

**HUNTSVILLE TOWN
ORDINANCE 2023-12-14
AN ORDINANCE OF HUNTSVILLE TOWN, UTAH AMENDING TITLE 15.10
AGRICULTURAL ZONE A3**

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 the Huntsville Town Planning Commission desires to amend **Title 15.10**, Agricultural Zones to include **an A-5 and A-20** zone;

WHEREAS the Huntsville Town Planning Commission desires to update the Allowable Use Table;

WHEREAS the Huntsville Town Planning Commission desires to update portions of **Title 15.6** for clarity;

WHEREAS the Huntsville Town Planning Commission desires to update portions of **Title 15** for clarity as to obstructions and use of Town alleyways;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on December 14, 2023, to take public comment on this Ordinance, and subsequently gave its recommendation to adopt this Ordinance on December 14, 2023;

WHEREAS the Town Council received the recommendation from the Planning Commission and held its public meeting on _____, 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 Any ordinance or portion of the municipal code inconsistent with this ordinance is hereby repealed and any reference thereto is hereby vacated.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:

Title 15.10 AGRICULTURAL ZONES: A-3, A-5, and A-20

- 15.10.1 Purpose
- 15.10.2 Agriculture Preferred Use
- 15.10.3 Permitted Uses
- 15.10.4 Conditional Use Standards
- 15.10.5 Single Family Dwellings
- 15.10.6 Permitted Signs

15.10.1 Purpose

The purpose of the Agricultural Zones is to designate farm areas which are likely to undergo a more intensive urban development; to set up guidelines to continue small-scale, limited agricultural pursuits including the keeping of animals; and to direct orderly low density residential development in a continuing rural environment. **The A-3 zone requires a three-acre minimum lot requirement, the A-5 zone requires a 5-acre minimum lot requirement, and the A-20 zone requires a 20-acre minimum lot requirement.**

The intent of the A-20 zone is to protect and preserve the natural environment of those areas in Huntsville Town that are characterized by naturalistic lands and to permit development compatible to the preservation of those lands, including to prevent sanitation and pollution problems and protect the watershed.

15.10.2 Agriculture Preferred Use

Small scale agriculture and single-family dwellings are the preferred uses in **these agricultural zones**. All small-scale, limited agricultural operations are encouraged including the operation of farm machinery.

15.10.3 Permitted Uses

Refer to Table 15.1 (Allowable Use Table) for all permitted uses in the **A-3, A-5 and A-20 zone**.

15.10.4 Conditional Use Standards

The following conditional uses are subject to additional standards in the **Agricultural Zones**. Any of these conditional uses must receive approval on a case-by-case basis from the Planning Commission and Town Council after the submittal of a conditional use application.

- A. Animal hospitals, veterinary clinics and associated buildings or enclosures shall be located not less than thirty (30) feet from a public street and not less than fifty (50) feet from any side or rear property line.
- B. Dog breeding, dog kennels, or dog training schools are conditional provided there is a maximum of ten (10) dogs of more than ten (10) weeks old per acre at any time; and provided any building or enclosure for animals shall be located not less than fifty (50) feet from a public street and not less than fifty (50) feet from a public street and not less than fifty (50) feet from any side or rear property line.
- C. Greenhouse or Nursery limited to growing and selling plants or sod; and selling landscaping materials, fertilizer, pesticide or insecticide products, tools for garden and lawn care, and related goods.
- D. Construction equipment storage: the overnight parking of not more than one construction vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than three (3) acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty (50) feet from a public street.
- E. The storage and use of light construction equipment up to a ten-wheel truck for off-premises contract work by the owner resident of property of not less than five (5) acres in area, provided that the equipment is parked at least fifty (50) feet from a public street.
- F. Bed and Breakfast Inns subject to the following standards:
 - 1. Two parking spaces shall be provided for the full-time occupant plus one space for each guest room. No parking may be located on the public thoroughfare;
 - 2. The proprietor or owner must occupy the dwelling;
 - 3. Meals may only be served to overnight guests;
 - 4. Not more than three (3) guest sleeping rooms per dwelling;
 - 5. Allowed only in existing dwellings with no exterior additions nor shall the use change the residential character; and
 - 6. Business license is required.

15.10.5 Single Family Dwellings

- A. Use Regulations for Single Family Dwellings
 - 1. Only one single-family dwelling is allowed on an approved A-3, A-5, or A-20 building lot.
 - 2. No single-family dwelling or a 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 except as stated in 15.18.5.

4. No single-family dwelling shall be occupied by more than four families, or a combination of unrelated groups, within a 12-month period.
5. Temporary buildings used incidental to construction work, 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.
6. Home occupations are allowed as regulated under Title 15.18.
7. No accessory structure or building, or portion thereof, shall be rented **or used** as a dwelling unit—including in-kind considerations.
8. 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 number five (5) above.

B. Area Regulations

1. **The minimum lot area for a single-family dwelling in the A-3 zone shall be not less than three (3) acres.**
2. **The minimum lot area for a single-family dwelling in the A-5 zone shall be not less than five (5) acres.**
3. **The minimum lot area for a single-family dwelling in the A-20 zone shall be not less than twenty (20) acres.**

C. Frontage Regulations

1. The minimum width of a lot, for a single-family dwelling, along the street frontage shall be one hundred thirty (130) feet **on a lot of less than five (5) acres and three hundred feet (300) on a lot of more than five (5) acres.** Where the lot frontage is on a cul-de-sac, the frontage 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 setback of thirty (30) feet of the cul-de-sac. Alleys shall not be considered street frontage unless the Town designates it as such and provided no other street frontage is available.
2. The frontage requirement minimum is one hundred twenty (120) feet on a three (3) acre lot **or two hundred ninety feet (290) on a five (5) acre or larger lot** when an alley is the only reason for not being able to provide one hundred thirty (130) feet **or three hundred (300) feet of frontage.**
3. Primary vehicular access is defined as the access used to access the residence the majority of the time. Primary vehicular access to the lot must be identified on **the** submitted site plan.
4. Unless the lot is on the corner of two public streets (a “Corner Lot”), primary vehicular access to the lot shall be from the designated frontage. For a Corner Lot, vehicular access can be from either street provided, if the primary vehicular

access is not from the designated frontage, the set-back should be no less than 20-feet from the property line.

D. 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.

E. Front, Side and Rear Yard and Height Regulations

The minimum depth of the front yard for the dwelling and for private garages shall be thirty (30) feet from the property line.

1. No obstruction to view in excess of two (2) feet in height shall be placed or permitted to remain on any corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.
2. The minimum side yard for any dwelling, private garage, **accessory building, or any above-ground structure** shall be ten (10) feet. Measurement of the side yard shall be the distance between the wall of a structure (above or below ground) and the side property line. If the wall is built straight up from the foundation, the measurement can be made from the foundation wall. The only portion of the structure allowed to violate the ten (10) foot setback is a roof eave extending out 18 inches or less.
3. Where the rear of a lot abuts the side of an adjoining lot, the minimum setback for any building **or above-ground structure** on the rear of the former lot shall be ten (10) feet from the property line.
4. Where the side of a residential lot abuts an alley, the minimum side yard for any residence shall be ten (10) feet from the alley boundary. The minimum side yard **or rear yard** for a garage, **accessory building, or above-ground structure** that abuts an alley shall be one (1) foot measured from the alley boundary.
5. For setbacks where the boundary is a natural stream or river corridor see the Huntsville Town Sensitive Lands Title 15.15.
6. No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet.
7. No dwelling shall be erected to a height of less than one (1) story above ground.

8. No building which is accessory to a single-family dwelling shall be erected to a height greater than thirty-five (35) feet.
9. Height is defined as the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof.

F. Coverage Regulations

1. No single building shall cover more than twenty-five (25) percent of the area of the lot or parcel upon which it resides.
2. No group of buildings (including dwellings and accessory structures), in aggregate, shall cover more than thirty-five (35) percent of the area of the lot or parcel upon which they reside.

G. Special Provisions

1. Public health requirements concerning domestic water supply and sewage disposal shall comply with State and Weber/Morgan County Health Department requirements. A septic tank certificate of design approval from the Weber/Morgan County Health Department shall be required in all applications for a building permit.
2. Lots identified by the Town Engineer containing wetlands will not be approved as a building lot by Huntsville Town without a demonstration from the Army Corps of Engineers approving the delineation of the boundaries of the wetlands within the lot.
3. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as determined by the Huntsville Town Engineer wherein no buildings or structures shall be constructed, or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this ordinance, adequate measures must be taken as determined by the Floodplain Administrator or Town Engineer to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
4. The required yard space shall be kept free of debris, refuse, or other flammable material which may constitute a fire hazard, as further defined in the Huntsville Town Nuisance Title.
5. The requirements of this Title as to minimum building site area shall not be

construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time this ordinance becomes effective.

6. No space needed to meet the width, yard, area, coverage, parking, or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.
7. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

C. Swimming Pools

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

1. The location of the family swimming pool, **accessory machinery, or above ground structure** shall not be less than ten (10) feet from the dwelling's property boundaries. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard setback for an accessory building.
2. An outdoor family swimming pool shall be completely enclosed by a substantial fence of not less than **six (6)** feet in height or a power safety cover that meets the requirements of the International Building Codes. ~~Lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises.~~ A "substantial fence" means any fence that will not allow normal passage by any person except through an otherwise locked gate.
3. Lighting shall conform to the requirements of 15.22.7. Additionally, lights used to illuminate the swimming pool, or its accessories buildings or equipment shall be so arranged as to reflect the light away from adjoining premises.

15.10.6 Permitted Signs

The height, size, and location of permitted signs shall be in accordance with the regulations set forth in the Huntsville Town Signs Title 15.21

(Amendment to Title 15.6 below)

(15.6.2.G) G. Accessory Structures or Buildings. No accessory structure or building, or portion thereof, shall be rented as a dwelling unit—including in-kind considerations. No accessory structure or building, or portion thereof, shall be used as a dwelling unit, except on a short-term basis (under 15 days) and only by friends or family of the owner while the owner is present on

the property.

15.6.7. Side Yard Regulations (only amending A and B, C remains unchanged)

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

B. Where the rear of a residential lot abuts the side of an adjoining residential lot, the minimum side yard for any dwelling shall be ten (10) feet. The minimum side yard for a private garage, accessory building, **or any above-ground structure** shall not be less than ten (10) feet.

(Amendment to Title 15.21 below)

15.21.6 Allowable Signs by Zoning District (see amendment below)

C. Residential and Agricultural Zones (only amending paragraph 2)

2. **For lots** with a residence that has a home business in the residence and a property that adjoins a state or county highway; one sign meeting the requirements in Title **15.21.6.B** shall be **allowed only** for that home business and only along the property line adjoining the state or county highway.

(Amendment to Title 15.30 below)

15.30 Fencing (adding paragraph 3 to 15.30.A.)

3. **Privately owned fences shall not be erected or installed beyond the owner's property line, nor on Town property unless officially authorized by the Town Council.**

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

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this

RICHARD L SORENSEN, Mayor

ATTEST:

NIKKI WOTHUIS, Town Clerk

RECORDED this
POSTED this

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, Utah, hereby certify that foregoing Ordinance was duly passed and posted at 1) Huntsville Town Hall and 2) www.pmn.org on the above referenced dates.

_____ DATE:
NIKKI WOTHUIS, Town Clerk