

**MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION MEETING**

MEETING DATE: October 26th, 2023
PLACE: Ogden Valley Library
 131 S 7400 E, Huntsville Utah
TIME: 6:30 p.m.

NAME	TITLE	STATUS
Allen Endicott	Chairman	Present
Steve Songer	Planning Commissioner	Excused
Jeff Larsen	Planning Commissioner	Present
Liz Poulter	Planning Commissioner	Excused
Suzanne Ferre	Planning Commissioner	Excused
Amanda Hessenauer	Alt Planning Commissioner	Present
Sandy Hunter	TC Liaison	Present
Shannon Smith	Town Clerk	Present
Bill Morris	Town Attorney	Excused

Citizens: Mr. and Mrs. Wangsgard

1-Roll call: Chairman Endicott welcomed all who are attending the meeting.

2-Open to Public Hearing on Ordinance 2023.01.26- Development Agreement with Wangsgard 41 Irrevocable Trust (See Attachment #1)

Michealle Wangsgard spoke on behalf of this Ordinance. The process of dedicating this piece of land to the town has been talked about for many years. The main purpose of this is to come to an agreement with the Town and for the Town to except the ROW. The Wangsgard’s are needing to start with this process in order to re-subdivide their lot in the future.

There was no other public comment.

3-Close Public Meeting & Open regular Planning Commission meeting

PCM Motioned to close the public hearing and open regular planning commission meeting. PCM seconded the motion. All votes Aye, motion passes, votes are reflected below.

<u>VOTES:</u>	
<u>AYES:</u>	<u>Chairman Allen Endicott</u> <u>Commissioner Jeff Larsen</u> <u>Alt Commissioner Hessenauer</u>
<u>NAYS:</u>	

4-Discussion and/or action on Ordinance 2023.01.26-vote for recommendation

TCM Hunter suggested the following edits to the document;

- Change to correct parcel number
- Clarify the improvements that the Wangsgard's will be responsible for.
- Change Developer to Owner

PCM Larsen Motioned to recommend approval of Ordinance 2023.01.26, with edits mentioned in this meeting. PCM Hessenauer seconded the motion. Roll Call vote. All votes Aye, motion passes, votes are reflected below.

<u>VOTES:</u>	
<u>AYES:</u>	<u>Chairman Allen Endicott</u> <u>Commissioner Jeff Larsen</u> <u>Alt Commissioner Hessenauer</u>
<u>NAYS:</u>	

5-Approval of minutes for Planning Commission meeting September 28th 2023.
(See Attachment #2)

PC Chair Endicott motioned to approve the amended minutes from September 28th, 2023. PCM Hessenauer seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

<u>VOTES:</u>	
<u>AYES:</u>	<u>Chairman Allen Endicott</u> <u>Commissioner Jeff Larsen</u> <u>Alt Commissioner Hessenauer</u>
<u>NAYS:</u>	

6- Discussion and/or action on Ordinance 2023.6.22, C-2 Zone and Table 15-1
(See Attachment #3)

Chairman Endicott, asked for some clarification on the adjustments the PC had made in the last meeting as he was absent.

TCM Hunter spoke on behalf of the Town Council (TC), who was unhappy with the restrictions the PC had made to the C2 Zone and table 15-1. The TC thought the changes were not business friendly and the TC would like to potentially see commercial businesses on the highway with revenue that would benefit the town.

The PC reviewed the changes they previously made. They decided to adjust the Laundromat from N to C, with a limitation. Storage Units were changed back to a N. The PC was concerned with the limited space that the Town has or could have in this Zone, they would like to limit this table to represent the potential businesses that would add benefit to the town and nearby residents.

PC Hessenauer was concerned with opening up more Conditional Uses on the table. The PC is aggregable with the laundry mat in the C-1 with a condition of 3 or less washers and 3 or less dryers. There was also discussion on weather to allow car washes. At this time the PC decided against allowing car washes. The PC also discussed movie theaters, and it was decided that will be a no as well.

TCM Hunter had a comment about the C2 ordinance. She has requested a few changes be made to the last page. 15.6 was a section she wanted to add wording to make it clear that you can not have any kind of second dwelling unit on a property, even considering family.

TCM Hunter also brought up the State code 930-6. It specifies vehicle access off a state highway. TCM Hunter suggests, 15.8 a- addition of 11. To cite the State code mentioned above. 15.24- Motor Vehicle Access, change wording to reflect State code for highway access, to address Highway 39.

PMC Hessenauer motioned to recommend approval of the Ordinance 2023.6.22 with the revisions as discussed. PCM Larsen seconded the motion. All Votes Aye. Motion Passes. Votes are reflected below.

AYES:	Chairman Allen Endicott Commissioner Jeff Larsen Alt Commissioner Hessenauer
NAYS:	

7- Sandy's TC Updates

7700 E Update on the road issue with the potential buyer of a property of Parcel 24-018-0023: the buyer's survey shows no Town property for 7700 E on the southern end. Sandy and reached out to a surveyor to have that area officially surveyed for the town. The potential buyer has expressed interest in deeding over the portion of the parcel that should be the road to the Town. The road is already considered a road because it has been used as such for a time of 10 years or longer.

There has been an agreement proposed that the lot in discussion will be considered buildable as far as frontage in the exchange for the property that is listed as 7700 E. to be deeded over to the town. This would make 7700 E an official town road. An MOU was mentioned, as an agreement between the town and the potential buyer. Allen is concerned about the lot in question as far as what the future might bring if the lot transferred ownership again.

TMC Hunter updated the PC with the decision the TC recently made to deny the vacation of an alleyway in town. The petition to vacate was initiated by a property owner Mr. Falls, whose lot is close to the alley in question. TCM Hunter described the situation as to the evidence the Fall's presented for their case.

TCM Hunter also updated the PC on the consolidation of the Town lots that came before the PC a few months ago. The town had since been advised not to consolidate at this time but will do so at some point in the future.

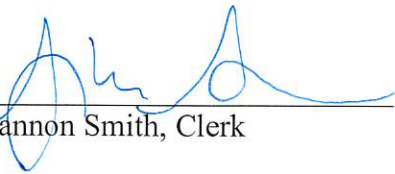
8-Public Comment. There were none.

9-Chairman's Remarks. Chairman Endicott thanked all for the discussion. He expressed appreciation for all and the work they are doing.

10-Motion to adjourn.

PCM Larsen made a motion to adjourn the meeting. PCM Hessenauer seconded the motion. All votes Aye. Motion Passes.

Meeting is adjourned at 8:18 p.m.



Shannon Smith, Clerk

PC Meeting 10/26/23
A#: 1

Ordinance 2023.01.26
DEVELOPMENT AND DEFERRAL AGREEMENT

The "Parties" to this Development and Deferral Agreement ("Agreement") are The WANGSGARDS 41 IRREVOCABLE TRUST, ("Developer" or "Wangsgards") and HUNTSVILLE TOWN ("Town"). The Effective Date of this Agreement is the date signed by the last Party to this Agreement.

RECITALS

WHEREAS, Utah Code §10-9a-604.5 provides for this Agreement;

WHEREAS, the Developer seeks permission to dedicate a Public Right-of-Way (the "ROW") which ROW is more particularly described on Exhibit "A" hereto, which is the "Survey" attached hereto and incorporated herein by this reference;

WHEREAS, the Town seeks to protect the health, safety, and general welfare of the residents by requiring the residents to conform to the Town Code when dedicating the ROW;

WHEREAS, the purpose of this Agreement is to protect the Town from the cost of completing the ROW improvements which shall be made by the Developer or subsequent development of the property adjoining the ROW specified in the Survey;

WHEREAS, the mutual promises, covenants, and obligations contained in this Agreement are authorized by State Law and binding on the Developer, subsequent purchasers and those benefitting from the ROW;

THEREFORE, the Parties hereby agree as follows:

SECTION 1: FINDINGS OF FACT

The following Findings of Fact are agreed upon by the Parties:

1. On, July 30, 2015, the Huntsville Planning Commission reviewed the plats of the property owned by William and Michaeline Wangsgard (the "W&M Wangsgard Property"), legally identified as Weber County Parcels: 200100022 and 200100041.
2. William Wangsgard explained that in the pre-1970's his father Harold W. Wangsgard annexed approximately four (4) acres located at the end of 6800 East into Huntsville Town (the "Harold Wangsgard Property"). At that time, the portion of 6800 East ending at the Harold Wangsgard Property was a Weber County road, there being county properties between the Harold Wangsgard Property and the Town boundaries. As such, the annexed property was an island, with Weber County property between the Harold Wangsgard Property and the Town boundaries.
3. In the 1970's Jack and Barbara Cox (William Wangsgard's sister) built a house on the western-most quarter of the Harold Wangsgard Property, obtaining permission from

Harold Wangsgard and the Town to access their house via 6800 East, and crossing the Harold Wangsgard Property. The portion of the Harold Wangsgard Property where the Cox house is located (the "Cox Property") is now identified as Weber County Parcel: 20-010-0043.

4. On or about 1991, the Harold Wangsgard Property was divided into four (4) lots, roughly equal in size. These four lots included the Cox Property (Lot 1), and three additional lots to the east of the Cox Property, (Lots 2, 3 and 4), and an additional 45-foot-wide by 389-foot-long rectangular parcel that contains a 25-foot ROW (the "ROW Parcel"), and was recorded as Weber County 20-010-0022. This ROW Parcel fronts the southern portion of lots 1, 2, and 3. Also, on or about 1991, William and Michaeline Wangsgard obtained a building permit from the Town and built a house on the eastern-most lot, (Lot 4), identified as Weber County Parcel 20-010-0031.

Later the Wangsgards acquired the adjacent Lot 3, and a new parcel number was assigned to that lot, (20-010-0040). They also acquired ownership of the ROW Parcel, 20-010-0022, that served as a driveway and contains a 25-foot-right-of-way granted by the Wangsgards.

5. Also in the intervening years, the property between these four (4) parcels and the Town boundary was annexed into the Town and 6800 East was paved up to the SW corner of the properties. The Town's obligation for snow removal only extends to the end of 6800 East, but the Wangsgards have allowed the snowplow to use the ROW and their driveway to turn around.
6. Preston Cox purchased parcel 20-010-0042 (Lot 2) and built a house on this parcel in approximately 2010.
7. In 2008, the Wangsgards platted the two properties (20-010-0031 and 20-010-0040) into one parcel for tax purposes (the "Consolidated Wangsgard Property"). It received a new parcel number (20-010-0041).
8. The Wangsgards submitted an application to the Planning Commission to re-subdivide the Consolidated Wangsgard Property on March 24, 2022. The Planning Commission recommended approval of the subdivision application. The Town Council discussed the subdivision application on July 21, 2022.
9. To comply with the Huntsville Town Code 15.6.5 the frontage for every dwelling shall have the required frontage on a public street or on a right-of-way which has been approved by the Town. This ROW Parcel has been approved by the Town and complies with the Wangsgards frontage requirement for 400 North Street and their share of the ROW dedication requirement for 400 North Street.
10. The Developer proposes to dedicate the ROW Parcel, 20-010-0022, including its 25-foot ROW, to the Town of Huntsville to become the Developer's required share of 400 North Street.

11. To comply with the Huntsville Town Code, the Huntsville Town Council moved to approve the subdivision application of William and Michaeline Wangsgard on July 21, 2022, subject to conditions set forth in this Agreement.

SECTION 2: RIGHT-OF-WAY

1. The Developer hereby dedicates to the Town the ROW Parcel, specified on Exhibit "A" (Weber County Parcel 200100022), which will be the Wangsgard's required dedication for 400 North Street, to comply with Huntsville Town Code 15.6.5.
2. The following requirements must be satisfied before subdivision or other development shall be approved on Weber County Parcel 200100010; the property located south of the 400 North ROW:
 - a. Access to Weber County Parcel 200100010 shall be the 400 North ROW.
 - b. Connection to utilities may be made at the most accessible location or locations for utilities along the 400 North ROW to minimize ROW excavation.
 - c. Any future development of what is now Parcel 200100010 requires the dedication of additional right-of-way to complete the southerly portion of 400 North Street fronting Parcel 200100010, sufficient to meet the requirements of the Town's minimum road width standard that are in place at the time of application for subdivision or any other development of Parcel 200100010 whatsoever.
 - d. As a condition of subdivision or development approval of 200100010, or any portion thereof, the developer thereof is required to complete and connect 400 North Street to 6900 East Street, complying with all size, width, and development standards in place at the time of application for subdivision or any other development of Parcel 200100010 whatsoever.
3. The Town shall be responsible for snow plowing the ROW and temporary cul-de-sac.
4. At the time of the completion of the 400 North Street Improvements and the connection of 400 North Street to 6900 East Street, as set forth above, the temporary turnaround cul-de-sac easement on the Consolidated Wangsgard Property created hereby (encumbering the Parcel 20-010-0041, which includes prior Lots 3 and 4), shall expire by its terms.
5. This Agreement shall be recorded by the Town against all affected and adjoining parcels on Exhibit "A" attached hereto and incorporated herein by this reference.
6. Deferral. All ROW improvements required by the Town Code for 400 North Street on the ROW Parcel, 20-010-0022, dedicated by Developer are hereby deferred in accordance with this Paragraph. Such required improvements, by agreement with the Town, do not and will not include curb, gutter and sidewalk. The Town may require the Developer to

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Commented [185]: Comment for Jared Anderson, Town Engineer. The current ROW meets the Weber Fire District standards for minimum

Commented [182]: The Wangsgard have not seen the 20-010-0041, the location of the cul-de-sac easement.

Commented [183]: The Jared Anderson ROW meets the standards for Weber Fire Standards

install all deferred improvements within 180 days of written notice from the Town in the event that Parcel 20-010-0010 is subdivided into residential lots. Improvements shall conform to the Town's standards in place at the time the improvements are installed, however such improvements shall not include the improvements specifically excepted earlier in this paragraph. Developer agrees to install and maintain a gravel road surface on the portion of the dedicated ROW in the sufficient width to meet the requirements of Weber Fire District.

Comments of [P.S.] and [W] signed and dated [] shall be the responsibility of the Weber Fire District.

SECTION 3: GENERAL PROVISIONS

1. **Indemnification.** The Developer and any subsequent purchaser, assign, or any other party hereby expressly agrees to forever indemnify and hold the Town harmless from and against all claims, costs, and liability of every kind and nature, for injury or damage received or sustained by any person or entity in connection with, or on account of this Agreement or the performance of any construction or work at the time of development or improvements under this Agreement.
2. **Term.** The term of this Agreement is perpetual, and this Agreement is binding on all heirs, subsequent purchasers, and/or assigns.
3. **Employment.** The Developer is not an agent or employee of the Town.
4. **No Waiver.** No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both Town and Developer; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The Town's failure to exercise any right under this Agreement will not constitute the approval of any wrongful act by the Developer or the acceptance of any improvement.
5. **Amendment or Modification.** The Parties to this Agreement may amend or modify this Agreement only by written instrument executed by the Town and by the Developer, or authorized agent. Such amendment or modification will be properly notarized before it may be effective.
6. **Attorney's Fees.** Should either party be required to resort to litigation, arbitration, or mediation to enforce the terms of this Agreement, the prevailing party, plaintiff, or defendant, will be entitled to costs, including reasonable attorney's fees and expert witness fees, from the opposing party. If the court, arbitrator, or mediator awards relief to both Parties, each will bear its own costs in their entirety.
7. **Vested Rights.** Except for the express terms related to the ROW dedicated herein, this Agreement shall not be interpreted to grant any other vested right to the Developer or any other person or entity whatsoever.

8. **Third Party Rights.** No person or entity not a party to this Agreement has any right of action under this Agreement.
9. **Scope.** This Agreement constitutes the entire agreement between the Parties and no oral statement(s), promise(s), inducement(s), or otherwise that is/are not expressly contained in this Agreement is binding on the Parties.
10. **Severability.** If any part, paragraph, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or otherwise unenforceable, such illegality or unenforceability shall not affect the validity of any other part, paragraph, term, or provision of this Agreement.
11. **Recordation.** The Town shall record this Agreement at any time in the Recorder's Office of Weber County, Utah, for the parcels legally identified and described in Exhibit "B" attached hereto.
12. **Referendum.** If this Agreement is subject to referendum, it shall be at the sole expense of Developer.
13. **Immunity.** Nothing contained in this Agreement constitutes a waiver of any of the Town's immunity under any applicable law or otherwise.
14. **Jurisdiction and Venue.** Jurisdiction and venue for any litigation or action commenced by either Party to this Agreement shall be the Second District Court of and for Weber County. The Parties hereby expressly waives his right to bring such action in or to remove such action to any other court whether state or federal.
15. **Notice.** Any notice required or permitted by this Agreement will be deemed effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, and return receipt requested, and addressed as follows:
 - a. Developer: _____
 - b. Town: _____

FOR TOWN:

 Mayor Date _____

Attest:

 Town Clerk

Approved as to Form:

 Town Attorney

State of Utah)
 §:
County of Weber)

On this ____ day of _____, 20____, before me, _____, a Notary Public, date month year notary public name public, personally appeared _____ Mayor, who proved on the basis of satisfactory name of document signer evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand and official seal.

NOTARY PUBLIC

FOR DEVELOPER:

Trustee Date _____
Approved as to Form:

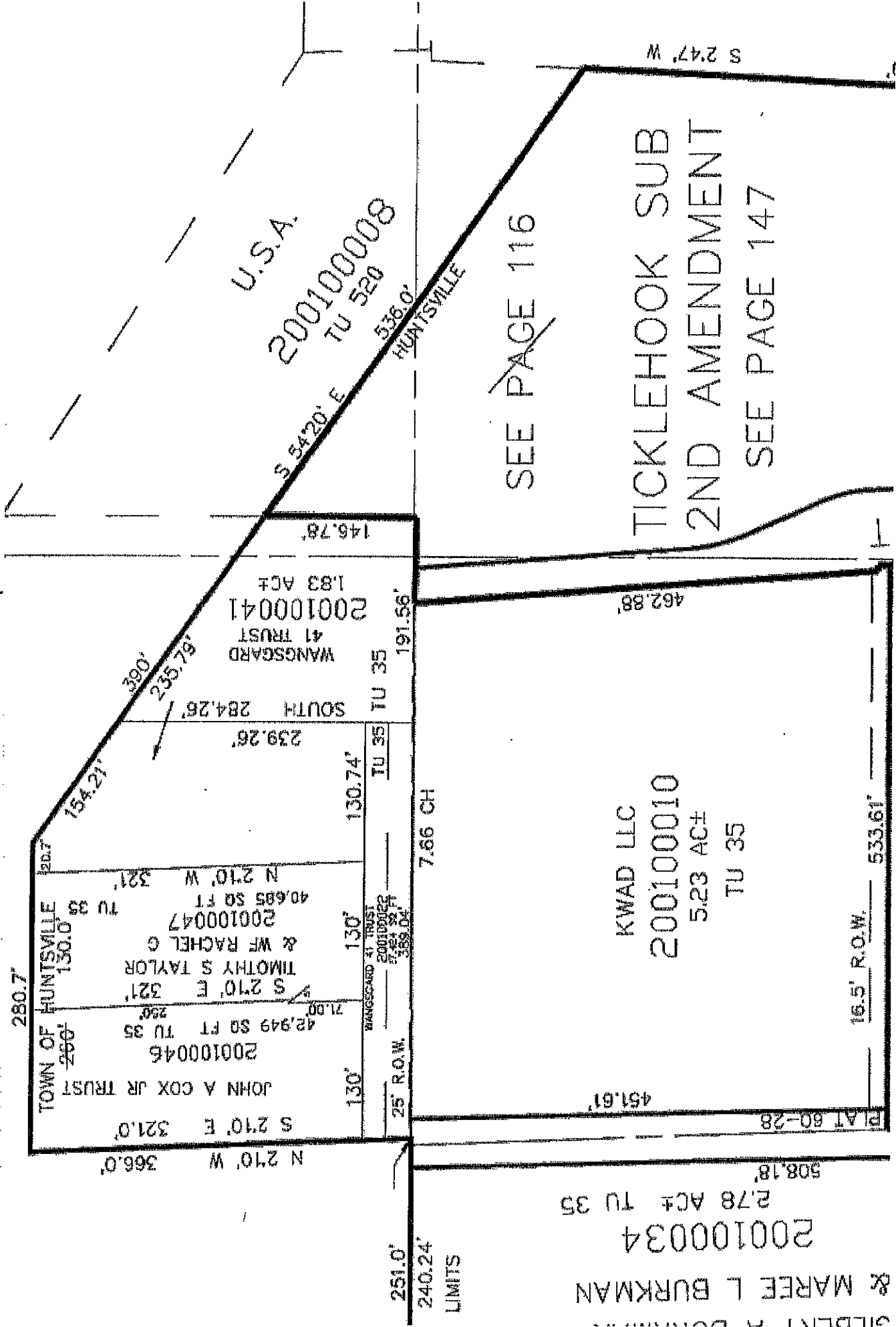
Attorney for Trustee

State of Utah)
 §:
County of Weber)

On this ____ day of _____, 20____, before me, _____, a Notary Public, date month year notary public name public, personally appeared _____ Mayor, who proved on the basis of satisfactory name of document signer evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand and official seal.

NOTARY PUBLIC

Exhibit A



PC Meeting 10.26.23
Att: 2

MINUTES OF THE HUNTSVILLE TOWN PLANNING COMMISSION MEETING

MEETING DATE: September 28th, 2023
PLACE: Ogden Valley Library
131 S 7400 E, Huntsville Utah
TIME: 6:30 p.m.

NAME	TITLE	STATUS
Allen Endicott	Chairman	Excused
Steve Songer	Planning Commissioner	Present
Jeff Larsen	Planning Commissioner	Present
Liz Poulter	Planning Commissioner	Present
Suzanne Ferre	Planning Commissioner	Present
Amanda Hessenauer	Alt Planning Commissioner	Present
Sandy Hunter	TC Liaison	Excused
Shannon Smith	Town Clerk	Present
Bill Morris	Town Attorney	Excused

Citizens: Max Ferre, Ivy Ellison

1-Roll call: Acting Chairman Larsen welcomed all who are attending the meeting.

2- Open to Public Hearing for Ordinance 2023.6.22 and changes to the Acceptable Use Table (see Attachment #1)

Acting Chairman Larsen gave a recap of the reason this Ordinance is before Public Hearing. This Ordinance creates code for the Town's new C-2 Zone. This Zone will be along highway 39. PCM Poulter commented to keep in mind the Town's current highway area as well as land it might potentially annex in the future.

There was no public comment.

3- Close Public hearing and Open to regular Planning Commission meeting

PCM Poulter motioned to close the public hearing and open regular Planning Commission meeting. PCM Songer Seconded the motion. All Votes Aye. Motion passes. Votes are reflected below.

<u>VOTES:</u>	
<u>AYES:</u>	Chairman Allen Endicott Commissioner Liz Poulter Commissioner Steve Songer Commissioner Suzanne Ferre Alt Commissioner Hessenauer
<u>NAYS:</u>	

4- Discussion and/or action on Ordinance 2023.6.22
 (See Attachment #1)

The PC discussed the change to limiting bars and also restaurants that sell alcohol in the Town limits. PCM Hessenauer expressed concerns about some of the uses under the C2 Zone that are listed as conditional. She felt that the PC should more thoroughly review these while they now have the chance.

PCM Larsen reviewed the ^{table 15-1}list and the PC adjusted the items as they saw appropriate.

PCM Hessenauer questioned if one multi use building could have several conditional uses. The overall opinion was yes that would be allowable. ^{Changes}

PCM Poulter motioned to recommend for approval Ordinance 2023.6.22 and changes as mentioned for table 15-1. PCM Songer seconded the motion. Roll Call Vote. All Votes Aye. Motions passes. Votes are reflected below.

<u>VOTES:</u>	
<u>AYES:</u>	<u>Commissioner Jeff Larsen</u> <u>Commissioner Liz Poulter</u> <u>Commissioner Steve Songer</u> <u>Commissioner Suzanne Ferre</u> <u>Alt Commissioner Hessenauer</u>
<u>NAYS:</u>	

5-Approval of minutes for Planning Commission meeting May 25th, 2023.
 (See Attachment #2)

PCM Hessenauer motioned to approve the minutes from August 24th, 2023. PCM Ferre seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

<u>VOTES:</u>	
<u>AYES:</u>	<u>Commissioner Jeff Larsen</u> <u>Commissioner Liz Poulter</u> <u>Commissioner Steve Songer</u> <u>Commissioner Suzanne Ferre</u> <u>Alt Commissioner Hessenauer</u>
<u>NAYS:</u>	

6- Discussion and/or action on Land Use Permit for Martell New Home, 386 N. 6900 E., Parcel # 201470001 (See attachment #3)

Ryan was present to speak on behalf of this project as the landowner and contractor. 42.00 Shannon spoke on behalf of an issue that was brought to her attention by TCM Hunter. The parcel in question actually does not have appropriate frontage on a 66-foot town road. Ryan Stated that he was a part of subdividing this land back in about 2005 and he was unaware of this issue. He stated that there is a turnaround on the plat that was recorded so that there was room for fire truck access and turn around. He also stated that he installed a fire hydrant close to the property. Ryan had questions on if he needed to install the road all the way to the current dead end.

There was additional discussion on street 6800 E, there has been conversations with the Town that the parcel across the street from the parcel in discussion, will at one point be responsible for completing some of the road in that area. Ryan recalled that he signed an agreement stating that he will deed over 33 feet by his property over to the town for part of the access.

The issue of frontage on an official 66-foot town road was a concern. Ryan stated that there was previous discussion about this issue and the town had planned to require the parcel across the street, parcel number 200100010, to also deed 33 feet to eventually complete a 66-foot road.

PCM Hessenauer agreed with PCM Poulter that she would like to see some more information on any decision the town made on this property before approving a land use permit. PCM Songer felt like it would be acceptable to approve this permit with the condition that any record of agreement that the town sees this as a buildable lot is found and reviewed.

PCM Songer motioned to approve the Land Use for the Martell New Home 386 N. 6900 E., Parcel # 201470001 with the condition that there is a record of the agreement between the town and the property owner that upon previous subdivision the lot was considered buildable also that there will be 33-feet for the road along said property. PCM Poulter seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Commissioner Liz Poulter Commissioner Steve Songer Commissioner Jeff Larsen Commissioner Suzanne Ferre Commissioner Hessenauer
NAYS:	

7- Discussion and/or action on Land Use Permit for Engstrom New Home, 7540 E. 600 S., Parcel # 240090009 (See Attachment #4)

Mike Engstrom was present to speak on behalf of the project. Mr. Engstrom stated that they revised the site plan and all parts of the structure are now within the setbacks.

PCM Poulter motioned to approve the Land Use Permit for Engstrom New Home, 7540 E. 600 S., Parcel # 240090009. PCM Hessenauer seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Commissioner Liz Poulter Commissioner Steve Songer Commissioner Jeff Larsen Commissioner Suzanne Ferre Commissioner Hessenauer
NAYS:	

8- Discussion and/or action on Lot consolidation for Town lots, Parcel #'s 240140039, 240140040 & 241320001. (See Attachment #5)

Shannon updated the PC for the reason the town has decided to consolidate these three lots. The town is looking to consolidate so there will be one lot for the new town hall.

PCM Ferre motioned recommend approval of Ordinance 2023.9.28, lot consolidation for Parcel #'s 240140039, 240140040 & 241320001. PCM seconded the motion. Roll Call Vote. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Commissioner Liz Poulter Commissioner Steve Songer Commissioner Jeff Larsen Commissioner Suzanne Ferre Commissioner Hessenauer
NAYS:	

9-Discussion and/or action on Water leak assistance policy
(See Attachment #6)

Shannon commented that she is working on a policy to deal with leak assistance or financial assistance for overdue water bills. She plans on incorporating this in the Town's Policy and procedure manual after it goes through the approval process.

10- Sandy's TC Updates Sandy is out of town

12-Public Comment. Steve Songer questioned whether the Town requires payment for a land use permit for a structure that is being rebuilt due to extensive damage, i.e. collapsing due to snow. Shannon stated that she does not charge for a land use permit if it is being rebuilt in the same exact footprint. Steve Songer agreed with that.

13-Chairman's Remarks. Acting Chair Larsen thanked all for the discussion.

14-Motion to adjourn.

PCM Hessenauer made a motion to adjourn the meeting. PCM Songer seconded the motion. All votes Aye. Motion Passes.

Meeting is adjourned at 7:55 p.m.

Shannon Smith, Clerk

**HUNTSVILLE TOWN
ORDINANCE 2023.6.22**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH ADDING TITLE 15.8A
HIGHWAY COMMERCIAL ZONE C-2 AND MODIFYING TITLES 15.6 AND 15.24**

RECITALS

WHEREAS, Huntsville Town (hereafter referred to as “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the Town to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the Town;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the Town to regulate land use and development;

WHEREAS, Table 15-1, Huntsville Town Acceptable Uses by Zone, in Title 15 designates a Commercial Highway Zone C-2, the Huntsville Town Planning Commission desires to establish the standards of the Commercial Highway Zone C-2 into Title 15, Land Use;

WHEREAS, Title 15, Chapter 6, the Huntsville Town Planning Commission desires to revise verbiage;

WHEREAS, Title 15, Chapter 24, the Huntsville Town Planning Commission desires to refer to UDOT permitting,

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on Thursday September 28th 2023, to take public comment on this Ordinance, and subsequently gave its recommendation to approve Ordinance on September 28th 2023;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on October 19th, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the Huntsville Town Council 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:

15.8.A COMMERCIAL HIGHWAY ZONE (C-2)

- 15.8A.1 Purpose
- 15.8A.2 Use Regulations
- 15.8A.3 Single-Family Dwellings Use and Regulations
- 15.8A.4 Front Yard Regulations
- 15.8A.5 Side Yard Regulations
- 15.8A.6 Rear Yard Regulations
- 15.8A.7 Height Regulations
- 15.8A.8 Coverage Regulations
- 15.8A.9 Architectural, Landscape, and Screen Standards
- 15.8A.10 Parking
- 15.8A.11 Special Development Plan Overlay Zone

15.8A.1 Purpose

The purpose of the C-2 Zone is to designate areas within Huntsville Town that are close to Highway 39 and not in the center of Huntsville Town and would accommodate other uses in a commercial zone that are not permitted in the center of old Huntsville Town.

15.8A.2 Use Regulations

All uses allowed in the Commercial Highway Zone C-2 are designated either as permitted in Table 15-1, or as conditional and approved pursuant to a Conditional Use Permit by the Town Council. Signage regulations are contained in the Huntsville Town Signs Title, with additional considerations in this Chapter.

15.8A.3 Single-Family Dwellings Use and Regulations

All Use, Area, Frontage, Coverage, Yard, Height Regulations and Special Provisions pertaining to single-family dwellings are listed in the Agricultural Zone A-3 under Single Family Dwellings.

15.8A.4 Front Yard Regulations

The depth of the front yard shall be thirty (30) feet from the property line for all structures.

15.8A.5 Side Yard Regulations

The minimum side yard shall be ten (10) feet. The measurement of the side yard shall be the distance between the wall of a structure (above or below ground) and the side property line. If the wall is built straight up from the foundation, the measurement can be made from the foundation wall. The only portion of the structure allowed to violate the ten (10) foot setback is a roof eave extending out 18 inches or less.

15.8A.6 Rear Yard Regulations

Lots which rear upon the side yard of another lot in a residential zone R-1 or agricultural zone A-3, the minimum rear yard shall be ten (10) feet. For setbacks where the boundary is a natural stream or river corridor, see Huntsville Town Sensitive Lands Title.

15.8A.7 Height Regulations

No pitched roof building or structure shall be erected to a height greater than two and one-half (2 ½) stories, or thirty-five (35) feet unless the height is for a unique architectural feature(s) recommended by the Planning Commission and approved by the Town Council. The unique structure(s) height cannot exceed forty (40) feet, be no greater than 150 sf each and no greater in length than 20 feet each (e.g. bell tower, etc.) There shall not be more than two unique structures per acre. Flat roof buildings shall not exceed two (2) stories or twenty-four (24) feet, whichever is greater.

15.8A.8 Coverage Regulations

No buildings or structures or group of buildings with their accessory buildings shall cover more than 45 percent of the area of the lot.

15.8A.9 Architectural, Landscape and Screening Standards

As permitted in the Huntsville Town Architectural, Landscape, Screening, and Waste Disposal Standards Title 15.20.3 and as required below:

General requirements for all main buildings facing the public street:

1. No HVAC located on a roof to be visible from the street.
2. Pitched roofs to be angled in such a manner to prevent accumulated snow from sliding into pedestrian areas.
3. Roof and impervious parking lot surface runoff is encouraged to be returned to the landscaped areas on the lot and not engage the public stormwater system. Rain barrel water catchments are encouraged for roof runoff.
4. Metal roofs shall be painted or of a non-reflective nature.
5. Shingled roofs shall be composed of at least a 25-year guaranteed quality and simulate the look of wood shingles or as a minimum have greater depth than standard shingles.
6. Fencing shall be three to four rail type fencing when visible from the street.
7. For pitched roofed buildings exterior walls to be composed of board and batten siding but may contain stone or brick features for up to 25% of the front facade.
8. Pitched roof eaves shall overhang a minimum of 1.5 feet measured horizontally.
9. No stucco is allowed.

15.8A.10 Parking

As permitted in the Huntsville Town Vehicle Parking and Loading Title 15.24 except location of parking spaces shall be on the same lot as the main building.

15.8A.11 Specific Development Overlay Zone

As permitted in the Huntsville Town Commercial Zone C-1, Title 15.8.10, and following the requirements of Title 15.29, Specific Development Plan Overlay Zone.

15.6.2.A.3

No single-family dwelling, or portion thereof, shall be rented while occupied by the respective owner, except as provided for in Title 15.18.5.

15.24 ACCESS MANAGEMENT

All businesses requiring motor vehicle access shall meet the requirements specified in *Utah Administrative Code* §§ 930-6 – Access Management.

TABLE 15-1 HUNTSVILLE TOWN ACCEPTABLE USES BY ZONE

<u>Use</u>	<u>R-1</u>	<u>C-1</u>	<u>C-2</u>	<u>A-3</u>	<u>CR1</u>	<u>S</u>	<u>O</u>	<u>RC</u>	<u>Additional Reference</u>
Accessory Building, Private	P	C	C	P	C	C	C	C	
Adult/sex-oriented facilities and businesses	N	N	N	N	N	N	N	N	
Agriculture	P	N	N	P	C	P	P	N	
Amusement Park or Business	N	N	N	N	N	N	N	N	
Animal or Fowl Slaughter	N	N	N	C	N	N	N	N	
Auto impoundment yard and towing services	N	N	N	N	N	N	N	N	
Auto rental	N	N	N	N	N	N	N	N	
Auto repair, service and detailing	N	N	N	N	N	N	N	N	
Auto wrecking yard	N	N	N	N	N	N	N	N	
Banks and financial services	N	C	C	N	C	N	N	N	
Bars, taverns, clubs	N	N C	N C	N	N	N	N	N	Limit of no more than 2 per zone
Bed and breakfast	C	C	C	C	C	C	N	N	See 15.6.2.C
Bike Path	P	C	C	P	C	P	P	P	
Botanical or zoological garden	N	N	C	C	C	C	P	N	
Campground	N	N	C	C	C	C	P	P	
Car wash, commercial	N	N	C N	N	N	N	N	N	
Cell Tower	N	N	N	N	N	N	N	N	
Cemetery	C	N	N	P	C	P	P	N	
Childcare center with less than 9 children	C	C	C	C	C	C	N	N	
Childcare center with more than 9 children	N	N	C	C	C	N	N	N	
Childcare, in home	C	C	C	C	C	C	N	N	
Churches	C	C	C	C	C	N	N	N	
Commercial kennels	N	N	C	C	N	C	N	N	
Construction equipment rental	N	N	C	N	N	N	N	N	
Construction equipment storage &	N	N	C N	N	N	N	N	N	
Construction equipment sales, wholesale	N	N	C	N	N	N	N	N	
Construction services office	N	N	C	N	N	N	N	N	
Dwelling unit, accessory	N	N	N	N	N	N	N	N	
Dwelling unit, multi-family (Apts)	N	N	N	N	N	N	N	N	
Dwelling unit, nightly rentals	N	N	N	N	N	N	N	N	
Dwelling unit, single-family attached (Condominiums, Townhomes)	N	N	N	N	N	N	N	N	
Dwelling unit, single family	P	P	P	P	P	P	N	N	
<u>Use</u>	<u>R-1</u>	<u>C-1</u>	<u>C-2</u>	<u>A-3</u>	<u>CR1</u>	<u>S</u>	<u>O</u>	<u>RC</u>	<u>Additional Reference</u>

Revised and Adopted 6-2-22

Zones: R-1-Residential, C-1-Commercial, C-2-Commercial Highway, A-3-Agriculture, CR-1-Commercial Recreation, S-Shoreline, O-Open Space, RC-Recreation Zone

Uses: P-Permitted, C-Conditional, N-Not Permitted

Any use not listed is not allowed

Dwelling unit, two-family or duplex	N	N	N	N	N	N	N	N	
Fishing Ponds (Private or Public)	C	N	C	C	C	C	P	N	
Funeral services	N	C	C N	N	C	N	N	N	
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	
Gasoline service station with convenience store	N	N	C	N	C	N	N	N	
Golf courses	N	N	C	C	C	C	C	N	
Golf Course, (miniature)	N	N	C	N	N	N	N	N	
Golf Driving Range with Golf Course	N	N	C	C	C	C	C	N	
Group home for juveniles	N	N	C	N	N	N	N	N	
Healthcare facilities	N	C	C	N	N	N	N	N	
Historic structures, preservation of, including related accessory uses	C	C	C	C	C	C	N	N	
Home based businesses	C	C	C	C	C	C	N	N	
Horse boarding	C	N	C	C	C	N	C	N	
Horse stables and riding academy	N	N	C	C	C	N	C	N	
Hospitals	N	N	C	N	N	N	N	N	
Hotel, motel or inn with fewer than 16 rooms	N	N	N	N	N	N	N	N	
Hotel, motel or inn with 16 or more rooms	N	N	N	N	N	N	N	N	
Manufacturing, heavy	N	N	N	N	N	N	N	N	
Manufacturing, light	N	N	C N	N	N	N	N	N	
Medical equipment supply	N	C	C	N	N	N	N	N	
Mining, resource extraction	N	N	N	N	N	N	N	N	
Movie Theater	N	N	C N	N	C	N	N	N	
Museum	C	C	C	C	C	C	C	C	
Nursing home, Assisted Living	N	C	C	N	N	N	N	N	
Offices, general	N	C	C	N	N	N	N	N	
Offices, medical and dental	N	C	C	N	N	N	N	N	
Outdoor display of merchandise	N	C	C	N	C	C	N	N	
Park and ride	N	N	C	N	C	N	N	N	
Parking lot	N	C	C	N	C	C	N	N	
Parks, Public	N	C	C	P	C	P	P	N	
Parks, Private	P	C	C	P	C	P	P	P	
Performing Arts Center	N	C	C	N	C	C	N	N	
Personal improvement services	C	C	C	C	C	C	N	N	
Property management offices/check in facilities	N	N	N	N	N	N	N	N	
Reception Center / Events	N	C	C	N	C	N	N	N	
Use	R-1	C-1	C-2	A-3	CR1	S	O	RC	Additional Reference

Revised and Adopted 6-2-22

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Uses: P-Permitted, C-Conditional, N-Not Permitted

Any use not listed is not allowed

Recreation and athletic facilities	P	C	C	N	C	C	C	N	See 15.6.2.I
Recreation Equipment Rentals	N	C	C	N	C	C	C	N	
Recreation, public	N	C	C	N	C	P	C	N	
Recycling facilities	N	N	N	N	N	N	N	N	
Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances	C	C	C	C	C	C	N	N	
Repair services, Motorized	N	N	C	C	C	C	N	N	
Repair services, Non-motorized	C	C	C	C	C	N	N	N	
Residential treatment facility	N	N	N	N	N	N	N	N	
Retail Sales (See Chart Below)									See Below
Schools	N	C	C	N	N	N	N	N	
Skating Rink, Indoor	N	C	C	N	C	N	N	N	
Stockyards	N	N	N	N	N	N	N	N	
Storage, Indoor, Commercial	C	C	N	N	N	N	N	N	<i>*See Applicable Conditional Uses Defined (Attached to this document)</i>
Storage, RV, boat or vehicle, Private	P	N	C	P	C	C	N	P	
Storage, RV, boat or vehicle, Commercial (Indoor or Outdoor)	N	N	N C	N	C	N	N	N	
Temporary Structures	C	C	C	C	C	C	N	N	
Timeshares	N	N	N	N	N	N	N	N	
Trailhead Parking	C	C	C	C	C	C	C	N	
Trails	C	C	C	P	C	P	P	C	
Transportation/Shuttle Services	N	C	C	N	C	C	N	N	
Truck Stop	N	N	N	N	N	N	N	N	
Utility Facilities	N	C	C	N	C	N	N	N	
Vehicle Control Gate	C	C	C	C	C	C	C	C	
Veterinarian	C	C	C	C	C	N	N	N	
Warehousing and Distribution	N	N	N	N	N	N	N	N	
Wholesale Construction Supply	N	N	N	N	N	N	N	N	
Wildlife Sanctuary	N	N	C	C	C	P	P	N	

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Uses: P-Permitted, C-Conditional, N-Not Permitted

Any use not listed is not allowed

<u>Use – Retail Sales</u>	<u>R-1</u>	<u>C-1</u>	<u>C-2</u>	<u>A-3</u>	<u>CR1</u>	<u>S</u>	<u>O</u>	<u>RC</u>	<u>Additional Reference</u>
Agricultural sales and service	N	N	C	C	C	N	N	N	
Antique Shop	N	C	C	C	C	N	N	N	
Art Supply Store	N	C	C	N	C	N	N	N	
Auto Parts Store	N	N	N	N	N	N	N	N	
Automotive Sales	N	N	N	N	N	N	N	N	
Bakery	N	C	C	N	C	N	N	N	
Barber or beauty shop	C	C	C	C	C	N	N	N	
Big box retail	N	N	N	N	N	N	N	N	
Bookstore	N	C	C	N	C	N	N	N	
Bowling Alley	N	N	C	N	N	N	N	N	
Camera Shop	N	C	C	N	C	N	N	N	
Clothing/Boutique Shop	N	C	C	C	N	N	N	N	
Convenience Store	N	C	C	N	C	N	N	N	
Department or discount store	N	N	N	N	N	N	N	N	
Florist Shop	C	C	C	C	C	C	N	N	
Food Truck	C	C	C	C	C	C	N	N	
Furniture/appliance store	N	N	N	N	N	N	N	N	
Garden Shop, Plant Sales, Nursery	N	C	C	C	N	N	N	N	
Grocery Store	N	C	C	N	C	N	N	N	
Hardware Store	N	C	C	N	C	N	N	N	
Kiosk	N	C	C	C	C	N	N	N	
Laundromat, Laundry	N	N	C	N	C	N	N	N	
Locksmith or Key Shop	C	C	C	C	C	N	N	N	
Medical/Dental/Optical Clinic	N	C	C	N	C	N	N	N	
Mobile Home Sales	N	N	N	N	N	N	N	N	
Mortuary	N	N	C	N	N	N	N	N	
Music Store	N	C	C	N	N	N	N	N	
Optical Shop	N	C	C	N	N	N	N	N	
Pawnshop	N	N	N	N	N	N	N	N	
Pet Shop	N	C	C	N	N	N	N	N	
Pet Services and Grooming	C	C	C	C	C	C	N	N	
Pharmacy	N	C	C	N	C	N	N	N	
Print Shop	N	C	C	N	N	N	N	N	
Recreation Vehicle and Boat Sales	N	N	N	N	N	N	N	N	
Restaurant, Fast Food	N	N	N	N	N	N	N	N	
Restaurant, Drive-In or Drive-Through	N	N	N	N	N	N	N	N	
Restaurant, Deli or Take-out	N	C	C	N	C	N	N	N	
Restaurant, Full Service	N	C	C	N	C	N	N	N	
Seasonal Outdoor Vendor	N	C	C	C	C	C	N	N	
Shoe Store	N	C	C	N	N	N	N	N	
Restaurant w/ Alcohol Service	N	C	C	N	C	N	N	N	Limit 2

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<u>Use – Retail Sales</u>	<u>R-1</u>	<u>C-1</u>	<u>C-2</u>	<u>A-3</u>	<u>CR1</u>	<u>S</u>	<u>O</u>	<u>RC</u>	<u>Additional Reference</u>
Smoke Shops	N	N	N	N	N	N	N	N	
Studio, Artist or Photography	C	C	C	C	C	C	N	N	
Studio, decorator and display	N	C	C	N	C	N	N	N	
Studio, Health or Exercise	N	C	C	N	C	N	N	N	
Tent Vendor	N	C	C	N	C	N	N	N	Selling from a tent
Variety Store	N	C	C	N	N	N	N	N	

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