkways.
- B. Storm Drainage Facilities. Catch basins and drains shall be provided to collect surface drainage of all paved areas. The storm water runoff shall be determined by a Licensed Professional Engineer, registered in the State of Utah. A storm drain collection and detention facility shall be designed by a Licensed Professional Engineer, registered in the State of Utah. The storm drain collection and detention system shall include de-silting basins and facilities to mitigate the impact of runoff from parking lots.
- C. Maximum Yard Area to be Used for Parking and Vehicle Access Lanes. For all uses permitted in a residential-use zone, none of the front yard area required by the respective zones shall be used for parking, but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of non residential uses in a residential zone, not more than fifty percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- D. Additional Provisions. The design and maintenance of off-street parking facilities shall be subject to the following provisions:

All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property, and at maturity is not less than five feet nor more than seven feet high. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.

#### 15.23.8 Off-Street Truck Loading Space

On the same premise with every building or use involved in the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys.

#### 15.23.9 Regulations Governing Accessory Vehicle Off-Street Parking Within Required Side Yard Areas

One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed in one required side yard of a dwelling provided that:

- A. The dwelling unit has the minimum number of required off-street parking spaces as stipulated by Section 15.23.3.

- B. The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle.
- C. The appurtenant driveway to the slab must be tapered to use the existing driveway approach.
- D. Any slab constructed must remain open and unobstructed to the sky.
- E. No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.
- F. All storm water run-off from the hard surface of slab must be directed so as to prevent drainage onto adjacent properties.

#### **15.23.10 Off Site Improvements Required**

The applicant for a use permit in all commercial zones shall install improvements to the Public Works Standards and Technical Specifications of Huntsville Town. Improvements shall be installed within public or private streets along the entire property line which abuts the street. The Huntsville Town Council, considering the recommendations of the Huntsville Town Planning Commission may exempt such curb, gutter or sidewalk installation improvements.

## 15.24 MOTOR VEHICLE ACCESS

- 15.24.1 Purpose
- 15.24.2 Businesses Requiring Automobile Access
- 15.24.3 Vehicular Traffic to a Commercial Zone
- 15.24.4 Roadways and Curbs
- 15.24.5 Location of Gasoline Pumps
- 15.24.6 Location of Service Station Canopies

### 15.24.1 Purpose

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided.

### 15.24.2 Businesses Requiring Automobile Access

Service Stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the following requirements:

Access to the station or other structure or parking lot shall be by not more than two roadways for each one hundred feet or fraction thereof of frontage on any street, no two of said roadways shall be not more than thirty-four feet in width and shall not be closer than twenty (20) feet to the point of intersection of two property lines or at any street corner; and a curb, hedge or fence of not more than two feet in height shall be provided by the owner to limit access to the permitted roadway. Exception: Service Stations in Commercial Zones may have a maximum roadway width of 50 ft.

### 15.24.3 Vehicular Traffic to a Commercial Zone

Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in a commercial zone.

### 15.24.4 Roadways and Curbs

In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property except for permitted roadways. Concrete curbs shall be constructed and height, location and structural specifications shall be approved by the Huntsville Town Engineer, and the Huntsville Town Council upon the recommendations of the Huntsville Town Planning Commission.

### 15.24.5 Location of Gasoline Pumps

Gasoline pumps shall be set back not less than eighteen (18) feet from any street frontage to which the pump island is perpendicular to and twelve (12) feet from any street frontage to which the pump island is parallel to, and not less than ten (10) feet from a residential or agricultural zone property or boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

### 15.24.6 Location of Service Station Canopies

Service station canopies may extend into the required front yard of a service station site to cover pump islands and the adjacent vehicle service areas, provided such canopies are located not closer than five (5) feet to the front property line.

**15.25 SUBDIVISIONS****15.25.1 GENERAL PROVISIONS**

- 15.25.1.1 Purpose
- 15.25.1.2 Variations and Exceptions
- 15.25.1.3 Scope of Title
- 15.25.1.4 Preliminary Plan, General Requirements
- 15.25.1.5 Subdivision Preliminary Plan Requirements and Statements
- 15.25.1.6 Subdivision Preliminary Plan Recommendation and Approval
- 15.25.1.7 Limitations
- 15.25.1.8 Final Plat and Improvements
- 15.25.1.9 Final Improvement Plans
- 15.25.1.10 Approval of Final Plat
- 15.25.1.11 Final Plat - Minor Subdivisions
- 15.25.1.12 Vacating or Changing a Subdivision Plat

**15.25.1.1 Purpose**

The underlying purpose and intent of this Title is to promote the health, safety, convenience and general welfare of the inhabitants of the Huntsville Town in the matter of the subdivision of land and related matters affected by such a subdivision. Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and the neighborhood development of Huntsville Town, and the subdivider shall present evidence to this effect when requested to do so by the Huntsville Town Planning Commission.

**15.25.1.2 Variations and Exceptions**

In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this Title may be made by the Huntsville Town Council and/or the Appeal Authority. The Huntsville Town Council and the Appeal Authority will consider the recommendations of the Huntsville Town Planning Commission.

**15.25.1.3 Scope of Title**

No person shall subdivide any tract of land which is located wholly or in part in Huntsville Town, except in compliance with this Title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the Weber County Recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Title; provided, that this Title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to July 27, 1994.

No lot within a subdivision approved by the Huntsville Town Council and recorded in the Weber County Recorder's Office in accordance with the provisions of this Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded or any non-conforming lot without first obtaining the approval of the Huntsville Town Council.

**15.25.1.4 Preliminary Plan, General Requirements**

- A. Preliminary Information. Each person who proposes to subdivide land within the incorporated limits of Huntsville Town shall confer with the Huntsville Town Planning Commission before submitting any plats, charts, or plans in order to become familiar with the requirements of this Title. The subdivider shall also discuss the proposed plan of development of the tract with the Huntsville Town Planning Commission.
- B. Preliminary Plan Filing. A preliminary plan shall be prepared in conformation with the standards, rules, and regulations contained herein and eight (8) black and white prints thereof shall be submitted to the Huntsville Town Clerk who will disburse copies to each of the following for their information and recommendations of such

officials and departments as needed: the Huntsville Town Council, other Utah State agencies and any company furnishing telephone, electric, water or gas service.

- C. Preliminary Plan Application Fee. At the time of filing the preliminary plan, the subdivider shall deposit with the Huntsville Town Planning Commission office a non-refundable fee made payable to Huntsville Town. The Huntsville Town Council, shall by resolution from time to time, prescribe the amount of such fee, which shall be for the purpose of reimbursing Huntsville Town for the expense incidental in connection with the checking and approving of such subdivision plans.

#### 15.25.1.5 Subdivision Preliminary Plan Requirements and Statements

- A. Subdivision Preliminary Plan Requirements. The Subdivision Preliminary Plan shall be drawn to a scale not smaller than one hundred (100) feet to the inch and shall show:
1. The proposed name of the subdivision.
  2. The location as forming a part of a larger tract or parcel, where the plat submitted covered only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts, shall be submitted; and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
  3. Sufficient information to locate accurately the property shown on the plan, including Section Corner Ties.
  4. The individual or company names and addresses of the subdivider, the licensed engineer and licensed land surveyor for the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
  5. Contour map at intervals of no less than 2' minor and 5' major, or as recommended by the Huntsville Town Planning Commission.
  6. The boundary lines of the tract to be subdivided showing bearings and distances.
  7. The location, widths and other dimensions of all existing or platted streets and other important features such as water courses, irrigation ditches and structures, exceptional topography, easements and buildings within or immediately adjacent to the tract to be subdivided.
  8. Existing and proposed septic systems, storm drains, water supply mains, water wells, land drains, and culverts within the tract and immediately adjacent thereto.
  9. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
  10. North-pointing arrow, scale, and date of drawing creation.
- B. Plans or written Engineering Statements prepared by a Utah-licensed engineer regarding the width and type of proposed pavement, location, size, and type of proposed septic wastewater treatment system, proposed water mains and fire hydrants, proposed storm water drainage facilities, and other proposed improvements such as sidewalks, planting, parks, and any grading of individual lots.
- C. A written Statement of Feasibility from the Weber County Health Department or the Utah State Division of Water Quality which states recommendations regarding sanitary sewage disposal shall be provided to the Huntsville Town Planning Commission prior to the recommendation of Preliminary Approval.

#### 15.25.1.6 Subdivision Preliminary Plan Recommendation and Approval

- A. Recommendations of the Huntsville Town Planning Commission. Following a review of the preliminary plan, the Huntsville Town Planning Commission shall act on the Subdivision Preliminary Plan as submitted. If it is deemed by the Huntsville Town Planning Commission that modifications are required, the subdivider may resubmit the preliminary plan to the Huntsville Town Planning Commission.

Regardless of the recommendations of the Huntsville Town Planning Commission, the subdivider may request approval of the Subdivision from the Huntsville Town Council at the next regularly scheduled Huntsville Town Council meeting.



The Huntsville Town Planning Commission shall express its Written Recommendations with whatever suggestions and conditions to the subdivider and to the Huntsville Town Council within fifteen (15) days. If the preliminary plan is not recommended for approval by the Huntsville Town Planning Commission, the Huntsville Town Planning Commission shall indicate this in writing within fifteen (15) days to the subdivider and to the Huntsville Town Council.

- B. Approval/Disapproval of the Preliminary Plan by the Huntsville Town Council. The Huntsville Town Council, at its next regularly scheduled meeting after receiving the Written Recommendations of the Huntsville Town Planning Commission, shall consider and act on the matter of the Subdivision Preliminary Plan.

If it is deemed by the Huntsville Town Council that the Preliminary Plan is incomplete or is in violation of the Land Use Title or any other Ordinance of Huntsville Town, or that modifications to the Preliminary Plan are required, the Huntsville Town Council may deny approval of the Preliminary Plan.

And if it is acceptable to the subdivider, The Huntsville Town Council may also table approval/disapproval of the Preliminary Plan until the next regularly scheduled Town Council meeting, or a future Town Council meeting.

The Preliminary Plan shall then be resubmitted to the Huntsville Town Council for approval of the modifications. If approved, the Huntsville Town Council shall express its Written Approval, with accompanying conditions, to the subdivider within 15 days. If the preliminary plan is disapproved, the Huntsville Town Council shall express its Written Disapproval in writing, and reasons therefore, within fifteen (15) days to the subdivider. Written Approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the Final Plat and Improvement Plan (specifications for the minimum improvements) required in this Title.

#### 15.25.1.7 Limitations

- A. Time Limitation. Approval of the Subdivision Preliminary Plan by the Huntsville Town Council shall be valid for eighteen (18) months from the date of approval. Extensions of time may be granted by the Huntsville Town Council for a period of not longer than twelve (12) months upon submittal of a request for extension of time, and showing of good cause prior to the expiration of the initial approval.

No other time extensions shall be granted. The subdivider will have to start the subdivision process over. Self-imposed, and economic hardships are not basis for granting an extension. If the final plat has not been submitted within the twelve (12) months, the preliminary plan must again be submitted with appropriate fees to the Huntsville Town Planning Commission for review and re-approval; however, preliminary approval of a large tract shall not be voided provided that the final plat of the first section is submitted for final approval within the twelve (12) month period, and recorded within twelve (12) months from the date of final approval by the Huntsville Town Council. Subsequent phases will have to be recorded within twelve (12) months from the date of recording of the previous phase.

The subdivider will have twelve (12) months from the date of final plat submittal to obtain final plat approval, and record a phase of the subdivision. Each Phase of the subdivision after the first phase will have twelve (12) months from the date of recording of the prior phase to receive final approval of the next phase, and to record that phase of the subdivision. Extensions of time may be granted by the Huntsville Town Planning Commission for a period of not longer than twelve (12) months upon submittal of a request for extension of time, and showing of good cause prior to the expiration of the initial approval, or an approved extension of time. A second time extension may be requested, and if granted, the extension can be no longer than six (6) months. No other time extensions shall be granted. The subdivider will have to start the subdivision process over. Self-imposed, and economic hardships are not a basis for granting an extension.

- B. Grading Limitation. No large scale excavation, grading or re-grading, as determined by the Huntsville Town Planning Commission or the Huntsville Town Council shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Huntsville Town Planning Commission and then only in accordance with the Huntsville Town Excavation Title.

Preliminary Plan approval is required for any subdivision that requires new road improvements or engineering plans.

#### 15.25.1.8 Final Plat and Improvements

- A. Final Plat Required. After Subdivision Preliminary Plan approval, the subdivider shall submit a Final Plat with four (4) copies thereof to the Huntsville Town Planning Commission. Such plat shall be accompanied by a Letter of Certification by the subdivider's registered Land Surveyor, indicating that all lots meet the requirements of the Huntsville Town Land Use regulations.

The final plat and accompanying information shall be submitted to the Huntsville Town Planning Commission at least thirty- five (35) days prior to a regularly scheduled Huntsville Town Planning Commission meeting in order to be considered at said meeting. Notice of said meeting will be mailed or emailed to 1) "affected entities if multi-unit residential, commercial or industrial subdivision, 2) a) to the record owner of each parcel within specified parameters of that property, or b) posted, on the property to give notice to passers-by.

- B. Final Plat Requirements.

1. The Final Plat shall consist of a sheet of approved tracing linen or mylar to the outside or trim dimensions of twenty four (24) by thirty six (36) inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half (0.5) inch or a maximum of one and one half (1.5) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a Professional Land Surveyor, Licensed in the State of Utah. The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen or mylar with approved waterproof, black "India Drawing Ink". The plat shall be made to scale large enough to clearly show all details in any case not smaller than one hundred (100) feet to the inch and the workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall be signed by all parties mentioned in sub-paragraph 15.25.1.8.B.9 of this sub-title, duly authorized and required to sign, and shall contain the additional following information:
2. A subdivision name approved by the Weber County Recorder, and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall be shown on the top of the plat.
3. Where a subdivision complies with the Cluster Subdivision provisions of this Title, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."
4. A north point and scale of the drawing and the date. (Meaning the date, year, and month the survey markers were placed).
5. Accurately drawn boundaries, showing the distance and bearings of all lines traced or established by the survey, and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well.

The words "Basis of Bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available) shall be used in the survey and noted on the plat and the Basis of Bearing sufficient for retracement shall also be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described shall exist. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

6. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively

- under a definite system approved by the Huntsville Town Surveyor. All proposed streets shall be named or numbered consecutively under a definite system acceptable to the Huntsville Town Surveyor and conform as far as practicable to the adopted street naming and numbering system of Huntsville Town.
7. A house number indicating the street address for each lot in the subdivision shall be assigned by the Huntsville Town Surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights of ways shall have the address assigned and posted at the access point from a Huntsville Town Road.<sup>25</sup>
  8. Parcels of land to be dedicated as public park or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "Public Park" or "Private Common Open Space", whichever is applicable.
  9. The standard forms approved by the Huntsville Town Planning Commission for all subdivision plats lettered for the following:
    - a. Description of land to be included in subdivision;
    - b. Registered land surveyor's "Certificate of Survey";
    - c. Owner's dedication certificate;
    - d. Notary Public's acknowledgment;
    - e. Huntsville Town Council's certificate of approval;
    - f. Huntsville Town Engineer's certificate of approval;
    - g. Huntsville Town Attorney's certificate of approval;
    - h. Huntsville Town Clerk's certificate of attest.
    - i. Approved Surveyor's Certificate of Approval.
    - j. Weber-Morgan Health Department Certificate of Approval
  10. A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for recording information.
  11. The subdivision boundary corners and lot corners not affected by road construction shall be set on the site prior to recording of the final plat. Lot corners affected by road construction shall be set prior to issuance of a residential building permit. Front lot line corners may be permanently referenced in curbs after completion of streets. The subdivision boundary corners, lot corners and center line street monuments shall be noted on the final plat in conformance to the record of survey requirements.
  12. Map Narrative:
    - a. The map shall contain a written narrative that explains and identifies:
      - i. The purpose of the survey.
      - ii. The basis on which lines were established. The surveyor should explain what decisions he made in formulating the boundary such as the basis of bearing for the description or the use of any proration methods.
      - iii. The found monuments or deed elements that controlled the established or reestablished lines. If the description calls for any monuments in a broad sense of the term (right-of-way lines, subdivision boundaries, fences, etc.) the surveyor should indicate what he found relating to these calls.
    - b. If the narrative is a separate document, it shall also contain:
      - i. Location by quarter section or lot number, section number, township and range.
      - ii. Date of survey.
      - iii. Surveyor's stamp or seal and signature.
      - iv. Surveyor's business name and address.
    - c. The map and narrative shall be referenced to each other if they are separate documents.

<sup>25</sup> Amended 1-4-18: Title 15.25.1.8.B.7: Deleted "or private road."

13. Boundary Monument:
  - a. The minimum standard for a boundary monument shall be a number five rebar 24" in length. Where ground conditions do not permit such monumentation, substitute monuments must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the license number of the licensed surveyor performing the survey.
  - b. If the monument is set by a public officer, it shall be marked with the official title of the office.
14. Remaining Parcel. When a division of property leaves a remaining area of 5.00 acres or greater, then the remaining property will be described by metes and bounds description, on subdivision plat with the note: REMAINING AGRICULTURAL PARCEL, NOT APPROVED FOR DEVELOPMENT. This description can be on survey or prepared from records. If the description is prepared from records then this shall be so stated.
15. For subdivisions that are located in areas of Huntsville Town which are zoned for Agriculture (A-3), the following statement shall be required on each page of the final plat:

"Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Huntsville Town Land Use regulations for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."
16. For subdivisions that include lots, which will be partially or completely in the base flood plain (15.13) of any river, stream, watercourse, lake, or other body of standing water; a flood plain boundary and elevations of the flood plain shall be shown on the final plat. The lowest elevation of any inhabitable floor in any structure for each lot shall also be shown on the final plat.
17. On Final Subdivision Plats with 3 lots, and where no preliminary subdivision plans are required to be submitted, the location of buildings or structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown.

#### **15.25.1.9 Final Improvement Plans**

The subdivider shall furnish to the Huntsville Town Engineer at the same time of submittal of the Final Plat a complete set of Final Improvement Plans, signed and stamped by a Utah Licensed Professional Engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision together with the final plat. All such utility and road construction shall be in accordance with the adopted Huntsville Town Public Works Standards.

In addition, the following shall be required:

- A. Copies of Utility Contracts with applicable companies such as electric, gas, and telephone for services to the subdivision.
- B. As-built Plans shall be required prior to Huntsville Town Council acceptance for maintenance of roads. Upon the developer's completion of the construction of roads and utility lines, the developer's Engineer shall prepare and submit As-built Plans for all improvements for the approval of the Huntsville Town Engineer and the acceptance of roads for maintenance by Huntsville Town at which time the financial guarantee can be released.

#### **15.25.1.10 Approval of Final Plat**

- A. After approving and signing the Final Plat, the Huntsville Town Council shall submit the plat for approval to the Huntsville Town Engineer, who shall check the engineering requirements of the Final Plat and the Final Improvement Plans for the correct amount of Financial Guarantee, to assure the construction and completion of the required improvements.

After approval and signature by the Huntsville Town Engineer, the Final Plat and Financial Guarantee shall be submitted to the Huntsville Town Attorney and the Huntsville Town Council respectively, for their approval. The

Final Plat, bearing all official approvals, as above required, shall be deposited in the offices of the Weber County Recorder for recording at the expense of the subdivider.

Any Final Plat that receives a recommendation for final approval by the Huntsville Town Planning Commission shall be offered to the Huntsville Town Council for final approval and recording within twelve (12) months after that date of recommendation of final approval, unless the time is extended by the Huntsville Town Planning Commission. After twelve (12) months from that date, the plat shall not be recorded or be received for recording and shall have no validity whatsoever.

- B. No street improvements or utilities shall be installed until after approval of the Final Improvement Plans by the Huntsville Town Engineer. No lots included in the Final Plat shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

#### **15.25.1.11 Final Plat - Minor Subdivisions**

An expedited process is adopted for minor subdivisions (subdivisions of three (3) lots or less):

- A. Engineering Statements, as described in Title 15.25.1.5.B will not be required.
- B. Where the subdivision does not require any street dedication, the name and address of the subdivider's licensed engineer will not be required.
- C. Map elevation contours intervals will not be required on the Subdivision Preliminary Plan.
- D. In cases of minor subdivisions where there are no improvement requirements beyond the installation of water line laterals from an existing main in the street, water meters, and approval from the Weber County Health Department for a septic system, Final Improvement Plans will not be required. The subdivider shall provide such improvements within the subdivision, and any other improvements as shall be required by the Huntsville Town Council. Final Improvement Plans will not be required, at the discretion of the Huntsville Town Planning Commission, where all of the following conditions exist:
  - 1. The subdivision consists of not more than three (3) lots.
  - 2. The subdivision does not require the dedication of any land for roads, right-of-ways, or other public purposes.
  - 3. The subdivision is not traversed by the mapped lines of a proposed roadway or other dedications or easements required for public purposes.
  - 4. Each of the lots in the subdivision meets the frontage, width, and area requirements of the Zone in which it lies.
- E. A Final Subdivision Plat, as specified in this Title, will still be required for any subdivision within the Huntsville Town Limits.

These subdivisions shall be offered for recording within eighteen (18) months, from the date of the submittal of the Subdivision Preliminary Plan and the payment of all required fees to the Huntsville Town Planning Commission for processing. If the Final Subdivision Plat is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the proposed subdivision, with the accompanying appropriate fees, to begin the subdivision process for the same parcel of land.

Additional Documents. Unusual Conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic or environmental conditions or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing if applicable, and/or shall be recorded as a protective covenant attached to the lot or lots so affected rather than being described as notes on the plat.

**15.25.1.12 Vacating or Changing a Subdivision Plat**

Any petition to vacate or change a subdivision plat will be reviewed by the Huntsville Town Council at a public hearing. Notice of said meeting will be emailed to 1) “affected entities if multi-unit residential, commercial or industrial subdivision, 2) a) to the record owner of each parcel within specified parameters of that property, or b) posted, on the property to give notice to passers-by and published in a local newspaper for four (4) consecutive weeks.

**15.25.2 SUBDIVISION STANDARDS**

- 15.25.2.1 Relation to Adjoining Street Systems
- 15.25.2.2 Street and Alley Widths, Cul-de-Sacs, Easements
- 15.25.2.3 Blocks
- 15.25.2.4 Lots
- 15.25.2.5 Parks, School Sites and Other Public Places
- 15.25.2.6 Identification of Flood Plain
- 15.25.2.7 Power and Telephone Utilities

**15.25.2.1 Relation to Adjoining Street Systems**

- A. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the Huntsville Town Planning Commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they subdivide their own land and seek to provide for convenient access to it.
- B. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.

**15.25.2.2 Street and Alley Widths, Cul-de-Sacs, Easements**

- A. Street Dedication. Streets in subdivisions shall be dedicated to Huntsville Town as public streets.
- B. Streets shall conform to the width designated on the Huntsville Town Master Street Plan wherever a Subdivision falls in an area for which the street plan has been adopted. For territory where such a Street Plan has not been completed at the time the Subdivision Preliminary Plan is submitted to the Huntsville Town Planning Commission, streets shall be a minimum width of ninety-nine (99) feet.
- C. Alleys shall have a minimum width of thirty three (33) feet.
- D. Terminal streets (cul-de-sacs) shall be used only where unusual conditions exist which make other designs impossible. Each cul-de-sac must be a minimum of one hundred (100) feet in diameter. If surface water drainage is into the turn around due to the grade of the street, necessary catch basins and drainage easements shall be provided.

All temporary turnarounds at the ends of streets which will someday continue through to the adjacent property, shall be provided, with a road-base turning area thereof not less than one-hundred (100) feet in diameter, and to be available for public use so long as the terminal street (cul-de-sac) condition exists at the end of the road.

Minor terminal streets (cul-de-sacs) proposed in a subdivision of flat land where through streets are impossible, shall have a maximum length of 650 ft. to the beginning of the turnaround or may serve a maximum of 14 lots, which ever is greater.

- E. Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.
- F. Standard Street Sections. All proposed streets, whether public or private shall conform to the Utah State specifications.
- G. Street Grades. Except where due to special circumstances, street grades over sustained length shall not exceed 8 percent.
- H. Protection Strips. Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one (1) foot in width between said street and adjacent property, provided that an agreement with Huntsville Town, and approved by the Huntsville Town Attorney, has been made by the

subdivider, contracting to dedicate the one (1) foot or larger protection strip free of charge to Huntsville Town for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of the agreement.

#### 15.25.2.3 Blocks

- A. Blocks shall not exceed one thousand (1,000) feet in length. Blocks intended for business shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.
- B. Blocks intended for business use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.

#### 15.25.2.4 Lots

- A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future requirements.
- B. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Huntsville Town Land Use regulations for the zone in which the subdivision is located, or
  1. Except as otherwise permitted by the grant of a VARIANCE by the Huntsville Town Appeal Authority as authorized by the APPEAL AUTHORITY Title of the Land Use Titles.
  2. Where in accordance with the Cluster Subdivision provisions of the Land Use Title.
  3. As required by the Weber/Morgan County Health Department as being the minimum area necessary for a septic system and setbacks from natural channels and irrigations systems.
- C. Each lot shall abut on a public street, or an existing publicly dedicated street.
- D. Corner lots shall have extra width sufficient for maintenance and safety and provide the required building lines on both sides.
- E. Side lines of lots shall be approximately at right angle, or radial to the street property line, and at an angle of no less than eighty (80) degrees from the street property line.
- F. All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
- G. Where the land covered by a subdivision includes two or more parcels in separate ownership, and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer shall be certified to the Huntsville Town Planning Commission by the Weber County Recorder.
- H. Natural drainage and other easements. The Huntsville Town Council may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than twenty (20) feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the Huntsville Town Council.

#### 15.25.2.5 Parks, School Sites and Other Public Places

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other areas for public use. Any provision for such open spaces should indicate when and in what manner such areas will be dedicated to the Huntsville Town, on the Preliminary Plan, in order that it may be determined whether the site is suitable for acquisition and use by the appropriate agency.



**15.25.2.6 Identification of Flood Plain**

- A. The flood plain as used herein shall mean the relatively flat area or lowlands adjoining a river, stream, water course, lake or other body of standing water that has or may be covered by flood water.
- B. In subdivisions with flood plain, base flood and ground elevation data shall be provided for each lot by the developer and approved by the Huntsville Town Engineer. Such data shall appear on the final Subdivision Plat. If this data is not available, then this area shall be shown on the plat as non-buildable area, and all buildings shall be located out of the non-buildable area. Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such flood elevations.

**15.25.2.7 Power and Telephone Utilities**

All electric power, television, cable and telephone utility extensions to and in new subdivisions shall be installed underground to utility company specifications, except in those locations where the utility companies determine, and the Huntsville Town Planning Commission concurs that it is impractical due to steep terrain, inaccessible location, or other some other physical impediment exists with the land.

### 15.25.3 SUBDIVISION IMPROVEMENTS REQUIRED

- 15.25.3.1 Owner of Subdivision Responsible for Costs
- 15.25.3.2 Improvements Required
- 15.25.3.3 Guarantee of Improvements
- 15.25.3.4 Inspection of Improvements

#### 15.25.3.1 Owner of Subdivision Responsible for Costs

The owner of any land to be platted as a subdivision shall at his own expense install the following improvements, prior to recording the Final Subdivision Plat or except as provided in 15.25.3.2 below, according to the specifications and standards contained in the Public Work Standards and Technical Specifications of Huntsville Town, Utah. All public improvements will be constructed under the inspection of the Huntsville Town Engineer, except for septic systems which must be installed according to the specifications and under the inspection of the Weber/Morgan County Health Department.

#### 15.25.3.2 Improvements Required

##### A. Water Supply.

1. The subdivider shall install water lines, or shall contract with the Huntsville Town Culinary Water System to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot.
2. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber County Fire District.

##### B. Sewage Disposal.

1. The subdivider shall obtain approval from the Weber/Morgan County Health Department for individual sewage disposal for each of the lots. Subdividers must furnish to the Weber/Morgan County Health Department a report of soil percolation tests completed on the property proposed for subdivision in accordance with the Regulations of the Utah State Division of Water Quality and the Weber/Morgan County Health Department governing individual sewage disposal systems. Copies of the subdivision preliminary plan showing appropriate elevation contours must accompany the report and show thereon the location of test holes used in completing the tests. Percolation tests must be completed and reports prepared and signed by a qualified Utah Registered Sanitarian or a Utah Licensed Professional Engineer not in the employ of Weber County or Huntsville Town. Written Approval, Septic from the Weber/Morgan County Health Department shall be submitted to the Huntsville Town Planning Commission before consideration of the final plat.
2. Where a sewer treatment facility, such as a community septic system, is being approved by the Utah State Division of Water Quality, a Letter of Feasibility, Septic System is required for Preliminary Approval, and a Construction Permit from Utah State is required before Final Approval can be granted by the Huntsville Town Council.

##### C. Storm Water.

1. The Huntsville Town Engineer shall require the subdivider to effectively dispose of the storm water generated within the subdivision. The subdivider shall obtain required easements and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions, which is generally regarded to be 0.2 cubic feet per second per acre. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.
2. When drainage structures such as storm water detention and/or retention facilities are required by the Huntsville Town Engineer, Huntsville Town, at its option, may require the facility to be dedicated or

otherwise transferred to Huntsville Town or its designate. Huntsville Town may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes proposed in the subdivision with Articles of Incorporation filed with the Department of Commerce, Division of Corporations. Provision shall be made in said Association for the contracting with the Huntsville Town Engineer to do periodic inspections and maintain the drainage facilities. The Huntsville Town Engineer shall approve such inspection schedules. The purpose of the Association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the Huntsville Town Engineer. In such cases, Huntsville Town shall be granted an easement over the detention/retention facilities to guarantee such facilities will remain and be used as intended for storm water detention purposes.

- D. Street Grading and Surfacing. All public streets <sup>26</sup>shall be graded and surfaced in accordance with the Public Works Standards and Technical Specifications of Huntsville Town, and with approval by the Huntsville Town Engineer.
- E. Curbs and Gutter. Curbs and gutters may be required on existing and proposed streets, where in the opinion of the Huntsville Town Planning Commission and the Huntsville Town Engineer, they will be necessary to remove surface water, or for safety or other reasons. Curb and Gutter shall be installed by the subdivider in subdivisions along the abutting Utah State Highways if required by Utah State Department of Transportation.
- Many, if not most, areas of Huntsville Town are rural in nature and the installation of curb and gutter is not preferred. In general, curb and gutter is preferred only in newly developed commercial zones.
- F. Sidewalks. Sidewalks may be required by the Huntsville Town Planning Commission for reasons of safety and public welfare, or where the proposed subdivision is located within student walking distance, as established by the School District. In subdivisions where the average lot width is one hundred fifty (150) feet or more and not within walking distances of schools, sidewalks may not be required. Huntsville Town will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the Planning Authority and the Huntsville Town Engineer. Approved walking paths may be substituted for sidewalks.
- G. Street Monuments. Permanent street monuments shall be accurately set and established at such points as are necessary to precisely establish all property lines. Street Monuments shall be of a type specified in the Public Work Standards and Technical Specifications, and approved by the Huntsville Town Engineer and/or the approved Surveyor.
- H. Street Trees. Street trees shall be planted by the subdivider when so required by the Huntsville Town Planning Commission and of a variety and location as approved by the Huntsville Town Planning Commission.
- I. Street Signs. Street signs shall be installed by the subdivider at all locations as designated by the Huntsville Town Planning Commission, the Huntsville Town Council, and the Huntsville Town Engineer. Such signs shall be of such a type and of such material as shall be prescribed by the Huntsville Town Engineer. The Huntsville Town Planning Commission and/or the Huntsville Town Council shall have the option to install such signs and charge such costs to the subdivider.
- J. Fencing or piping of Canals, etc. A solid board, chain link, or other non-climbable fence not less than five (5) feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five cubic feet per second (5 cfs) or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Huntsville Town Planning Commission determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of Canals etc., shall not be required on subdivisions of three (3) or fewer lots, or where canals, are located six-hundred (600) ft. from the homes.

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<sup>26</sup> Amended 1-4-18: Title 15.25.3.2.D: Deleted, “private and private access.”

The Huntsville Town Planning Commission may also recommend to the Huntsville Town Council that the ditch be piped, with the size of the pipe to be determined by the Irrigation Company and the Huntsville Town Engineer.

- K. Staking Subdivision Corners. Survey markers shall be placed at all subdivision corners and lot corners so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements. This shall be accomplished before the subdivision is recorded.
- L. Peripheral Fencing. The Huntsville Town Planning Commission may require appropriate type fencing along the periphery of a subdivision in an agricultural zone so as to provide protection to adjacent farming lands from the adverse affects of residential living and vice versa.
- M. Secondary Water. Secondary Water is water furnished for other than culinary purposes. In Huntsville Town, secondary water is generally obtained from the Huntsville Town Waterworks Corporation. The Huntsville Town Planning Commission shall, as part of the approval of the subdivision, require the subdivider to furnish adequate secondary water and also to install a secondary water delivery system to the lots in said subdivision sufficient to conform to the Huntsville Town Public Works Standards and Technical Specifications. The policy of the Huntsville Town Culinary Water System is that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the subdivider.
- N. Fire Protection. Written Approval, Fire Safety, from the Weber Fire District approving the fire protection method employed shall be provided to the Huntsville Town Planning Commission prior to Final Approval of the subdivision by the Huntsville Town Council. Before a Building Permit or Land Use Permit is issued, the approved fire protection method shall be operational, all fees paid and a letter to this affect will be required from the Weber Fire District.

#### 15.25.3.3 Guarantee of Improvements

- A. All improvements shall be installed prior to the issuance of any Building and/or Land Use Permit within a newly approved subdivision through a Financial Guarantee of Improvements. This guarantee may take the following forms:
  - 1. The subdivider may furnish and file with the Huntsville Town Clerk a Bond for Improvements with corporate surety in the amount equal to the cost of the improvements not previously installed, as estimated by the Huntsville Town Engineer and Huntsville Town Council. The bond will be conditioned for the installation of such improvements within a period of two (2) years immediately following Final Approval of the subdivision by the Huntsville Town Council. The validity and form of this bond shall be approved by the Huntsville Town Council and the Huntsville Town Attorney.
  - 2. The subdivider may form an Escrow Agreement with Huntsville Town and deposit in an Escrow Account for Improvements, with an escrow holder approved by the Huntsville Town Council, an amount of money equal to the cost of the improvements not previously installed, as estimated by the Huntsville Town Engineer and Huntsville Town Council. The Escrow Agreement shall be conditioned for the installation of said improvements within two (2) years from Final Approval of the subdivision by the Huntsville Town Council, as aforesaid. The Escrow Agreement shall be approved by the Huntsville Town Council and the Huntsville Town Attorney and shall be filed with the Huntsville Town Clerk.
  - 3. The subdivider may execute, acknowledge, and cause to be recorded in the Office of the Recorder of Weber County, Utah, a Written Agreement with Huntsville Town by which he will covenant and agree that he will not lease or convey any of the subdivided property to anyone whomsoever unless he shall first, as a condition precedent thereto, either:
    - a. Install and pay for all of the improvements aforesaid necessary to the full, effective, and practical use and enjoyment thereof by the lessee or grantee of the lands to be conveyed, including, but not limited to, all street improvements in front of such property and thence along the dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest said existing improvements of the same kind or to the boundary of the subdivision nearest said existing improvements whichever is closer, or;

- b. File a bond as provided in 15.25.3.3.A.1 to secure the installation and/or completion of all uncompleted improvements specified in sub-paragraph (a) hereof.
  - c. The aforesaid Written Agreement shall specifically provide that it shall be deemed to be a covenant running with the subdivided lands, for the benefit of Huntsville Town, and shall particularly and accurately describe said lands. By said agreement the subdivider shall further give and grant to Huntsville Town a lien on said lands to secure performance of the covenant and agreement hereinbefore specified and to secure the installation of all of the improvements required by this Title, together with the payment of all costs, including reasonable attorney's fee, which Huntsville Town may incur in the enforcing any of the terms and provisions of said agreement.
- B. The only improvement that may not be required prior to construction of a dwelling is the asphalt on the road. All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one (1) year of asphalt placement on a new road, will require a special permit and will include requirements for special backfill and asphalt replacement, per the requirements and request of the Huntsville Town Engineer.
1. The subdivider shall guarantee the installation of improvements by one of the methods specified to allow the recording of a subdivision. The recording of the subdivision will allow the developer to sell the lots, but not allow Building and/or Land Use Permits to be issued until all improvements are installed, except for the asphalt and the subsequent chip and seal treatment on the road:
  2. For these improvements which will be required within two (2) years from the date at which the subdivision is deemed worthy of issuing Building and/or Land Use Permits, the subdivider may furnish and file with the Huntsville Town Council a Letter of Credit for Future Improvements from a Utah lending institution or an Escrow for Future Improvements from an approved Utah Escrow holder, in an amount equal to the future cost of the installation of the improvements at the termination of the financial guarantee period as estimated by the Huntsville Town Engineer. The letter of credit or escrow shall be approved by the Huntsville Town Council upon review and approval by the Huntsville Town Attorney.
- C. Upon the completion of improvements, ten percent (10%) of the approved Financial Guarantee of Improvements shall be retained by Huntsville Town for a period of one (1) year at which time, upon recommendation of the Huntsville Town Engineer, the roads may be accepted for ownership and maintenance by Huntsville Town.
- D. The Huntsville Town Planning Commission is authorized to prescribe by administrative rule or regulation, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the guarantee of improvements in strict compliance with the requirements of this Title.
- E. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time herein before specified. The subdivider shall be responsible for coordinating the installation of utility, street, water lines, fire hydrants, and all other required improvements with the buyers of lots.
- F. The Huntsville Town Engineer is authorized, at the request of the subdivider, to execute a release of portions of the Letter of Credit or Escrow Agreement when all obligations as to which have been fully performed by installation of the improvements.
- G. The subdivider shall deposit with Huntsville Town at the time of Final Plat Approval, an amount of money equal to the estimated cost of purchase and installation of the Traffic Control and Street Name signs required for proper completion of subdivision traffic direction.
- H. The subdivider shall deposit with Huntsville Town, at the time of Final Plat Approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision so that Huntsville Town may

install such monuments as soon as practical by giving the first opportunity to the subdividing surveyor or his designee.

- I. The subdivider's Financial Guarantee of Improvements completion shall provide that Huntsville Town may draw upon the guarantee escrowed funds and have the improvements completed in the event the subdivider does complete the improvements in a timely manner.

#### **15.25.3.4 Inspection of Improvements**

The Huntsville Town Engineer, Huntsville Town Building Inspector, and Weber County Health Department shall inspect, or cause to be inspected, all buildings, structures, streets, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or back-filled until such installations shall have been approved by the Huntsville Town Engineer, or the Utilities' representative. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the Huntsville Town Engineer.

**15.25.4 ENFORCEMENT, PERMITS, SIGNATURES**

- 15.25.4.1 Subdivision Approval Required for Permit
- 15.25.4.2 Subdivision Processing Fee
- 15.25.4.3 Subdivision Plat Signature Blocks

**15.25.4.1 Subdivision Approval Required for Permit**

The Huntsville Town Building Permit Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this Land Use Title. No Huntsville Town Officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision as defined herein, until such subdivision has been approved by the Huntsville Town Council and recorded in the Weber County Recorder's Office. Any license or permit issued in conflict with this Title shall be null and void.

**15.25.4.2 Subdivision Processing Fee**

All fees for the processing of subdivision applications shall be established by resolution, from time to time, by the Huntsville Town Council. In addition to other fees established by this ordinance, the following areas shall be considered for fee resolution:

- A. Planning Processing and Review. The procedure followed by the Huntsville Town Planning Commission in accordance with the Huntsville Town Land Use Title in reviewing, checking, requesting information, meeting with subdividers, and other activities associated with a proposed subdivisions leading to final approval by the Huntsville Town Council.
- B. Surveying and Engineering Review and Inspection. The work performed by the designated or contracted Huntsville Town Engineer and/or Huntsville Town Surveyor in reviewing, checking, requesting information, meeting with subdividers, and other activities associated with the subdivision proposed by the subdivider. This also includes the on-site inspection of the actual construction to ensure conformance with the Public Work Standards and Technical Specifications of Huntsville Town, Utah.

**15.25.4.3 Subdivision Plat Signature Blocks**

The following signature blocks, in the following form, shall be required on final Subdivision Plats filed with the Weber County Recorder.

A. Owner's Dedication

Owner's Dedication

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets (Private Streets, Private Rights-of-Way) as shown heron and name said tract \_\_\_\_\_(name of subdivision) \_\_\_\_\_, and do hereby:

[include as applicable]

1. Public Streets and Parks:

Dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares.

2. Private Streets, Access, Rights-of-way:

Dedicate and reserve unto themselves, their heirs, their grantees and assigns, a right-of-way to be used in common with all others within said subdivision (and those adjoining subdivisions that may be subdivided by the undersigned owners, their successors, or assigns) on, over and across all those portions or parts of said tract of land designated on said plat as Private Streets (Private Rights-of-Way) as access to the individual lots, to be maintained by a Lot (unit) Owners Association whose membership consists of said owners, their grantees, successors, or assigns.

3. Common Open Space:

Grant and convey to the subdivision Lot (unit) Owners Association, all those parts or portions of said tract of land designated as Common Areas to be used for recreational and open space purposes for the benefit of each Lot (unit) Owners Association member in common with all others in the subdivision and grant and dedicate to Huntsville Town a perpetual Open Space Right and Easement on and over the Common Areas to guarantee to Huntsville Town that the Common Areas remain open and undeveloped except for approved recreational, parking and open space purposes.

4. Public Utility, Drainage and Canal Maintenance Easements:

Grant and dedicate a perpetual right and easement over, upon and under the lands designated hereof as public utility, storm water detention ponds, drainage easements, and canal maintenance easement, the same to be used for the installation, maintenance, and operation of public utility service lines, storm drainage facilities, irrigation canals or for the perpetual preservation of water channels in their natural state whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements.

5. Private Land Drain Easements:

Grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, an easement over such land drains for the purpose of perpetual maintenance and operation.

6. Public Open Space:

Dedicate, grant and convey to Huntsville Town, Utah, or its designee, all those parts or portions of said tract of land designated as parks the same to be used as public open space.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Signature



B. Huntsville Town Attorney

HUNTSVILLE TOWN ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the Huntsville Town Ordinances applicable thereto and now in force and affect.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Signature  
Huntsville Town Attorney

C. Huntsville Town Surveyor

HUNTSVILLE TOWN SURVEYOR

I hereby certify that the Huntsville Town Surveyor’s Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in the Weber County Surveyor’s Office. The approval of this plat by the Huntsville Town Surveyor does not relieve the Licensed Land Surveyor, who executed this plat, from the responsibilities and/or liabilities associated therewith.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Signature  
Huntsville Town Surveyor

D. Huntsville Town Engineer

1. To be placed on the Improvement Drawings:

HUNTSVILLE TOWN ENGINEER

The improvement plans for this subdivision have been reviewed by the Huntsville Town Engineer for general conformance with the requirements of the Public Works Standards and Technical Specifications of Huntsville Town, Utah. This set of Huntsville Town approved drawings shall be used for construction of the required subdivision improvements. The developer’s engineer, whose stamp is on these drawings, is responsible for the accuracy of engineering design, drafting and related field information. Plan approval shall by no means be construed to indicate Huntsville Town acceptance for responsibility of engineering design. The construction contractor is responsible for dimensions which shall be confirmed and correlated at the job site; fabrication processes and techniques of construction; coordination of their work with that of all other trades; and the satisfactory performances of their work.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Signature, Huntsville Town Engineer

2. To be placed on the Subdivision Plat:

HUNTSVILLE TOWN ENGINEER

The improvement plans which accompany this subdivision plat have been reviewed by the Huntsville Town Engineer for general conformance with the requirements of the Public Works Standards and Technical Specifications of Huntsville Town, Utah. The set of Huntsville Town approved improvement drawings accompanying this plat shall be used for construction of the required subdivision improvements. The developer’s engineer, whose stamp is on the improvement drawings, is responsible for the accuracy of engineering design, drafting and related field information. Improvement plan approval shall by no means be construed to indicate Huntsville Town acceptance for responsibility of engineering design. The construction contractor is responsible for dimensions which shall be confirmed and correlated at the job site; fabrication processes and techniques of construction; coordination of their work with that of all other trades; and the satisfactory performances of their work.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Signature, Huntsville Town Engineer



E. Huntsville Town Council Acceptance

HUNTSVILLE TOWN COUNCIL ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways, and the financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Huntsville Town Council of Huntsville Town, Utah this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Signature  
Mayor, Huntsville Town, Utah

F. Huntsville Town Planning Commission Acceptance

HUNTSVILLE TOWN PLANNING COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways, and the financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Huntsville Town Planning Commission of Huntsville Town, Utah this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Signature  
Chairman Huntsville Town Planning Commission, Utah



**15.27 ANNEXATION**

- 15.27.1 Purpose
- 15.27.2 Procedures for Submission of an Annexation Request
- 15.27.3 Annexation Agreement, Extension of Needed Municipal Services in Developed and Developing Unincorporated Areas and Payment of the Same<sup>27</sup>
- 15.27.4 Estimate of Impact
- 15.27.5 Securing Land for Public Sites
- 15.27.6 Easements for Utilities
- 15.27.7 Assumption of outstanding Bonded Obligations
- 15.27.8 Public Roads
- 15.27.9 Lot Sizes
- 15.27.10 Underground Utilities

**15.27.1 Purpose**

In accordance with the provisions of Utah Code, Huntsville Town hereby adopts the following Utah Code compatible criteria for consideration of possible future annexations. The Huntsville Town General Annexation Criteria are as follows.

- A. As part of its ongoing effort to anticipate responsible growth, Huntsville Town has identified territory adjacent to its present Huntsville Town boundaries that could at some time in the future be a part of Huntsville Town. Areas considered for annexation must fall within the areas designated for future annexation in the Huntsville Town General Plan. Even though property proposed for annexation is located within the potential annexation expansion area, there is no guarantee that any annexation request will be approved by the Huntsville Town Council.
- B. The character of the Huntsville community is mixed residential, commercial, recreational, and agricultural. Areas considered for annexation should be compatible with this character. The annexed land shall be zoned to be compatible with surrounding uses within Huntsville Town and its nearby vicinity.
- A. Areas considered for annexation must be contiguous to the Corporate Limits of Huntsville Town at the time of submission of an annexation request.
- D. Areas considered for annexation shall not be located within the corporate limits of another incorporated town or be part of a previously filed annexation petition that has not been either denied, accepted, or approved.
- E. When feasible, Huntsville Town will consider as appropriate petitions for annexation, along boundaries of water improvements, special service districts, or other taxing entities.
- F. Annexation will eliminate existing, and not create, islands and peninsulas of unincorporated territory. When the determination of a peninsula is in question, the Weber County Surveyor will make the determination.
- G. Prevent overlapping functions of government.
- H. Promote efficient delivery of services.
- I. Encourage the equitable distribution of community resources and obligations.
- J. Give consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within Huntsville Town, in order to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers within Huntsville Town. Further, giving consideration that the cost of additional infrastructure services shall not burden current residents of Huntsville Town.

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<sup>11</sup> Amended 3-07-2013: Verbiage added to address water rights when annexation occurs.

- K. Huntsville Town does not favor the annexation of areas for which it does not have the capability nor the intention to provide municipal services.
- L. It is the policy of Huntsville Town to annex territory only if no enclave will be created thereby.
- M. To annex territory if Huntsville Town determines it is feasible to serve the area with utilities and other municipal services within a reasonable amount of time.

#### 15.27.2 Procedures for Submission of an Annexation Request

The following steps reflect a general summary of the requirements and procedures for processing an annexation request by Huntsville Town:

- A. Annexation Petition/Plat. An Annexation Petition accompanied by an Annexation Plat must be submitted to the Huntsville Town Clerk. Said petition shall:
  - 1. Be signed by private property owners of record which cover a simple majority of the area to be annexed. Said owners shall also represent at least one-third (1/3) of the assessed valuation of the private aggregate properties to be annexed, as reflected on the last tax assessment roles.
  - 2. Represent an area contiguous to the existing corporate limits of Huntsville Town and shown to be within the areas designated for consideration for annexation in the potential Expansion Area Map in the Huntsville Town General Plan.
  - 3. Include an Annexation Plat prepared by a Professional Surveyor, licensed in the State of Utah.
  - 4. Designate up to five (5) of the signers of the petition as Sponsors, one of whom shall be designated as the Contact Sponsor. Each sponsor's mailing address shall be included.
  - 5. Comply with any other applicable provision of the Utah Code, not stated herein.
- B. Petition Fees and Meeting Agenda. The Huntsville Town Clerk, upon receipt of a properly prepared Annexation Petition and accompanied by the proper Annexation Plat, shall collect such fees to recover the costs of processing said petition, as have been established by resolution by the Huntsville Town Council; and at that time shall place the petition on the Meeting Agenda for consideration at a regular Huntsville Town Planning Commission meeting within fourteen (14) days of its receipt.
- C. Huntsville Town Planning Commission Recommendations. The Huntsville Town Planning Commission shall review the annexation petition and shall vote upon and forward to the Huntsville Town Council their recommendation of acceptance or denial. The results of this review process will be issued as Recommendations.
- D. Huntsville Town Council Motion to Continue or Deny. The Recommendations of the Huntsville Town Planning Commission, concerning approval or disapproval and any recommendations it might have relating to zoning thereof, will then be forwarded to the Huntsville Town Council at the Huntsville Town Council's next regularly scheduled meeting. The Huntsville Town Council shall determine what questions and problems are presented by each petition for annexation and shall invite the petitioners to consult concerning the equitable solution thereof. The zoning of areas considered for annexation shall be governed and controlled at all times by the Land Use Title. At this point, the Huntsville Town Council shall take the opportunity to make a motion to continue the process or to deny continuation of the process.
- E. Memorandum of Understanding. If the Huntsville Town Council votes to continue the process of reviewing the Annexation Petition, the Council and the Petitioners shall endeavor, in good faith, to enter into a written Memorandum of Understanding identifying the issues, questions and problems presented by the annexation and the proposed solutions to those issues. The Memorandum of Understanding shall cover all points necessary to be considered in order to secure compliance with the annexation policy as set forth in this chapter. The Memorandum shall not be considered a binding contract between the Parties but shall be deemed an attempt by the Parties to identify the issues that need to be resolved prior to annexation and to provide a framework for the Parties to move forward in their attempt to resolve the issues identified during the annexation process.

- F. Huntsville Town Council Vote to Accept or Deny. After the Parties have completed the Memorandum of Understanding, the Huntsville Town Council, at the Huntsville Town Council's next regularly scheduled meeting, shall vote on the question of whether to accept the Annexation Petition and move the Petition to a public hearing.
- G. Notice of Certification. If the Annexation Petition is accepted, the Huntsville Town Clerk shall, within thirty (30) days, certify that the Annexation Petition/Plat meets the above requirements and send the required Notices of Certification, including a written notice to the Huntsville Town Council. If denied, the Huntsville Town Clerk shall send the required notices.
- H. Public Notice of Proposed Annexation and Written Protest. The Huntsville Town Council, within ten (10) days after receipt of the Recorder's Notice of Certification, shall publish a Notice of the Proposed Annexation at least once a week for three (3) consecutive weeks. Within twenty (20) days after the receipt of the recorder's notice of certification, the Huntsville Town Council must mail written Notice of the Proposed Annexation to each affected entity as defined in Utah State Law. The notice shall explain how a Written Protest is to be filed with Weber County within thirty (30) days after the date of the Huntsville Town Council's receipt of the certification notice. If a Written Protest is filed, it will be handled by the Weber County Boundary Commission. Upon receipt of the Weber County Boundary Commission's decision, the Huntsville Town Council may deny or approve the proposed annexation subject to the Boundary Commission's decision.
- I. Public Meeting. If no written protest is filed during the designated protest period, the Huntsville Town Council may set a public hearing, after a minimum seven (7) day notice, and consider an Ordinance to Grant the Proposed Annexation. After public comments are received, the Council may elect to table the Annexation Petition for further study or may vote to instruct the Town Attorney to prepare an Annexation Agreement between the Parties.
- J. Annexation Agreement. An Annexation Agreement, as described in the following section 15.27.3, will be prepared between Huntsville Town and the Applicants. The Annexation Agreement will specifically state that the Rights and Obligations of the Parties is contingent upon the Town Council passing an Ordinance to Grant the Proposed Annexation.
- K. Ordinance to Grant Proposed Annexation. After the Parties have completed an Annexation Agreement mutually agreeable to the Town and the Applicants, the Huntsville Town Council, at the Huntsville Town Council's next regularly scheduled meeting, shall consider an Ordinance to Grant the Proposed Annexation. A majority of four (4) of the five (5) members of the Huntsville Town Council will be required to pass an ordinance granting the proposed Annexation. If the Council approves the ordinance granting the Annexation, a copy of the duly certified Annexation Plat shall at once be filed in the office of the Weber County Recorder together with a certified copy of the Ordinance to Grant the Proposed Annexation. Copies of the Ordinance to Grant the Proposed Annexation shall likewise be filed with Huntsville Town Clerk and Weber County Recorder as provided by law (U.C.A. 10-2-401 et seq.).

### **15.27.3 Annexation Agreement, Extension of Needed Municipal Services in Developed and Developing Unincorporated Areas and Payment of the Same**

- A. In areas where municipal services are not presently extended, services will be extended on an as-needed basis by, and at the cost of the developer(s). All extensions of municipal services must comply with all Town Ordinances and Policy Criteria and will be paid for by the individual developer(s) or property owner(s).
- B. An Annexation Agreement will be prepared between Huntsville Town and petitioners for annexation outlining specific circumstances relating to water, streets, garbage, and all other services and infrastructure to be provided by Huntsville Town. Electricity, telecommunications, fiber optic/broadband, and other specific improvements and services provided by utilities with Franchise Rights granted by Huntsville Town must be provided for, and indicated in a Utility Contract or Agreement in writing prior to annexation approval. Evidence of this Utility Contract or Agreement must be presented to the Huntsville Town Council prior to approval of the Annexation Agreement.

- C. Land annexed to Huntsville Town shall be accompanied by water rights and water sources sufficient to accommodate the needs of all existing uses of water. However, any change to existing uses requiring water service to be provided by Huntsville Town will require the owner of the land to convey to Huntsville Town acceptable water rights sufficient to cover those new uses of water. Decreed or Certificated Water rights, of the type and quantity acceptable to Huntsville Town, and approved for municipal use within the Town of Huntsville by the Utah State Engineer shall be required to be conveyed to Huntsville Town as a condition of development, subdivision approval or issuance of a building permit on annexed property. Huntsville Town does not provide secondary irrigation water service and proof of adequate water service for all outdoor irrigation by a secondary water supplier approved by Huntsville Town shall also be required as a condition of development, subdivision approval, or issuance of a building permit. The water rights conveyance requirements for development shall be in addition to any requirement that may be imposed upon development of the land after annexation and in addition to appropriate Huntsville Town impact fees. Water requirements, as referenced by the previous paragraph, will be established on a case by case basis utilizing, among other things, Utah Division of Drinking Water standards and Utah Division of Water Rights regulations. Specific requirements may be contained in the Annexation Agreement, but the general guideline of 0.45 acre-feet for inside domestic use per residential building permit will be a minimum standard.
- D. The Annexation Agreement shall contain provisions requiring the petitioners seeking annexation to provide verifiable financial guarantees to insure the performance of commitments contained in the Memorandum of Understanding and any other requirements discovered during the annexation process, giving due consideration to the projected utilities and infrastructure to be required for areas which have none; the reasonably expected cost of utilities and infrastructure to serve areas under petition which already receive utility services (Huntsville Town and other); and the cost of utilities and infrastructure already installed which would serve or be in a position to serve the area under petition.

There are essentially two types of land parcels which may be considered for annexation: parcels with existing structures and legal occupancy; and parcels with no existing structures and no legal occupancy, such as agricultural land.

In order to serve parcels with existing structures and legal occupancy, the utilities and infrastructure required to serve the areas under petition shall be installed in accordance with the Roads Right-of-Ways Title of this Ordinance, which require, among other things, engineering design, drawings, contractor insurance, etc.

For parcels of land which do not have any existing residences and legal occupancy, and for which the petitioners intend to subdivide into buildable lots, the financial guarantee shall be identical to that required in the Subdivisions Title of this Ordinance. This type of a financial guarantee depends upon a design of improvements for a subdivision. Therefore, the process for annexation for this type of a parcel must follow the Subdivisions Title of this Ordinance.

This financial guarantee shall also insure the provisions of this and any other Huntsville Town Land Use Titles and any other requirements the Huntsville Town Council may deem necessary to carry out this particular instance of its annexation policy. The following financial guarantee options are available to the Petitioners but the option agreed to by the Parties will be set forth in the Annexation Agreement:

1. Execute and deposit with Huntsville Town Bond(s), which are certified as valid by the Huntsville Town Attorney. The Bond(s) must cover all provisions relating to the installation of municipal utility service lines and facilities, the furnishing of municipal utility service, and any other requirements of the Huntsville Town Ordinances. The amount of this bond will be set by an Engineer's Estimate, prepared by a Professional Engineer, Licensed in the State of Utah, plus ten percent (10%).
2. Pay to Huntsville Town such sum of money. The amount of this money will be set by an Engineer's Estimate, prepared by a Professional Engineer, Licensed in the State of Utah, plus ten percent (10%). To secure such payments the petitioners shall enter into a written Financial Contract with Huntsville Town. The Financial Contract may contain such other reasonable provisions relating to the installation of municipal utility service lines and facilities, the furnishing of municipal utility service, and any other



requirements of the Huntsville Town Ordinances, as the board shall deem fair and proper and agreed upon with the Petitioners. The contract shall be acknowledged by the parties and recorded.

3. Upon request, and upon completion of work by the petitioner's contractor, partial releases of the money upon such portion of the lands shall be executed, acknowledged and delivered by Huntsville Town; provided, that such releases in the judgment of Huntsville Town will not adversely affect the adequacy of the security remaining for the unfinished work of the total work to be completed. And provided further, that the partial release of money, in the judgment of Huntsville Town, will not be contrary to the interests of Huntsville Town from the standpoint of the orderly development of the lands involved.
4. In the event territory annexed includes land of owners who have not joined in the petition for annexation, and who have not agreed to pay or executed a contract agreeing to the sums specified in subsection (1) of this section, allocable to their respective lands, the Huntsville Town Council may establish municipal utility connection fees as a prerequisite to the rendering of municipal utility service to the lands. The connection fee shall be, as near as practicable, the monetary equivalent of the money payable by petitioners in connection with such annexation, due regard being given, to the expected requirements for utility service or facilities and the expected cost of providing utility service lines or facilities to serve the lands. Thereafter, no connection to any municipal utility service may be made to serve such lands or any part thereof, and no municipal utility service shall be rendered to the lands or the occupants thereof, or facilities constructed therefore, unless such connection fee for such utilities or facilities serving the lands shall first be paid.

After annexation, and within a reasonable time after request therefore, the annexation fees having been paid within the time specified by the Huntsville Town Council, Huntsville Town shall provide utility service lines to a point at or which Huntsville Town determines it to be reasonably accessible to the newly annexed lands. In most cases, this shall be the property line. The annexation will allow developers of the annexed property access to culinary water, and other services, provided all developments meet specifications and comply with the applicable Land Use Planning Title of this Ordinance and all improvements are installed pursuant to Huntsville Town Public Works Standards and Technical Specifications. The manner in which these amenities are developed will have a bearing on how they will be financed. Property taxes with increased valuation of property and sales tax will contribute to the general fund to help defray the added expenses Huntsville Town may incur by annexing these properties. In summary, the newly annexed developing areas shall finance the extension of needed municipal services, such as new water utility infrastructure, streets, signs, storm water pollution prevention facilities, culverts, monuments, sidewalks, and other capital improvements as development occurs.

Upon annexation, the newly annexed areas shall receive the following services:

- a. Culinary Water
- b. Police Protection
- c. Planning and Zoning, including enforcement
- d. Snow removal and Street maintenance on deeded, dedicated streets
- e. Curb side garbage collection
- f. Other Services provided by Huntsville Town

#### **15.27.4 Estimate of Impact**

It is not anticipated that the annexation will cause any adverse consequences to the residents in Huntsville Town or in the area annexed, except there may be a temporary, slight reduction in general services to Huntsville Town residents in the present Town limits as general services are expanded into the newly annexed territory.

It is anticipated that the residents in the territory considered for annexation will experience an increase in their property tax because of the difference in the certified tax rates in Weber County and Huntsville Town. It is further anticipated that

as newly annexed territory property taxes are received by Huntsville Town, Huntsville Town will increase the total level of services within the total community. Additionally, persons in the newly annexed territory may experience reductions in their fire insurance rates and property insurance rates.

As areas grow and become more populated, the demand and need for services increase. Once this policy plan is adopted and areas begin to develop, continual planning by Huntsville Town will allow development to occur in an economical manner, since homes, buildings, streets, and other amenities will be developed in accord with Huntsville Town specifications. The plan and time frame for the extension of municipal services will be determined by the interest of the property owners to subdivide and develop their property.

#### **15.27.5 Securing Land for Public Sites**

Huntsville Town may require the donation of land for public sites; which option may be exercised between the time of annexation and acceptance of any Subdivision Plat. Responsibility for the cost of any site improvements with respect to such sites is negotiable between Huntsville Town and the donor.

#### **15.27.6 Easements for Utilities**

Easements, or the fee title, as determined by Huntsville Town, shall be dedicated for storm sewer lines and ditches down natural drainage areas, and for culinary water lines and other culinary water infrastructure. Other utility infrastructure such as irrigation water, electric, gas, telephone and TV cable lines, will also require easements according to the requirements of the providing utilities.

These requirements will be indicated by the Utilities in the procurement of an Annexation Agreement, as discussed in Section 16.3 of this Chapter, where a Utility Contract or Agreement is required from the affected Utility. In the Utility Contract or Agreement, the Utility shall indicate that all sufficient easements have been provided, either directly, or through the shared use of a utility easement, to satisfy the installation requirements of the Utility.

#### **15.27.7 Assumption of Outstanding Bonded Obligations**

Outstanding bonded obligations involving special service districts, schools, etc., shall be paid by the annexing parties or assumed under mutually satisfactory agreements between and among Huntsville Town, the Service District(s), and the Annexation Petitioners. This would take the form of an Outstanding Bond Obligation Agreement.

#### **15.27.8 Public Roads**

In all annexed areas, the size and locations of roads, right-of-ways, and alleyways shall be determined before annexation occurs. Public roads shall be dedicated at the time of Annexation. The details of public road dedications shall be specified in the Annexation Agreement.

Existing or platted roads and rights-of-way shall be brought up to the Public Works Standards and Technical Specifications of Huntsville Town, if not already met.

All roads and alleyways must be extended to the next un-annexed parcel of ground, or to the farthest boundary of the annexed area.

All roads and alleyways must be extended to the next un-annexed parcel of ground, or to the farthest boundary of the annexed area.

#### **15.27.9 Lot Sizes**

It shall be recognized by the Petitioners that Huntsville Town does not allow in any of its zones, a lot smaller than 32,670 sq. ft., or three-quarters (3/4) of an acre.

**15.27.10 Underground Utilities**

In all areas annexed into Huntsville Town, all new utilities must be buried underground. All utilities must be extended to the next un-annexed parcel of ground, or to the farthest boundary of the annexed area.

**15.28 PENALTY, VALIDITY, AND REPEALER**

- 15.28.1 Penalty
- 15.28.2 Validity
- 15.28.3 Repealer

**15.28.1 Penalty**

Any person who shall violate any of the provisions of this Title 15 shall be guilty of a Class B misdemeanor.

**15.28.2 Validity**

If any section, sub-section, sentence, clause, or phrase of this Title, is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portion of this Title.

All Titles or parts of Titles in conflict herewith are hereby repealed.

**15.28.3 Repealer**

The Subdivision Regulations and the Zoning Regulations adopted previous to [insert date here]  
\_\_\_\_\_ by the Huntsville Town Council are hereby repealed.

## **Title 15.29 Specific Development Plan Overlay Zone.**

- 15.29.1 Purpose and Intent.
- 15.29.2 Use In Combination.
- 15.29.3 Variations to Underlying Zone Permitted.
- 15.29.4 Specific Development Plan Overlay Zone Maps.
- 15.29.5 Specific Development Plan Overlay Zone Text.
- 15.29.6 Exceptions to Development and Design Standards after Adoption of Plan and Zone.

### **15.29.1 Purpose and Intent.**

(1) The purpose of the Specific Development Plan ("SDP") Overlay zone is to create a regulatory tool to implement specific development plans adopted by the Town Council in the exercise of its legislative discretion as supplemental to Huntsville Town's General Plan, by creating a broad policy framework for enacting unique overlay zone regulations for a geographic area where a SDP is adopted.

(2) A SDP shall describe a development planned for a specific area in more detail than the General Plan. The SDP shall be adopted through a process involving input from the Planning Commission, property owners, neighbors, and key stakeholders, with final authority to approve the SDP vested with the Town Council. An SDP Overlay zone for a given area is written specifically to bring about the goals and objectives of an adopted SDP. The regulations and development standards of a SDP Overlay zone may vary from the standards of the underlying zone with which it is combined.

(3) As SDP Overlay zone districts are to be adopted in the C-1 zone only, following the process contained therein. They will be listed as sub-titles to Title 15.8, Commercial Zone C-1.

(4) It is the Town's intent to use SDP Overlay zones to encourage imaginative and efficient utilization of land, to develop a sense of community, and to insure compatibility with the surrounding neighborhoods and environment. It is also the Town's intent to provide land use and design standards that are tailored to a specific geographic area so that development outcomes are more predictable; provide greater compatibility with surrounding land uses than what may occur with conventional zoning; protect significant natural resources and avoid development on lands subject to natural hazards; and coordinate the development and design of properties, including large-scale facilities.

### **15.29.2 Use in Combination.**

The SDP Overlay zone may only be used in combination with the existing C-1 zone and shall become supplementary to the provisions of that zone. The SDP Overlay zone shall not be applied to a land area as an independent zone. Property to which an SDP Overlay zone has been applied shall be developed only in conformance with an approved SDP.

### **15.29.3 Variations to Underlying Zone Permitted.**

Upon combining an SDP Overlay zone with the existing C-1 zone, variations from the development standards of the C-1 zone may be permitted provided the variations are specifically adopted as part of an approved SDP or approved supporting documents. Variations from the underlying zone shall only be considered for the purpose of achieving better design as determined by the Town Council.

### **15.29.4 Specific Development Plan Overlay Zone Maps.**

A SDP Overlay zone shall include the following plan maps:

(1) A boundary map shall be prepared by the Town for every SDP Overlay zone. The boundary map, based on parcel boundaries or other surveyed boundaries, shall be used to delineate areas of the zoning district that lie within the Town's boundaries on the official zoning map. The zoning map shall identify such areas as "SDP", and shall include the name of the SDP area.

(2) Where a developer is interested in doing a development requiring an SDP, a conceptual development plan prepared by the developer, based on the proposed SDP, shall accompany each application for rezoning to a SDP Overlay zone.

**15.29.5 Specific Development Plan Overlay Zone Text.**<sup>28</sup>

Each SDP Overlay zone ordinance shall include the following provisions and standards:

- (1) The name and purpose of the zone. This section shall describe the zone in sufficient detail as to clarify the purpose and intent of the SDP Overlay zone regulations. It shall include maps, text, and conceptual development plan for the site in question.
- (2) Permitted land uses. This section shall identify permitted, conditional, and accessory land uses.
- (3) Land use standards. This section shall specify any required land use conditions (i.e., land use mix, density, buffering, etc.), and the review procedure required to review and approve each land use (design review, project plan review, conditional use, etc.).
- (4) Lot standards. This section shall specify requirements for new lots such as lot area, dimensions, and density, as applicable.
- (5) Building setbacks. This section shall provide setback standards for front, side and rear yards, as applicable.
- (6) Design standards. Each SDP Overlay zone shall include design standards to address building heights, building orientation, common and private open space, natural resource protection, architectural design, and any other provisions unique to the district.

**15.29.6 Exceptions to Development and Design Standards After Adoption of Plan and Zone.**

When an SDP is adopted and the subject property has been placed in an SDP Overlay Zone, the SDP and development standards associated with the zone shall be strictly construed. No variations shall be made from the SDP and standards adopted in the zone unless expressly reviewed by the Town Planning Commission and approved by the Town Council for the purpose of achieving better design. In taking such action, the guiding principle shall be that the amendment will result in better design, as determined by the Town Council.

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12 Amended 11-07-13: Added Specific Development Plan Overlay Zone.

## Huntsville Town Fence Ordinance<sup>29</sup>

### 15.30 Fencing

The materials used in a constructed fence are limited to materials made of wood, metal, concrete, masonry, stone or vinyl. The materials used to construct the fence shall be of dimensions and design commonly intended for typical fence construction and shall not be materials or reused materials that have been designed for another function and are now being used to create a fence. Where a fence is erected upon a retaining wall or where, for other reasons, there is a difference in the elevation of the surface of the land on either side of the fence, height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side of the fence, but nothing herein contained shall be construed to restrict to less than four feet (4') in height measured from the surface of the land on the site having the highest elevation.

- A. In residential zones fences that have razor ribbon or barbed wire are prohibited. A barbed wire fence would not be considered to be in violation of this provision if such fence material is used to repair or replace existing barbed wire fences where such fencing is for existing agricultural or pasture fences.
1. No fence or other similar structure shall be erected, installed, planted or maintained in any required front yard of a dwelling (portion of yard from front of house to the front property line) to a height in excess of four feet (4'); nor shall any fence or similar structure be erected in any side or rear yard to a height in excess of six feet (6') except fences created solely of living plant material. Decorative gates guarding a driveway may be erected to a height of eight feet (8').
  2. On corner lots in a residential zone, a fence may be erected, installed, planted or maintained in any side yard facing a street on a corner lot to a maximum height of four feet (4'), or to a maximum height of six feet (6') if the following conditions are met:
    - a. The fence shall not extend into the side yard area between the dwelling and street and shall be located exclusively in the side yard area immediately adjacent to the rear yard.
    - b. A clear view zone shall be maintained free of fencing when a driveway exists on the adjacent lot within ten feet (10') of the shared property line. The "clear view zone" refers to that portion of the corner lot lying within a triangular area formed by measuring back ten feet (10') from the point where the interior property line shared with the adjacent lot meets the property line along the public right of way.

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<sup>29</sup> Amended 7-2-2015: To add Fencing Ordinance Section.

B. In commercial zones fences that have razor ribbon are prohibited. Security fences may have up to three (3) strands of barbed wire provided that no strand of barbed wire shall be permitted less than six feet (6') high. The barbed wire strands shall not slant more than sixty degrees (60°) from a vertical line and shall not project over Town property. Fences with barbed wire shall not be allowed in the front yard setback.

1. No fence or other similar structure shall be erected, installed, planted or maintained to a height in excess of six feet (6') except fences created solely of living plant material.
2. Decorative gates guarding a driveway may be erected to a height of eight feet (8').



This Building Codes Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 1st day of June 2006.

\_\_\_\_\_  
Mayor, James C. McKay

ATTEST:

Dated this 1st day of June 2006.

\_\_\_\_\_  
Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Gault	___	___
Council Member Sorenson	___	___
Council Member Stevenson	___	___
Council Member Truett	___	___
Mayor McKay	___	___