

MINUTES OF THE HUNTSVILLE TOWN PLANNING COMMISSION MEETING

MEETING DATE: May 27th, 2021
PLACE: Town Hall with Zoom access
7309 East 200 South, Huntsville Utah
TIME: 7:00 p.m.

NAME	TITLE	STATUS
Doug Allen	Planning Commission Chair	Present
Sandy Hunter	Planning Commissioner	Present
Liz Poulter	Planning Commissioner	Present
Jeff Larsen	Planning Commissioner	Present
Larel Parkinson	Planning Commissioner	Present
Steve Songer	Planning Commissioner	Present
Blake Bingham	Town Council Liaison	Present
Beckki Endicott	Recorder	Present
Bill Morris	Town Attorney	Present

Citizens: Steve Johnson, Jen Simpson, Marco Frias, Josh Gill, Tommy Christie, Mark Bates, Rich A Wilder Jr., Bill White, Alane White, Artie Powell, (Via Zoom)- Janet & Jordan Hoover, Ronald Gault, Josh Garner

1-Roll Call: Chairman Allen welcomed all who are attending the meeting. Beckki Endicott introduced and welcomed Shannon Smith as the new assistant Clerk/Recorder. Roll Call attendance taken By Chairman Allen.

2-Approval of Minutes for Planning Commission Meeting 4-22-21. (See Attachment #1) PCM Sandy Hunter motioned to approve the amended minutes from April 22nd, 2021. PCM Steve Songer seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

3-Discussion and/or action on Land Use Permit for Bill White .25-acre park lot, Parcel #24100014, 280 South 7500 East. (See Attachment #2)

Bill spoke on his behalf for the reasons why the committee should consider his lot buildable. Bill recounted the Land Use Permit he applied for in April, 2021 for a Pole Barn. He continued to explain that as he was planning his pole barn the idea of fitting a small house came up. Bill had a

discussion with his septic consultant on the possibility of installing a smaller septic on the lot and it was deemed possible. The lot was subdivided in 1949. In 2014 the lot was put up for sale. There was an interested buyer at the time, who was told the lot was not buildable due to its small size. The owners of the lot were upset by this decision by the Town and threatened to sue. Bill White approached the sellers and offered to buy the lot, it closed in a few days. Bill was under the assumption that the lot was unbuildable due to its size. Bill recently looked into the Town ordinances, 14.17.14 states that if the lot was subdivided before 1992 and of a legal size at the time of subdivision, then it is considered buildable. In 1992 the State of Utah passed a law stating that if you want to subdivide a lot you need to obtain permission from the town/county where the lot is located. Bill was unable to find an ordinance regarding lot size and subdivision in 1949, he commented that they might not have existed at the time. Bill commented that he has tried everything he could to rejoin the other part of the lot that his lot was subdivided from. He offered to purchase the rest of the original lot or sell his portion to bring the lot its original size but has been unable to make progress on that front.

PMC Sandy Hunter questioned Bill about his interest in the Town possible purchasing the lot from him. Bill comments that it would have more value as a house which he would prefer or even as a barn site if the house was not approved.

Chairman Allen asked for discussion/questions on the topic. He asked Ron if he recalled when the PC was formed. Ron was not sure of a specific date but has records from the middle 1980's with reference to the planning commission.

PMC Sandy Hunter comments on the Ordinance 15.17.14, regarding foot note 37. Then Paragraph A and B were read by PCM Sandy. Ron commented that he believes the foot note was added as a clarification, referring to TCM Blake Bingham's previous comment about the foot note, it was questioned if the foot note qualified as a defining ordinance or is it only a clarification. Beckki commented that it is possible the title was added at that time. Blake gave his opinion that if the foot note was meant to clarify the intent of the ordinance, then the rule is clear, if it is intended to reflect the prior ordinance it was amended from then it would be a dilemma. Ron referenced 2013, there was a lot in Town smaller than $\frac{3}{4}$ acre. The owner was inquiring if they were able to build a home on the lot. He believed that was when the foot note came about. PCM Steve Songer stated that if the lot referenced by PCM Blake Bingham was deemed buildable then Bill's lot in question would also be buildable by the same rule.

PCM Steve Songer also asked Bill to clarify the setbacks required. There was some discussion between Steve and Blake on setbacks required on a non-conforming lot. Bill stated that his proposed site plan does meet the current setback requirements, it also will meet the coverage requirements for the code. He stated that a barn and a house would not fit on the lot, which is why he is requesting a Land Use Permit now for the house. Bill knows that he will not be able to build both structures due to the size of the lot.

PCM Liz Poulter voiced concerns about allowing this lot to be built on, and the precedent it would set. TCM Blake Bingham commented that it would indeed set a precedent. Concerns were raised on this issue. Committee agrees that the Ordinance is what they must base their decision on.

PCM Jeff Larsen motioned to approve the Land Use permit for Bill White Parcel #24100014 280 South 7500 East. PCM Sandy Hunter seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

The PC discussed need to amend ordinance 15.17.14 to include the information in the footnote 37 as part of the ordinance. To be put on the agenda for next meeting.

4-Discussion and/or action on Land Use Permit for Dale Maxwell pool, Parcel #2000590006, 6880 East 200 North.

The Address was corrected from 6685 to 6680. PCM Steve Songer questioned the easement on the property in question. The easement is Town property. An agreement was made, in the past, that the Maxwells could use the property, but they could not own it. He mentioned that Mayor McKay wrote this agreement up. The Town helped landscape it and the homeowners have been maintaining it ever since. Blake went over the lot size to compare to the plans submitted. The easement is not included in the lot per the plans submitted by the Maxwell's. Chairman Allen commented on the issue of coverage. There was an issue brought before the Town Council recently, where the PC was requesting that recreation areas, e.g., tennis courts, pools. The Town Council tabled this issue and has yet to decide on this.

Chairman Allen felt like the PC needed to table this Land Use Permit until the Town Council revises the Ordinance. More information was also needed from Maxwell's.

PMC Sandy Hunter motioned to table the issue of the Land Use Permit for Dale Maxwell pool, Parcel #2000590006, 6880 East 200 North. PCM Liz Poulter seconded the motion. All Votes Aye. Motion Passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

5-Discussion and/or action on Land Use Permit for Josh and Katie Garner, Parcel # 241390002, 6685 East 100 South. (See Attachment #3)

Mark Bates was present at the meeting to represent the Garner's. Josh Garner was in the meeting Via Zoom.

Chairman Allen requested to see the elevation plan. To assure that the house would not exceed 35 feet in height. Mark commented the highest point is 28 feet. The Plans were reviewed to clarify measurements.

PCM Sandy Hunter questioned Josh about the lot on the far east side of the subdivision. The boundary between Gardner's and Kyle's, on the west side, extended further out then the older drawing. Clarification on the current boundary lines were discussed. Parcel Numbers were adjusted when the boundary lines changed. Josh provided the committee with the revised numbers. 24-158-0002 (lot 10- Garner) and 24-158-0001 (lot 9).

PCM Liz Poulter motioned to recommend for approval the Land Use Permit for Josh and Katie Garner, Parcel # 24-158-0002, 6685 East 100 South. PCM Steve Songer seconded the motion. All Vote Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

6-Discussion and/or action on Land Use Permit for Tommy Christie pole barn

Parcel # 240140025, 7340 East 200 South. (See Attachment #4)

Tommy Christie spoke to discuss the sight and the proposed pole barn plan. The pole barn is proposed to have an enclosed structure and a lean-to, for a total footprint of about 1600 sq ft. The structure will be 40x40. The pole barn will have electric and no water.

PCM Sandy Hunter motioned to approve the Land Use Permit for Parcel # 240140025 7340 East 200 South. PCM Liz Poulter seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

7-Discussion and/or action on Land Use Permit for Rich Wilder Barn, Parcel # 240170031, 135 South 6900 East. (See Attachment #5)

Rich Wilder was present and spoke regarding his barn. It will have concrete foundation. It will be a height or 25-27 feet. The plan submitted was not to scale, the barn to be closer to the existing potting shed then shown. Building dimensions as follows, left side 60 feet long, 48 feet on the right side. 14 feet and 10-foot garage doors to be included. North facing roof with gables on the North. Access to the barn through the alley on the west side of the building. Stipulation to include a max height of 35 feet. Not stated on plan.

PCM Jeff Larsen motioned to approve the Land Use Permit Rich Wilder Barn, Parcel # 240170031, 135 South 6900 East. PCM Sandy Hunter seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

8-Discussion and/or action on renewal of Land Use Permit for Jordan Curtis,
Parcel # 240190015 (per record) 360 South 7700 East. (See Attachment #6)

Jordan present Via Zoom, Chairman Allen has concerns about the property line and setbacks. Jordan discussed process of getting a building permit if the Land Use Permit was approved. Liz Poulter commented that more information was needed to approve this Permit. Jordan requested a contingent approval based on the measurements being re-done and setbacks within the code. The measurements need to be done accurately to the property line. Blake commented that the existing house is measured 31 feet from property line per the survey plot. The barn is planned to be flush with the face of the existing house. Based on that info the proposed barn would meet the setback requirements.

PCM Sandy Hunter to approve the Land Use Permit for the Jordan Curtis, with the stipulation that the Barn will be flush with the Existing house, 360 South 7700 East. PCM Steve Songer seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

Beckki brought up a question about the Breeze way between the house and the barn, if the 10 foot space included the over hangs. Jordan has not decided a final plan for the breeze way at this time. The final plan will be submitted when the building permit is applied for.

9-Discussion and/or action on Land Use Permit for Kerry Wangsgard Mobile Home,
Parcel # 240180052 698 South 7600 East. (See Attachment #7)

Kerry Wangsgard was not present at the meeting. Kerry submitted an appeal to the variance board that was granted. Chairman Allen stated that he had questions for Kerry and questions about the building permit. Beckki states that she has not received detailed plans from Kerry, she has received the building permit application. The Plans he did submit are not sufficient to be granted a building permit. Kerry will need to go to Weber-Morgan Health and have officially stamped plans. Beckki will contact Kerry Wangsgard to notify him his application is incomplete. Chairman Allen questioned the correctness of the address for the lot in question. Liz commented on a stipulation, in addition to what the appeals letter states, that the new Mobile home can be no longer than 56 feet and 13.4 feet wide. Chairman Allen referenced the original letter the appeals committee sent Kerry, this letter states that because he does not have legal access to the property, they are allowing him to replace the trailer, since he cannot build on the lot. Beckki encouraged the PC to look further into the letter Chairman Allen referenced. Blake stated that he recommended that the PMC condition approval of the first decision as amended by the second decision, that way both decisions are incorporated. TCM Blake Bingham commented that as far

as legal access, he believes Kerry has legal easement access through private property. Dates of the Letters in Discussion as follows, 1st letter sent to Kerry Wangsgard Jan 7th, 2020. Second letter sent Oct 22nd, 2020, Third letter May 5th, 2021. All letter generated from the appeals court.

PCM Jeff Larsen motioned to approve the Land Use Permit for Kerry Wangsgard Mobile Home, Parcel # 240180052 698 South 7600 East. PCM Liz Poulter seconded the motion.

Jeff Larsen Motioned to amend the above motion, subject to the letters from the appeals board, Dated 1-7-2020, 10-22-2020 and 5-5-2021. With the stipulation that the trailer is no longer than 56 feet long and 13.4 feet wide. PCM Liz Poulter seconded the amended motion.

All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

10-Discussion and/or action on Land Use Permit for Hoover Shed, Parcel #2401200006, 7255 East 300 South. (See Attachment #8)

The Hoover's attended the meeting via Zoom. The Hoover's variance was approved by the Appeals Committee, to reduce the set back from the standard 10-foot to a 6-foot setback. The Appeals Committee stated that since the Hoovers lot is a conforming lot and smaller than most lots in town, the 6-foot set back is beneficial for booth Hoover's and neighbors to the East. A stipulation was stated by the Appeals Authority that a snow guard was to be included on the roof of the shed to prevent snow falling off and damaging fence.

Chairman Allen recalled the issue brought up last month regarding the coverage of the lot. Blake stated that the calculations were made with error at the last meeting and the shed as proposed is an approvable size. Total coverage of the lot not to exceed 35% of total lot. The shed to be 12-13 feet in height. Plan submitted includes all measurements of lot and shed as well as the existing house.

PCM Liz Poulter motioned to recommend for approval the Land Use Permit for Hoover Shed, Parcel #2401200006, 7255 East 300 South. PCM Steve Songer seconded the motion. Roll Call Vote. All votes Aye. Motion passes. Votes are reflected below.

Motion amended by PCM Liz Poulter to include the conditions set by the variance board, approval of 6-foot setback instead of a 10-foot setback. Also shed to include snow guards on the roof. PCM Steve Songer seconded the appended motion.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

11- PH for Ordinance 2021-5-27: Land Use Consent items

Chairman Allen commented on the Ordinance up for discussion. At the current time there is no person filling the role of Land Use coordinator. This ordinance allows the Land Use coordinator to approve Land Use Permits for smaller projects and ones that cannot wait for long periods of time e.g., solar panels. Chairman Allen asked if Jared, the town engineer, would be able to help with the position in discussion. This would not be in his jurisdiction. Sunrise, who Jared is employed through, is contracted with the town for building and engineering.

PCM Sandy Hunter Motioned to close regular meeting and open Public Hearing for Ordinance 2021-5-27: Land Use Consent items, PCM Jeff Larsen seconded the motion.

All votes Aye. Motion passes. Votes are reflected below

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

There were no Public comments.

PCM Larel Parkinson motioned to close public hearing and resume regular PC meeting.
PCM Sandy Hunter seconded the motion.

12) Discussion and or action on Ordinance 2021-5-27

PCM Sand Hunter motioned for approval of **Ordinance 2021-5-27: Land Use Consent items**, PCM Larel Parkinson seconded the motion. All votes Aye. Motion passes. Votes are reflected below

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

13-Public Comments.

PCM Sandy Hunter expressed concerns about the Kerry Wangsgard parcel number. Kerry's lot was subdivided through Weber County without prior approval from the Town. The PC discussed the situation based off of information from Weber County. TCM Blake Bingham commented on the PC's desire for the Kerry Wangsgard to be under one parcel number. The PC would need to formally submit a complaint to the new code enforcement officer, that officer will research the situation and can submit a land use violation notice. Chairman Allen expressed concerns about the change in leadership and issues, like this, being forgotten. Chairman Allen volunteers to take action on this issue. Blake cautioned that taking this action could lead to litigation.

PCM Sandy Hunter expressed concerns about the address/parcel number issue for the Wangsgard lot needing to be on record for reference on future possible actions regarding this lot. PCM Sany Hunter was concerned with the way Weber County recorder might handle the non-compliance lot in the future. Beckki commented on procedure with the Weber County Recorder, in regards to a similar situation inTtown with a non-compliant lot.

Chairman Allen questioned Blake about replacing the Chairman's report with Current Events presented by Blake Bingham. Blake agreed to this.

14-Chairman's Remarks/ Current Events (By Blake). Chairman Allen thanked all for the discussion.

Blake- presented on the sale of town hall. The plan is to build Community Center with money awarded by CBGD grant. Beccki conducted an income survey, and the Town was approved

\$400,00 for a Community Center. The Community Center will also have a section for the new Town hall and some of its office employee's. The estimated cost calculated by Blake for a new community center and Town Hall is approximately 1.1-1.5 million dollars. The sale of the current Town Hall was brought up to cover the rest of the cost for the Community Center. The plan is to use the money from the sale of the current Town Hall along with the CBGD grant funds, to cover the cost of the new community center. The location is planned to be East of the Compass Rose hotel.

The Marriott/ Slaterville Community Center was used as a model for the proposed Huntsville Community Center. These plans have been in the works for a while. There has been several Public Hearings on the matter as well as Town Council meetings. The Approximate square footage of the structure will be 8,000. Including a single story and a basement. Issues were raised about the need for a new town hall. Liz Poulter questioned the need for a new building. Beccki spoke on behalf of the need for the Community Center. There is a need for a larger working space for employees as well as a larger meeting area for the community.

CW Lands meet with Blake and the Mayor. The consensus was that the Town Council and Planning Commission need to have a joint work session. There is a need to develop a sequence of events that need to happen with annexation.

Helicopter pad issue: Blake sent an e-mail to town council to establish a position on the helicopter pad. Blake is personally opposed and suggested to draft address a letter with mild opposition on this issue. Noise issues, environmental impact, wildlife ramification, are some of the concerns. The Town has opposed helicopter landing in the past.

PCM Liz Poulter comments on Forest Service closing a specific trail. Blake stated that it needed to be handed off to the Code Compliance Committee. Beccki commented to the Forest trail issue. She stated that public access can be closed off by private property owners, to the forest land access point, if that property crosses the Forest Service property. Prescriptive easement was mentioned, by PCM Liz Poulter, on the land access to the Forest Service land, via private property. Chairman Allen commented that he and Sean went on location and used the GPS to confirm that part of the trail in question does go onto private property.

14-Motion to adjourn.

PCM Sandy Hunter made a motion to adjourn the meeting. PCM Liz Poulter seconded the motion. All votes Aye. Motion Passes.

Meeting is adjourned at 9:15 p.m.

Shannon Smith, Asst. Clerk



LAND USE PERMIT

Huntsville Town Building Inspection

7309 E. 200 S.

P.O. Box 267, Huntsville, UT 84317

Tax ID # 177-0003 ~~20-014-0013~~ (801) 745-3420

Address of Structure 170 North 6500 East, Huntsville

Name & Address of Owner/Owners Jeff Keeney Keeney

The above described Site Plan has been reviewed for setback compliance by the Huntsville Town Planning Commission on: 6-24-2021

Set Backs Approved: Yes X No

Any special stipulations and conditions of the Site Plan Review: NONE

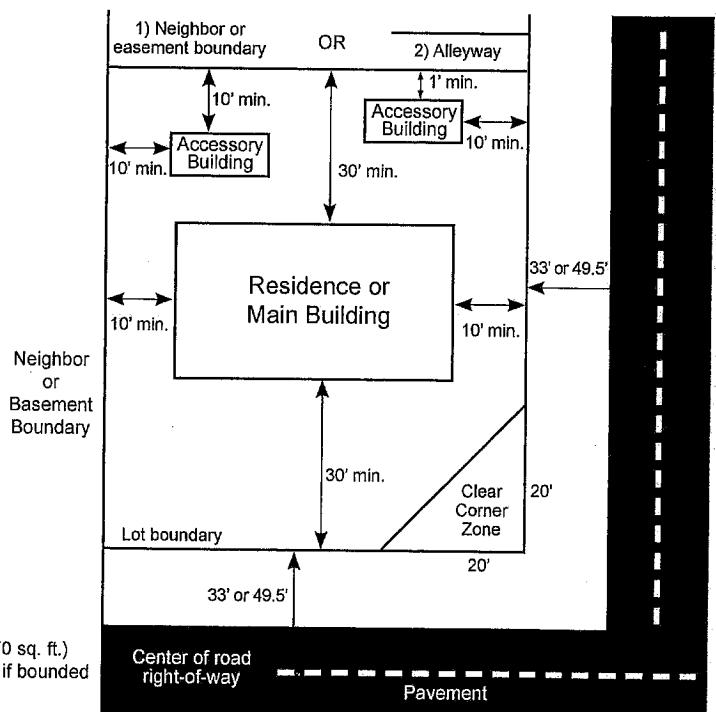
Douglas M. ML
Huntsville Planning Commission Chairman

Jeffery O. Keeney
Property Owner Signature

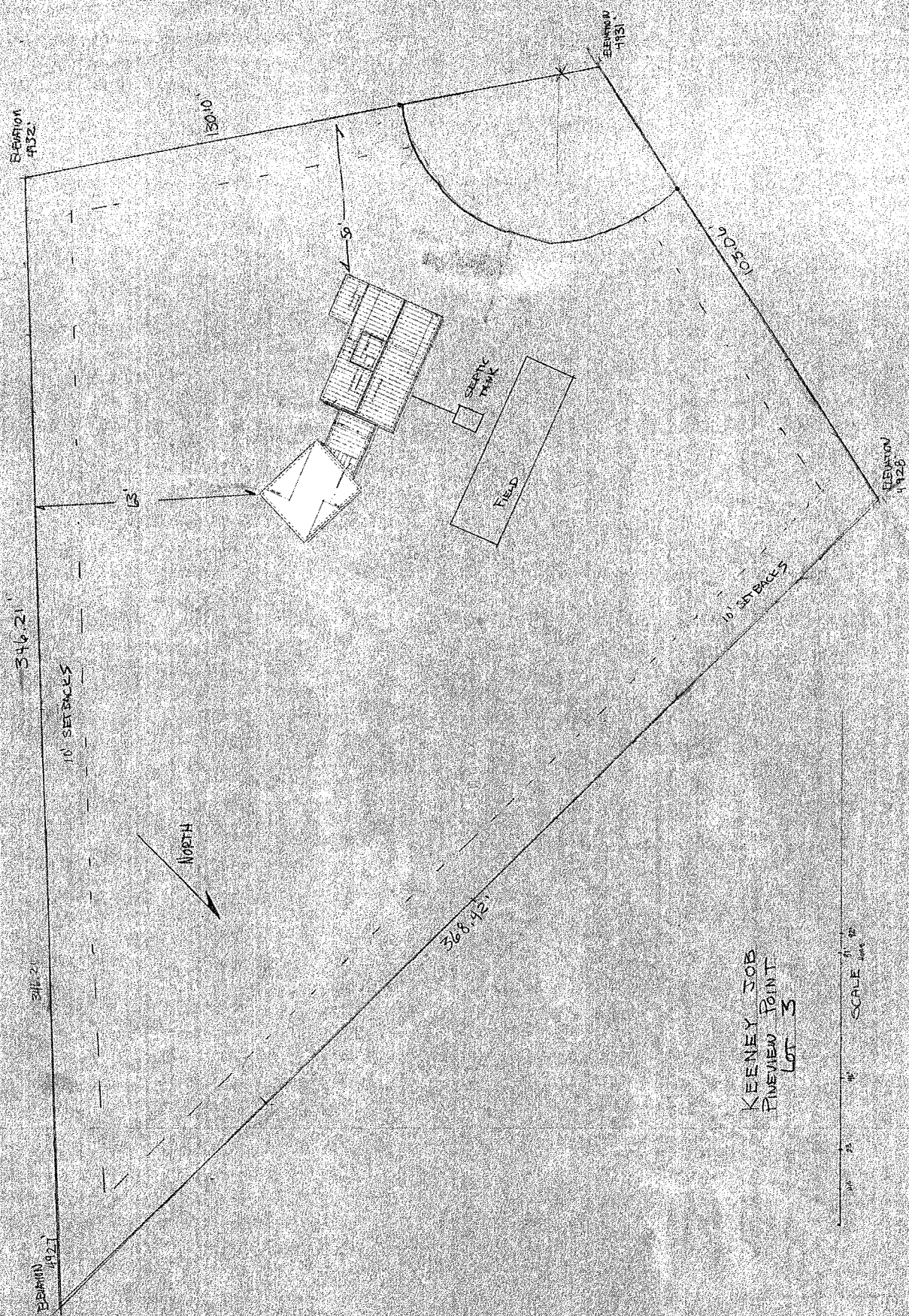
"By signing this form, the applicant agrees that they understand that the Huntsville Town R-1 zone, which their lot is zoned, only allows for one single family dwelling on the lot. The applicant also agrees that they understand that if any changes to their site plan are made after the Land Use Permit is issued, that those changes must be approved by the Planning Commission."

- Minimum lot size = 0.75 acre (32,670 sq. ft.)
- Minimum width = 130 feet (120 feet if bounded by an alleyway)

Huntsville Town Residential Zone Setbacks



44 # 2



KEENEY JOB
RIVER VIEW POINT
LOT 3

SCALE 1" = 10'



PC Meeting 6-24-2021
Attachment #3

LAND USE PERMIT

Huntsville Town Building Inspection
7309 E. 200 S.
P.O. Box 267, Huntsville, UT 84317
(801) 745-3420

Tax ID # 200590020

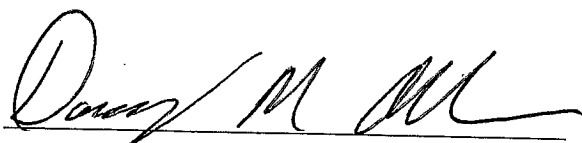
Address of Structure 320 N. 6900 E, Huntsville

Name & Address of Owner/Owners Farnes

The above described Site Plan has been reviewed for setback compliance by the Huntsville Town Planning Commission on: 6-24-2021

Set Backs Approved: Yes X No

Any special stipulations and conditions of the Site Plan Review: ① compliance for septic from Weber-Morgan. ② Plan Approved for Pool ONLY.

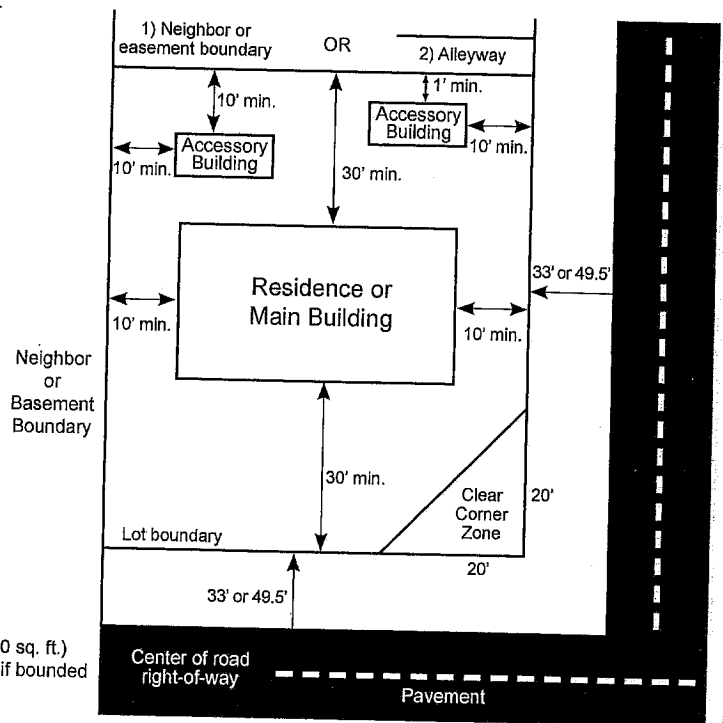

Huntsville Planning Commission Chairman

Property Owner Signature

"By signing this form, the applicant agrees that they understand that the Huntsville Town R-1 zone, which their lot is zoned, only allows for one single family dwelling on the lot. The applicant also agrees that they understand that if any changes to their site plan are made after the Land Use Permit is issued, that those changes must be approved by the Planning Commission."

- Minimum lot size = 0.75 acre (32,670 sq. ft.)
- Minimum width = 130 feet (120 feet if bounded by an alleyway)

Huntsville Town Residential Zone Setbacks



Site
Plan
for
Proposed
Swimming
Pool

For the
Tim &
Linsy
Farnes
Residence

320 North
6900 East
Huntsville,
Utah



hyrum@
batesandco.net

Date
5/26/11

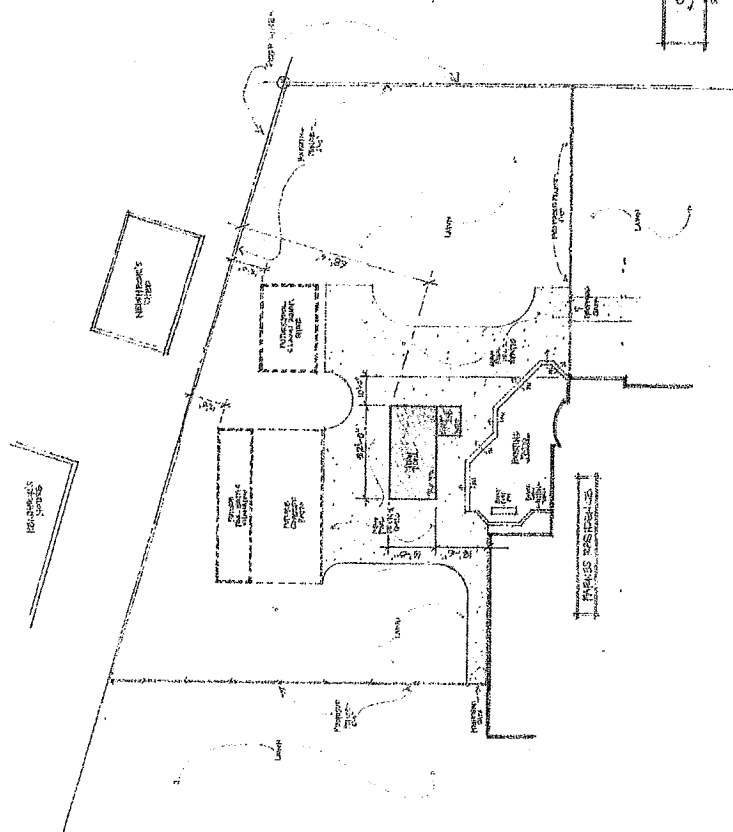
Revisions

Sheet#

SPI

A#3

Mailing ~~At~~ TTF Lake Front LLC
3880S. Bridge road Dr 3400
Reno NV 89502



SITE PLAN
Scale: 1"=20'-0"

Parcel

15.17.14 Nonconforming Lots or Parcels of Record 37

37 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

- 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

MINUTES OF THE HUNTSVILLE TOWN PLANNING COMMISSION MEETING

MEETING DATE: October 24th, 2013
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

Commissioners:	Ron Gault Sandy Hunter	Doug Allen Bill White	
Admin Staff:	Ramona Clapperton	Jim Truett	
Excused:	Rex Harris	Karen Klein	
Citizens:	Lynnda Wangsgard Jolene Bass Stan Burnish	Kevin Wilson Steve Johnson Mike Workman	Todd Bass Stan Peterson Tim Farnes

Ron Gault called the meeting to order, there is a quorum present.

Discussion and/or action on Annexation Petition: (Steve Johnson):

Steve Johnson presented the Commissioners with an annexation request for four parcels of property owned by Marvin Carter, Kristie Bennion, Jack Davis, and himself. The Commissioners reviewed the plat map that included all four properties. Ron commented that all properties are contiguous to the Town's boundaries, no peninsulas or islands were created. Ron stated that the PC will need a formal annexation petition filled out and signed by each property owner. Steve took a copy of the petition and will get the signatures and come back to the next PC meeting. Ron reminded Steve that the annexation filing fee of \$250 needs to be paid at the time the petition is turned in. The petitioners will also have to reimburse the town for publication costs.

Review of Bass' Building Permit Request: (6704 E. 100 S.: (See Attachment #1 & #2)

Jolene Bass presented the Commissioners with a set of plans for an addition to their home. Peterson Builders will be doing the addition. Ron questioned where the property line is. Jolene said there is a chain link fence on the west side of the property, and that is what they took their measurements from. By her measurements the west side setback is 16 feet which meets the side requirements. The west side yard borders a street that was never paved. Jolene said there is a 137 feet of frontage. Ron stated that it's the PC's job to check setbacks and there doesn't seem to be an issue with that. Jolene asked if they could put up a temporary carport until the addition is completed. Doug would like to go look at the property to verify the fence lines and side setbacks. **Ron made a motion to approve the Bass' plan for an addition to their home, as presented. The request for a temporary carport was also approved, and stressed that it is a temporary structure and will be moved upon completion of the addition.** Bill seconded. All votes aye. Motion passed.

Roll Call:	Ron Gault	<u>Yea</u>	Doug Allen	<u>Yea</u>
	Bill White	<u>Yea</u>	Sandy Hunter	<u>Yea</u>
	Rex Harris	<u>Excused</u>	Karen Klein	<u>Excused</u>

****After this October 24th PC meeting, Ron reviewed the plans for the proposed library development that would include the approximately 20 X 30 shed in the SW corner of their property. He realized that the PC failed to notice that the wording defining side setbacks in the C-1 zone (Section 15.4.8) allows for a zero setback if the building is not a dwelling.*

Based on this information, Ron proceeded to ask the PC for an electronic vote on whether they were in agreement with accepting the library's proposal as presented in the meeting. A unanimous "yes" vote was received. Ron issued the Land Use Permit to the Library Board. Please see Attachment #3 for further insight.

Building permit request: Tim Farnes (See Attachment #4)

Mike Workman said he is a contractor who is doing a remodel for Tim Farnes. The property is located at 325 N. 6900 E. They are taking off part of the back of the home, and are extending it further east; they will be pouring a new foundation for this addition. Their plans meet all setback requirements. Ron said they will need a building permit. Mike replied that he has been in touch with Craig Browne from W.C. and has obtained a permit. They have already done the demolition, without a permit. They started their project without obtaining a permit or seeking approval from the PC. The county will be imposing a fine for doing this. Mike replied that every county is different and he didn't know Huntsville required a permit. Doug replied that if he is a licensed contractor he should have known that a permit was required prior to any construction or demolition.

Mayor Truett mentioned that this contractor started work on the house about two months ago. They have hauled off dumpsters filled with garbage numerous times. They have removed four walls from the interior rooms. This is a major remodel. Mayor Truett stated that he is concerned that a licensed contractor would come into Town and start a project of this size without first obtaining a building permit from the Town. He should know better. The Mayor said the Town should impose a penalty in addition to the fine the county will be charging, which is only \$350.00 on this project. The only reason they came to the PC tonight was because they got caught. Ron said the county establishes the building permit fees, but the Town Council would set the penalty fee by resolution. (See Attachments)

Discussion on Title 15.17.14: (See Attachment #5)

The Commissioners reviewed the proposed Title 15.17.14. Non-conforming lots or Parcels of Record. Title 15.17.14, A: Addresses a non-conforming lot with a structure on it, which has not been abandoned, and was created prior to July 1992. This lot shall be considered to be a legally complying lot. Ron clarified that this would allow someone to remodel or tear down an old home and rebuild on the currently non-conforming lot as long as they meet current setback requirements. Title 15.17.14.B: Addresses a non-conforming lot relating to area and frontage requirements, which was created prior to July 1992. If the lot met area and frontage requirements for the zone at the time it was created, they may submit an application for subdivision approval, provided it meets all other requirements of the zone. The onus will be on the property owner to prove that their lot was created legally. The issue is, what if there was no code in place at the time the property was subdivided.

Doug asked where the date of 1992 came from. It is the date the State Municipal Land Use Act was changed to allow a two lot subdivision. Town lots were platted many years ago using the ¾ acre lot as a standard. There are a couple of small lots that over the years have been approved or acquired by the town. There are other small lots that were created by the owner of the property and done without the knowledge of the town. Sandy said old plat maps might not be accurate either because the county will record any subdivision whether it's approved by the town or not, they don't care. Doug mentioned that the county should bear some responsibility; they have been collecting taxes on these properties as if they are legal building lots.

This amendment will state that 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. **Ron made a motion to submit the proposed Title 15.17.14 to the Town Council for a public hearing.** Doug seconded. All votes aye. Motion passed.

Roll Call:	Ron Gault	<u>Yea</u>	Doug Allen	<u>Yea</u>
	Bill White	<u>Yea</u>	Sandy Hunter	<u>Yea</u>
	Rex Harris	<u>Excused</u>	Karen Klein	<u>Excused</u>

Discussion on Title 15.4: Uses Allowed by Zones:

The Commissioners reviewed the proposed Title 15.4. Sandy asked if categories are left blank, would that mean that the PC hasn't decided on that use yet, would that be like saying everything is conditional use. Bill replied that according to Jody Burnett with the League, if the town doesn't make a decision on what is allowed and what is not allowed, the decision will be made for the town. This document still needs more work and will be placed on the next agenda.

Discussion on proposed Specific Development Plan Overlay Zone: (SDP)(See Attachment #6)

The Commissioners reviewed the proposed SDP Overlay Zone. Ron made a motion to approve Title 15.29 SDP Overlay Zone and submit it to the Town Council for a public hearing. Sandy seconded. All votes aye. Motion passed.

Roll Call:	Ron Gault	<u>Yea</u>	Doug Allen	<u>Yea</u>
	Bill White	<u>Yea</u>	Sandy Hunter	<u>Yea</u>
	Rex Harris	<u>Excused</u>	Karen Klein	<u>Excused</u>

Discussion on proposed amendments to Title 15.8: (See Attachment #7)

Ron commented that these amendments are identifying acceptable uses in the commercial zone as having use conditional. The Acceptable Use for Zones table will be used now. Title 15.8, identifies that there is a SDP zone. Bill said the advice he got from Jody Burnett from the League, was that he didn't like the idea of a Memorandum of Understanding because it leads people to believe they have a vested right. Jody recommended setting up a Development Review Committee and that becomes the negotiating team. The DRC will consist of two members of the Town Council and two members of the Planning Commission. The DRC will be able to schedule meetings 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.

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING

Thursday, November 7th, 2013
7:00 p.m.

Ogden Valley Library, Huntsville, Utah

Present: Mayor James A. Truett
Council Member Max Ferre'
Council Member Scott Richardson
Council Member Richard Sorensen
Council Member Mike Engstrom
Clerk/Recorder, Gail Ahlstrom

Excused: Legal Counsel, Jenna Holt

Citizens:	Wayne Hadley	Linda Laws	Ron Gault	Todd Bass
	Angel Truett	Bill White	Bill Wangsgard	Jolene Bass
	Tim LaMarche	Deb LaMarche	Marsha White	
	James Facer (Huntsville Marathon Comm.)	Candis Facer (Huntsville Marathon Comm.)		
	Marsha Smith (Huntsville Marathon Comm.)	Ross Mertlich (Liberty Part Repres.)		
	Dave Hales (Valley Elem)	Jeannie Wendell (Ogden Valley Newspaper)		
	Scott Elliott (Snowcrest)	Shanna Francis (Ogden Valley Newspaper)		
	Helene Liebman (Weber Pathways)	Erik Johnson (Peterson Builders)		
	Kevin Wilson (Weber County Library)	Lynda Wangsgard (Weber County Library)		

Mayor Truett called the meeting to order and welcomed everyone in attendance. There is a full quorum in attendance tonight.

Pledge was led by Lynnda Wangsgard.

Opening Ceremony was led by Bill Wangsgard.

Public Comment:

The Mayor opened the meeting up for public comment. Bill Wangsgard said he attended the meeting held by the Town in regards to a property tax increase. Bill stated that the value of his home increased by \$80,000 this year, this increasing his property taxes by \$800.00. Bill said he appealed his property taxes. Bill said there needs to be a change in the way W.C. taxes the upper valley. Mayor Truett said last spring the County went door to door assessing people's property.

Motion to adjourn Regular Council Meeting to hold Public Hearings:

CM Ferre' made a motion to adjourn the regular council meeting to hold the public hearings. CM Sorensen seconded. All votes aye.

Public Hearings on proposed amendments to Land Use Titles 15.8, Title 15.17.14 and Title 15.29:
(See Attachments #1, #2, and #3) Ron Gault, Chairman of the Planning Commission presented the proposed amendments to Title 15.

Ron summarized the proposed Title 15.29. Specific Development Plan Overlay Zone. (SDP) The purpose is to set up the ordinance to allow greater flexibility for a development in a specific C1 zone; it is not applicable to all C1 zones. The PC has been working on this ordinance for six months; this ordinance will help accommodate a major development. Ron thanked the TC for hiring the attorney to assist the PC. He made valuable contributions to these amendments, and has been a great help. Besides setting up the ordinance for the zone, Title 15.29 also outlines the process on how to generate a SDP. The content of the SDP shall include maps, descriptive text, conceptive view, and the permitted land uses. The Acceptable Use Ordinance identifies what uses are allowed or not in a particular zone. Any required land use conditions such as increased density, buffering, design standards, height, lot size, and setbacks will also be included in the SDP. Once the Development Agreement is approved no changes will be allowed unless it goes back for review by the Planning Commission and Town Council.

Ron said in collaboration with the addition of Title 15.29 changes had to be made to Title 15.8 as well. Title 15.8 is the Commercial Zone; section 15.8.10 was added to this section. It identifies that there is a SDP overlay zone. This gives the procedures needed to go through in order to approve an SDP. A developer has to submit an application for the rezoning which includes a conceptual plan. A conceptual plan does not require a lot of expense. It is intended to give the TC enough information on what a developer wants to do in order to get feedback from the town as to whether they want to move forward with the development. The next step is to the PC, they will give ideas on what can and can't be done and any restrictions with the property. They will tell the developer what is needed for an SDP. The TC reviews the SDP, if the TC is in agreement, then a Development Review Committee (DRC) would be created. This DRC would act on behalf of the town to negotiate with the developer and work out specific details of the development. This is when issues such as storm water drainage, sewage, setbacks, and density will be addressed. This will then be turned into a Development Agreement (DA), the TC would hold public hearings, and if approved, enact an ordinance for the SDP overlay zone, giving developer authority to move forward with the project.

Ron reviewed the proposed amendments to Title 15.17.14: Non-conforming lots or parcels of record. This issue has come up in the PC meetings the last couple of years. This will help clarify what the town can do with non-conforming lots that are less than the required $\frac{3}{4}$ acre lot. This was already in the ordinances but it has modified to make it clearer. A: A parcel nonconforming as to area and frontage requirements, containing a single family residence that has not been abandoned and was created prior to July 1992 amendments, would be considered, even if the lot was undersized, as a legal complying lot and entitled to all rights to a full complying lot including restrictions. A person could do a total rebuild, but would have to adhere to all building requirements. B: Addresses a vacant lot. A parcel nonconforming as to current area and frontage requirements which was created and recorded prior to July 1992, and met area and frontage requirements for the zone in which it was created, may submit an application for subdivision approval. Which means it could be approved as a buildable lot. It is up to the landowner to prove that it did meet all area and frontage requirements at the time it was created. Lot size requirements have changed over the years. This is not a trivial requirement. Records are spotty.

Mayor Truett agreed that these issues keep coming up. He thanked Ron and the PC for getting these amendments done. CM Ferre' asked what abandoned means. Ron replied that the home was vacated and it sat without maintenance for long periods of time. CM Richardson thanked the PC as well.

Mayor Truett would like to adopt a resolution allowing Huntsville Town to impose an additional penalty fee. Mayor Truett read from the proposed Resolution. The amount of the penalty was left blank and opened for discussion by the council. CM Engstrom stated that he would like to see the penalty fee based on the value of the project; he proposed a 5% fee. A licensed contractor knows he needs a building permit prior to construction. CM Engstrom said if it doesn't have enough teeth, people will ignore it.

CM Ferre' asked if Weber County requires a permit for water heaters. CM Engstrom replied that with water heaters, and furnaces there are exhaust issues. There is no other avenue for a home owner to know if the work was done correctly by a contractor. Minor repair permits are only \$50. Bill White asked if there would be a maximum amount set.

Mayor Truett made a motion to adopt the resolution as prepared with the addition of the penalty being set at 5% of the value of the remodel project, with a \$7,500 maximum fee. CM Richardson seconded. Ron said this was written 8 years ago, do it yourself projects, need for public safety. CM Ferre' said he doesn't agree with the minor home repair fees. CM Engstrom said the town needs to follow what Weber County is doing since we have contracted with them for inspection services. If experienced with replacing water heaters, could do on your own. All votes aye. Motion passed.

Roll Call:	Mayor Truett	Yea	CM Ferre'	Yea
	CM Engstrom	Yea	CM Richardson	Yea
	CM Sorensen	Yea		

Discussion and/or action on proposed Resolution to set Capitalization Policy: (See Attachment #5)

Mayor Truett read from the proposed resolution to set Capitalization Policy. **Mayor Truett made a motion to approve the resolution as presented.** CM Ferre' seconded. Mayor Truett explained that the auditor's requested the town adopt this policy. All votes aye. Motion passed.

Roll Call:	Mayor Truett	Yea	CM Ferre'	Yea
	CM Engstrom	Yea	CM Richardson	Yea
	CM Sorensen	Yea		

Discussion and/or action on proposed Huntsville Town land acquisition: (See Attachment #6)

Mayor Truett passed out a copy of a plat map of Kenton Peterson and Mary Marker's property that is across the street from the SE corner of the park. The Marker's lot is $\frac{1}{4}$ acre and the Peterson's lot is $\frac{1}{2}$ acre, both lots are non-conforming. Howard Holt (son in-in-law of Mary Marker) met with the PC to see if they could get their lot approved as a legal buildable lot, which they denied. The Holt's and the Peterson's are unwilling to work together to help one another out. The Markers have had this property since 1947. A realtor told the Holt's that if they had a $\frac{3}{4}$ acre lot it would be worth \$120,000. If they could get it approved as a legal building lot the Holt's could probably sell it for \$60,000, being a non-buildable lot the lot is worth \$30-35,000. Mayor Truett wanted the council to think about the idea of the town purchasing this property; it is right across from the Town Park. It might be a good addition to the town by extending the park; it could be used for additional parking, a small park, or another pavilion. The Mayor presented this as an idea for the council to think about.

Bill White asked if anyone has explained to the Peterson's what will happen to their property if they don't purchase this additional acreage and make their lot a conforming lot. Together both lots will make a valuable piece of property separate they both have nothing. Cooperation between both parties would be the best solution.

***CM Engstrom:**

Discussion and/or action on building permit request from Library for a shed:

CM Engstrom said the PC has discussed this issue in their PC meeting; they have reviewed the site plans presented by the library to build a shed 5 feet off the south property line. The TC has agreed to waive building permit fees, but not the W.C. inspection fees. **CM Engstrom made a motion to approve the building permit request for the library board for the building of a shed.** CM Richardson seconded. All votes aye. Motion passed.

Roll Call:	Mayor Truett	Yea	CM Ferre'	Yea
	CM Engstrom	Yea	CM Richardson	Yea
	CM Sorensen	Yea		

Discussion and/or action on granting of easement to Library for improvements to First Street and along 7400 E. to 200 S. (curb, gutter, sidewalk, and sumps): CM Engstrom said the TC has had discussions with Lynnda Wangsgard and the Library Board about granting an easement to the library for improvements to 7400 E. and First Street: the installation of curb, gutter, sidewalks and sumps, from the property line to the road. The easement would be granted to the library, if the library ever sold the property, the property would revert back to the town. The town will seek no other improvements, unless the road needs to be widened. Lynnda said she agreed with what CM Engstrom explained. She had a draft easement for the Town's Attorney to look at. **CM Engstrom made a motion to grant easement subject to legal review.** **CM Richardson added that after legal review CM Engstrom and Mayor Truett be appointed to sign the easement.** CM Richardson seconded. All votes aye. Motion passed.

Roll Call:	Mayor Truett	Yea	CM Ferre'	Yea
	CM Engstrom	Yea	CM Richardson	Yea
	CM Sorensen	Yea		

Discussion and/or action on proposed amendments to Title 15: Land Use Ordinance, Title 15.17.14: 15.8, Title, and Title 15.29: CM Engstrom explained Title 15.17.14: Non-conforming lots or parcels of record. This amendment is being presented to help people with lots that meet most of the town's lot criterion, but don't have the required frontage or area, but were legally created when they were subdivided. CM Engstrom read from the proposed amendment to Title 15.17.14. **CM Engstrom made a motion to adopt the amendments to Title 15.17.14 as presented.** CM Richardson seconded. Mayor Truett stated that there are a number of non-conforming lots in town with homes on them; prior to this change the town couldn't allow anyone to update or replace a structure on a non-conforming lot. This will be a good thing for the town. All votes aye. Motion passed.

Roll Call:	Mayor Truett	Yea	CM Ferre'	Yea
	CM Engstrom	Yea	CM Richardson	Yea
	CM Sorensen	Yea		

HUNTSVILLE TOWN
ORDINANCE 2021-2-25XX-XX

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.6.2 USE
REGULATIONS FURTHER DEFINING AUTHORIZED LAND USE IN RESIDENTIAL
(R-1) ZONE.

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**, Title 15.6.2 currently does not clearly define limitations associated with multiple-family occupations of single-family dwellings and stand-alone recreation facilities in Residential Zone R-1.
- D. **WHEREAS**, the proposed change to the ordinance specifies the extent that multiple families or unrelated groups may occupy a single-family dwelling and places limitations on recreation facilities.
- 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

Refer to Appendix One, Table 15.1 (Acceptable Uses by Zone) for all permitted uses in Residential Zone R-1.

In Residential Zone R-1, the following uses are subject to the respective conditions:

A. Single-family dwellings.

1. Only one single-family dwelling is allowed on an approved R-1 building lot.

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2. No single-family dwelling, or portion thereof, shall be rented for a term less than 30 days.
3. No single-family dwelling, or portion thereof, shall be rented while occupied by the respective owner.
4. No single-family dwelling shall be occupied by more than four families, or combination of unrelated groups, within a 12-month period.

B. 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.

C. 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;
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;

D. Signage as regulated under Title 15.21.

E. 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 dwelling is used as a temporary dwelling during construction of a new dwelling, upon issuance of the occupation permit for the new dwelling, the old dwelling must be removed within thirty (30) days.

F. Home occupations as regulated under Title 15.18.

G. Accessory Structures or Buildings. No accessory structure or building, or portion thereof, shall be rented as a dwelling unit—including in-kind considerations.

H. No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) dwelling, except as outlined in E. above.

I. Recreation facilities are only permitted on parcels with an existing single family dwelling
The footprint of the recreation facility shall be included in the calculation of the total
permitted coverage associated with the dwelling and other accessory structures as defined
in Title 15.6.10.B.

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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>

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 Purpose¹²

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 Regulations¹³

Refer to Appendix One, Table 15.1 (Acceptable Uses by Zone) for all permitted uses in Residential Zone R-1.

In Residential Zone R-1, the following uses are subject to the respective conditions:

- A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot.¹⁴¹⁵ No single-family dwelling or a portion thereof, shall be rented for a term less than 30 days. No single-family dwelling, or portion thereof, shall be rented while occupied by the respective owner.¹⁶
- B. 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.
- C. 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 dwelling;
 - 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;
- D. Signage as regulated under Title 15.21.

¹² Amended 11-07-2013: To add a Specific Development Plan Overlay Zone.

¹³ Amended 7-30-20: Various Amendments – see Ordinance 2020-7-30.

¹⁴ Amended 9-06-2012: Added: If a single family dwelling is rented for less than 90 days, you need a business license.

¹⁵ Amended 10-16-2014: Deleted: If a single family dwelling is rented for less than 90 days, you need a business license.

¹⁶ 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.

- E. 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.
- F. Home occupations as regulated under Title 15.18.
- G. Accessory Structures or Buildings. No accessory structure or building, or portion thereof, shall be rented as a dwelling unit--including in-kind considerations.
- H. 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 E above.

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 Regulations¹⁷

- 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.
- D. 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.
- E. Primary vehicular access to the lot shall be from the frontage, ¹⁸unless lot is on corner of two public streets. If so, vehicular access can be from either street. If vehicular access on a corner lot is not designated as the frontage, the driveway or garage set-back should be no less than 20 feet from the property line and the frontage set-back no less than 30 feet from the property line. Primary vehicular access is defined as the access used to access the residence the majority of the time.
- F. 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.

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

¹⁷ Amended 2-3-2011: Added last sentence to paragraph A. and paragraphs D. and E.

¹⁸ Amended 11-21-2019: Added from "unless lot is on corner.....no less than 30 feet from the property line."

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
MINUTES OF PUBLIC HEARING
Thursday, March 18, 2021
7:00 p.m.
Huntsville Town Hall, 7309 East 200 South, Huntsville, UT

Name	Title	Status
James A. Truett	Mayor	Present
Richard Sorensen	Council Member	Present
Blake Bingham	Council Member	Present
Max Ferre'	Council Member	Present
Wendy McKay	Council Member	Present
Beckki Endicott	Recorder	Present
William Morris	Legal Counsel	Present

Citizens: Phil Clawson, Merilee Clawson, Cathy Zindel, Michael Zindel, Jack Walkenhorst, Lt. Hutchinson is on the phone.

1-Mayor Truett called the meeting to order. There is a full quorum present.

2-The Pledge of Allegiance was led by TCM Richard Sorensen.

3-Opening Ceremony was led by TCM Wendy McKay

4-Citizen Comments: There were none.

5-Presentation: All West Fiber Optic Plan Presentation- Jack Walkenhorst. He thanked the Town Council for the opportunity to make a presentation here. All West is a one owner-owned, small fiber optic company out of Kamas. They have about 85 employees and prefer to work in small and rural areas. They have 17,000 broadband users. They work in Utah and Wyoming.

The owner has family in the area and that is what drew them to Huntsville. They have a couple of current projects they are working on now, but would like to start bringing fiber optic line coming toward Huntsville in the next couple of months. He stated they needed to bring the line from Morgan. Once a franchise agreement is signed, they will put the contract out to bid for 30 days.

TCM Wendy McKay asked about pricing points. Mr. Walkenhorst went through the pricing levels. He explained they like to bury the lines when they can.

Mayor Truett stated he liked the idea of running the connections down power lines because of the old water lines and other infrastructure that is already buried. He is wondering what will happen if anything is broken or cut. Mr. Walkenhorst said that everything is marked before they dig and if it is cut and is their fault, they will fix it.

Mr. Walkenhorst said their company has had fiber in the ground for 35 years now. He stated he could count on one hand how many times a line has been cut. Mayor Truett asked if there was a

The other issue the Planning Commission wanted to address empty lots being development with excessive recreational facilities in a residential zone. Wording was added to the draft of the ordinance in 15.6.2.I, stating, "Recreation facilities are only permitted on parcels with an existing single-family dwelling. The footprint of the recreation facility shall be included in the calculation of the total permitted coverage associated with the dwelling and other accessory structures as defined in Title 15.6.10.B." TCM Wendy McKay expressed her concern for this change. She understood the reasoning behind the change but felt that this was a overstep of the Town. TCM Blake Bingham suggested this ordinance and change could go back to the Planning Commission for discussion.

TCM Blake Bingham motioned to table Ordinance 2021-2-25. TCM Wendy seconded the motion. All votes Aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

10-Discussion and/or action on Ordinance 2021-3-18-A: Franchise Agreement with Freedom Broadband for fiber optic services. (See Attachment #4) TCM Bingham asked Attorney Morris is there were differences between the two contracts for All West and Freedom Broadband. Attorney Morris confirmed they were the same. TCM McKay wanted to know if they had to accept all franchise agreements they received for Broadband/fiber optic services. Attorney Morris confirmed this was the case. Mayor McKay discussed the timeline for services with Freedom Broadband. **TCM McKay motioned to approve the franchise agreement with Freedom Broadband Ordinance 2021-3-18-A.** TCM Blake Bingham seconded the motion. Roll Call Vote. All votes Aye. Votes are reflected below. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

11-Discussion and/or action on Ordinance 2021-3-18-B: Franchise Agreement with All West. (See Attachment #5) **TCM Blake Bingham adopt Ordinance 2021-3-18-B Franchise Agreement with All West.** TC Richard Sorensen seconded the motion. All votes Aye. Roll Call Vote. Votes are reflected below. Motion passes.

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

Fixture Lamp Type	Shielding	Filtered ⁴
Low Pressure Sodium ¹	Partially	None
High Pressure Sodium	Fully	None
Metal Halide ⁴	Fully	Yes
Fluorescent	Fully	Yes ²
Quartz ³	Fully	None
Incandescent Greater than 150 W	Fully	None
Incandescent Less than 150 W	None	None
Mercury Vapor	Prohibited ⁵	Prohibited ⁵
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.

The purposes of this ordinance are to:

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- A. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow in order to preserve the natural dark of the night sky and to prevent lighting nuisances on properties.
- B. Promote energy conservation.
- C. Maintain nighttime safety, utility and security.
- D. Prevent unnecessary or inappropriate outdoor lighting.
- E. Maintain the rural atmosphere and village character of the town. (Ord., 3-10-2016)

9-4-2: DEFINITIONS:



For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:

ACCENT OR ARCHITECTURAL LIGHTING: Lighting of building surfaces, landscape features, statues and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees or customers on a property.

CORRELATED COLOR TEMPERATURE (CCT): A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K).

DIRECT ILLUMINATION: Illumination resulting from light emitted directly from a lamp, luminary or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.

FLOODLIGHT: A fixture or lamp designed to "flood" an area with light. A specific form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.

FULL CUTOFF FIXTURE: An outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane. Full cutoff light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is full cutoff. Full cutoff fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

INTERNALLY ILLUMINATED: As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

LIGHT POLLUTION: Any adverse effect of manmade light. Often used to denote "sky glow" from cities or towns, but also includes glare, light trespass, visual clutter and other adverse affects of lighting.

LIGHT SOURCE: The part of a lighting fixture that produces light, e.g., the bulb.

LIGHT TRESPASS: Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

MANUFACTURER'S CATALOG CUTS: A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.

OUTDOOR LIGHT FIXTURE: An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.

RECREATIONAL LIGHTING: Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.

SECURITY LIGHTS: Lighting designed to illuminate a property or grounds for the purpose of visual security.

SPOTLIGHT: A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.

TOWER: Any monopole, antenna or the like that exceeds eighteen feet (18') in height.

UNSHIELDED FIXTURE: A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff. (Ord., 3-10-2016; amd. 2016 Code)

9-4-3: SCOPE AND APPLICABILITY:



A. Compliance: All exterior outdoor lighting installed after the effective date hereof in all zones in the town shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.

B. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use. The town will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this chapter. Where appropriate, the town may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance with this chapter.

C. Modifications; Compliance Through Building Permit Process: The town may require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged.

D. Change Of Ownership: Properties that change ownership, whether residential or commercial, must bring exterior lighting into compliance with this chapter.

E. Conflicts: Should this chapter be found to be in conflict with other ordinances of the town, the more restrictive shall apply. (Ord., 3-10-2016)

9-4-4: APPLICATION AND REVIEW PROCEDURE:



A. Lighting Plans Required: All sign permit applications, building permit applications and design development review applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources will comply with this chapter and shall include the following:

1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.

2. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this chapter.

3. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens and lamp type.

B. Approval Procedure:

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process. (Ord., 3-10-2016)

2. A certificate of occupancy shall not be issued until such time as the property is subject to a postinstallation nighttime inspection by the building inspector. (Ord., 3-10-2016; amd. 2016 Code)

9-4-5: FULL CUTOFF FIXTURE REQUIREMENTS:



A. Required: Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture. Lighting must be placed at a location, angle or height to prevent direct illumination outside the property boundaries where the light fixtures are located.

B. Characteristics: In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as full cutoff. (Ord., 3-10-2016)

C. Restrictions On Total Amount Of Unshielded Lighting: Outdoor lighting that is not subject to the shielding requirement in subsection 9-4-6C of this chapter shall not exceed five thousand (5000) lumens per net acre for commercial properties, and one thousand (1000) lumens per net acre for residential properties. (2016 Code)

D. Exemptions To Full Cutoff Fixture Requirements:

1. Fixtures having a total light output less than one thousand (1000) lumens (approximately equal to a 60 watt incandescent bulb or a 15 watt compact fluorescent) are exempted from the full cutoff requirement provided:

- a. The fixture has a top that is completely opaque such that no light is directed upward.
- b. The fixture has sides that completely cover the light source and are made of opaque or semiopaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semiopaque material, such as dark tinted glass or translucent plastic, may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear glass, are not allowed.

c. The light source (light bulb or filament) must not be visible from any point outside the property on which the fixture is located.

2. Spotlights controlled by motion sensors having a light output less than one thousand (1000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempt from the full cutoff requirement, provided:

a. The fixture is a spotlight or other type of directed light that shall be directed at a forty five degree (45°) angle or less, where the zero angle is pointing straight down.

b. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.

c. The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.

3. Pathway lights less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens and the lights have opaque caps that direct light downward.

4. Architectural lights, water feature illumination and sign illumination are all exempted from the full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter. (Ord., 3-10-2016; amd. 2016 Code)

9-4-6: CONDITIONS AND STANDARDS 9 4-GENERALLY:



A. Minimum Necessary: Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used. (Ord., 3-10-2016)

B. Maximum Color Temperature Of All Lighting Fixtures: The correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3000°K).

C. Maximum Lighting Allowed: The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed twenty five thousand (25 000) lumens per net acre for commercial properties and five thousand (5000) lumens per acre for residential properties. (2016 Code)

D. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:

1. To illuminate the entrances to buildings (including garage entrances).
2. To illuminate pathways and walkways.
3. To illuminate parking areas and parking area access lanes.
4. To illuminate outdoor gathering areas, such as patios, pool and hot tub areas, outdoor dining areas and recreation areas.
5. For security purposes, provided all the following conditions are met:
 - a. The lighting is activated by motion sensors and shuts off fifteen (15) minutes after each disturbance or when the activity involved is completed.
 - b. The lighting is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.
6. To illuminate signage.
7. For architectural lighting, provided all of the following conditions are met:
 - a. The property where the architectural lighting is placed is on a property designated as commercial by the town.
 - b. The architectural lighting is compatible with the purposes of this chapter as determined by the planning commission.
 - c. All architectural lighting is mounted on and directed onto the front of a commercial building facing the street.
 - d. The architectural lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.
 - e. The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky.
 - f. The architectural lighting uses low wattage light sources.
 - g. The architectural lighting is not used to illuminate landscape, statues or other similar features.
8. To illuminate outdoor water features, provided all of the following conditions are met:
 - a. The lighting is angled below the horizontal plane.
 - b. The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.
 - c. Each light source has a total light output of one thousand (1000) lumens or less and the total lighting is not greater than necessary to achieve the desired artistic effect.

E. Light Curfews:

1. Commercial establishments shall turn off all outdoor lighting, except that listed below, by one hour after closing. (For the purposes of this section, motels and hotels are considered open around the clock when they are open for the season.)

a. Lighting to illuminate the entrance to the commercial establishment.

b. Parking lot and pathway lighting required for the safety of guests.

2. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M., except to conclude a community approved sporting event that is underway. (Ord., 3-10-2016; amd. 2016 Code)

9-4-7: SPECIALIZED OUTDOOR LIGHTING:



A. Gas Station Canopies: Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

B. Roadway/Streetlights: Streetlights are allowable as recommended by the town engineer or town council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting.

C. Parking Lots:

1. Spot or flood lighting of parking lots from a building or other structure is prohibited.

2. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.

3. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').

4. All parking lot lighting shall use full cutoff fixtures.

D. Recreational Lighting:

1. The planning commission shall review all requests for new recreational lighting fixtures for fields or courts. The planning commission shall approve such requests only after finding:

a. The recreational lighting has provisions for minimizing glare, spill light and uplight by the use of louvers, hoods or shielding.

b. The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society Of North America.

c. The recreational lighting will only illuminate the field or court area and shall be shielded to prevent illumination falling outside of those areas.

d. The light source for the recreational light will not be visible from adjacent properties.

2. Pole mounted recreational lighting shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back an appropriate distance from neighboring properties as determined in consultation with the planning commission.

3. The lighting for nonfield and noncourt areas shall conform to all provisions of this chapter.

E. Amphitheater Lighting: Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:

1. Lighting used to illuminate the performance area must be either directed spotlighting or full cutoff lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.

2. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.

3. Lighting used to illuminate the seating areas, pathways and other areas of the amphitheater must meet all standards of this chapter.

F. Signs: Signs may be unlighted, lighted externally, lighted internally or backlit. All sign lighting must be designed, directed and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. (Note: For additional information on sign lighting standards, please refer to the town sign ordinance, chapter 3 of this title.)

1. Standards For Externally Illuminated Signs:

a. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.

b. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a building mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.

2. Standards For Internally Illuminated Signs - Lighting Is Visible On Both Sides Of Sign:

a. Only sign copy areas and logos may be illuminated on an internally illuminated sign.

b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Noncopy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.

3. Standards For Backlit Signs - Only One Side Of Sign Is Lit:

- a. Backlit signs shall be designed such that the light source is not visible.
- b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.
- c. Backlit signs shall use low wattage light sources.

4. Illuminated Window Signage: Illuminated window signs positioned to be primarily visible outside the business structure are allowed only if there are no more than two (2) signs per business space and each sign measures less than three and one-half ($3\frac{1}{2}$) square feet in area. Such signs must not be illuminated when the business is closed. (Ord., 3-10-2016)

9-4-8: HILLSIDES, RIDGELINES AND SPECIAL CASES:



In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process performed by the planning commission prior to approval of any business or residence. (Ord., 3-10-2016)

9-4-9: TOWERS:



- A. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.
- B. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
- C. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter. (Ord., 3-10-2016)

9-4-10: EXEMPTIONS:



The following shall be exempt from the requirements of this chapter:

- A. Holiday lighting from November 15 to January 15 as long as it does not create a hazard or nuisance to surrounding businesses or residences.
- B. Traffic control signals and devices.
- C. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.

D. The lighting of federal or state flags; provided, that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this chapter.

E. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and have caps that direct the light downward.

F. The planning commission, as part of its review as outlined in this chapter, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The planning commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this chapter. (Ord., 3-10-2016)

9-4-11: PROHIBITED LIGHTING:



The following are prohibited:

A. Uplighting to illuminate buildings and other structures, or vegetation, except as allowed by other provisions in this chapter.

B. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.

C. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.

D. Searchlights, laser source lights or any similar high intensity light.

E. Except when used in window signage pursuant to subsection 9-4-7F4 of this chapter, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries. (Ord., 3-10-2016)

9-4-12: VIOLATIONS:



The following constitute violations of this chapter:

A. The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this chapter if such fixture is installed subsequent to the date when this chapter is formally adopted.

B. The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this chapter.

C. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this chapter. (Ord., 3-10-2016)