

**HUNTSVILLE TOWN
ORDINANCE 2019-1-24-B**

ADDITIONS AND ENLARGEMENTS OF NON-COMPLYING BUILDINGS OR STRUCTURES

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.17.3 NONCOMPLYING BUILDINGS, NONCONFORMING USES, AND PARCELS - ADDITIONS AND ENLARGEMENTS: REVISING SUB-PARAGRAPH B TO ALLOW ADDITIONS AND ENLARGEMENTS TO NON-COMPLYING BUILDINGS OR STRUCTURES SO LONG AS SUCH ADDITIONS OR ENLARGEMENTS CONFORM TO ALL LAND USE REGULATIONS AND MEET CERTAIN SIZE REQUIREMENTS.

RECITALS

- A. WHEREAS**, Huntsville Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on January 24, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on February 28, 2019;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on March 7, 2019 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The Huntsville Municipal Code is hereby amended to read as follows:

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.
- B.** A non-complying building or structure shall not be added to or enlarged in any manner, unless such additions or enlargements comply with all of the regulations of the zone in which the non-complying building or structure is located.
- C.** A non-complying dwelling unit located in a residential zone shall not be added to or enlarged if the addition or enlargement is a separate dwelling attached with a breezeway or extension of the roof. Such additions or enlargements shall be considered to be separate dwellings and are prohibited if the elimination of the breezeway or roof extension would not destroy the functionality of the addition as a separate dwelling unit. Nothing in this ordinance shall be construed to allow two dwelling units to be

built on a single residential lot regardless of whether the structures are attached by a breezeway, roof extension or other attachment.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall take effect immediately upon mayoral approval and posting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett				
CM Max Ferre'				
CM McKay				
CM Bill Wangsgard				
CM Bill White				

PASSED AND ADOPTED by the Town Council on this 7 day of March 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this 7 day of March 2019