

**HUNTSVILLE TOWN
ORDINANCE 2021-XX-XX**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.4
CONDITIONAL USE REGULATIONS.**

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**, the Town’s conditional use regulations have been deemed inadequate to appropriately mitigate potential detrimental effects of conditional uses due to the lack of identifiable standards as required by Subsection 10-9a-507 of the Utah Code Annotated, 1953, as amended;
- D. **WHEREAS**, the proposed change to the ordinance brings the Town’s conditional use regulations in compliance with Subsection 10-9a-507 of the Utah Code Annotated, 1953, as amended;
- E. **WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on <DATE> to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on <DATE>.
- F. **WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on <DATE> 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 Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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:

15.6.2 Use Regulations

15.4 CONDITIONAL USES

15.4.1 Purpose

The purpose of Conditional Uses is to allow a land use that, because of its unique characteristics or potential impact on the Town, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. ~~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 [the](#) permittee's 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 [to mitigate the reasonably anticipated detrimental effects of the proposed use](#).~~for the protection of adjacent properties and the public welfare.~~ The applicant shall be notified of the decision.

The Huntsville Town Council may [adopt, modify, or reject](#)~~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

A. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards set forth in 15.4.6.

B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

~~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 Conditional Use Standards

A. The following conditions may be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use:

1. On-site security, security system, or security plan.
2. Additional set-backs or landscaping.
3. Additional storm water facilities or retention.
4. Sign limitations.
5. Easements, covenants, deed restrictions, or similar limitations.

- [6. Limits on hours of operation, in whole or part.](#)
- [7. Limits on hours of operation of equipment or machinery.](#)
- [8. Limits on the types of equipment or machinery.](#)
- [9. Height limits.](#)
- [10. Size limits.](#)
- [11. Density limits.](#)
- [12. Structural limits.](#)
- [13. Time limits for construction, temporary uses, limited uses, or limited operation.](#)
- [14. Limits on number of objects or animals.](#)
- [15. Conditions to limit light, glare, or heat.](#)
- [16. Conditions to limit vibration, movement, odor, or noise.](#)
- [17. Architectural, fencing, landscaping, or design mitigation.](#)
- [18. Limits on number of employees, patrons, or automobiles.](#)
- [19. Traffic regulations, congestion reduction measures, and limited access.](#)
- [20. Limitations to improve public health.](#)
- [21. Limitations to improve public safety.](#)
- [22. Any other condition to mitigate anticipated detrimental impacts.](#)

15.4.67 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 ensure 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.

15.4.78 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.

15.4.89 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.

VOTES:	AYES	NAYS	EXCUSED	RECUSED
Mayor Truett				
CM Max Ferre'				
CM Blake Bingham				
CM Wendy McKay				
CM Richard Sorenson				

PASSED AND ADOPTED by the Town Council on this <DATE>.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this <Month/Day/Year>