

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

MEETING DATE: October 24, 2019
PLACE: Huntsville Town Hall, 7309 E. 200 S.
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	Excused
Larel Parkinson	Planning Commissioner	Excused
Allen Endicott	Planning Commissioner	Present
Wendy McKay	Town Council Liaison	Excused
Blake Bingham	Town Council Liaison	Present
Beckki Endicott	Recorder	Present
Bill Morris	Town Attorney	Excused

Citizens: Rex Harris, Kerry Wangsgard, Rudy Eilander, Karen Eilander, Casey Pratt, Paul Avner, Bill White, Ken Berg, Jed Hunter, Jim Truett

1 – Roll call: Chairman Doug Allen called the meeting to order and introduced the Planning Commission.

2 – Approval of Minutes for Planning Commission Meeting August 22, 2019: Sandy Hunter **motioned to approve the minutes for PC Meeting August 22, 2019.** Seconded by Liz Poulter. All votes aye. Minutes are approved.

3 –Discussion and/or action on Land Use Permit for Kerry Wangsgard: Kerry Wangsgard is here to seek a Land Use Permit to remove an old mobile home and replace that mobile home. He brought a copy of the application from Weber County for a Building Permit. He needs a Land Use Permit for this to go forward. The mobile home is from the 1980's.

Chairman Allen stated that he talked with Kerry Wangsgard this last summer. Doug stated he communicated with Kerry that replacing the mobile home did not meet the ordinances. Doug and Rex both felt that they would let Kerry appeal and skip the Planning Commission because there wasn't anything they could do, however, the Planning Commission was advised to let Kerry go through the proper process. This is Kerry Wangsgard's first appearance at the Planning Commission regarding this Land Use Permit for replacing the mobile home.

Kerry stated that he was advised by Doug and Rex to go to the Town Council. He went to the Town Council and they advised him to go back to the Planning Commission. Rex commented that he suggested to Kerry that he go before the Town Council not to get a Land Use Permit because he knew he would have to go through this process, but Rex felt that the Town Council

would look at the ordinance and see if the ordinance needs to be changed. Rex felt this “use” of replacing the trailer does not meet the ordinance.

Rex stated that he would like to clarify the reason that he advised Kerry Wangsgard to coming to the Town council instead of the Planning Commission. Rex stated that he advised Kerry to come to the Town Council because he knew that Huntsville Code would need to be changed in order for the trailer to be replaced. Current Huntsville Code does not support the replacement of a mobile home. Rex stated the Town Attorney advised that Kerry Wangsgard go through the process from start to finish.

Chairman Allen stated that Huntsville Ordinances do not allow for the mobile home. He read from the Huntsville Town Code (**See Attachment #1**). Kerry asked when the ordinance was enacted. Sandy responded that it was before 2012.

Sandy commented that the mobile home currently on the property would be grandfathered. She suggested to Chairman Allen to read from ordinance 15.17.8. Chairman Allen read the ordinance (**See Attachment #2**).

Kerry Wangsgard stated the “use” referred to is the mobile home. The intent is to take it off the property and put it back on the property. The “use” is a mobile home space. It is not a permanent structure or attached to the property.

PC Commissioner Allen Endicott responded that even if the use was acceptable, 15.6.2.M which states that “no mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (great than 30 days) residence.” Kerry stated the ordinance would apply if it wasn’t grandfathered in. Allen replied if the mobile home was moved, it would no longer be grandfathered.

Kerry stated as he understood it, he has a year to move off a mobile home and bring a new one back on the property. There have been three mobile homes over the years. He stated that the PC is taking a “use” that has been active for 50-60 years and saying that you cannot use that any longer. His question to the PC is “then what is he going to do with his property, grow grass on it?” Kerry stated the “use” per ordinance 15.17.8 with regards to grandfathering, that exists “at the time this Ordinance became effective, may be continued.” He stated he should be allowed to continue the use because it is preventing the government from unreasonably coming in and denying a use that has been in existence for years. Now, he states, he is economically harmed by this. Kerry states that denying the use equates to a “taking” and he needs to be fairly compensated for this action.

Chairman Allen stated all the PC can do is follow the ordinances that are set forth. He recommended to Kerry that there is a process to follow. Chairman Allen recommends after Kerry is denied a Land Use Permit for a new trailer, he could go to the Town Council. Doug stated he felt there was a lot of things that Kerry could do with his land. Doug asked about building a house on the lot. Allen Endicott asked if Kerry had the frontage to build a house. Kerry responded that the Town believes the road to his home is not a public road; Kerry contends that it is a public road. Kerry stated that his lots are worth \$220,000 and now that the PC is taking away

his ability to replace a trailer, his lots are now worth \$20,000. He asked if the PC was willing to compensate him for this loss. Chairman Allen stated he is not the Mayor or the Town Attorney.

Kerry Wangsgard stated “for the record” that he is applying for a Land Use Permit and the use of the land is not changing. Under the grandfather laws he should be allowed to continue this use of a mobile home on the property. Chairman Allen asked which grandfather law he was looking at. Kerry answered in Utah under the grandfather laws, to prevent the continued use of land by an ordinance coming in to limit or restrict that use, then the government is taking that use from you. Kerry gave the example of storage units. He stated that if you had a storage unit on your property that you have used for 50 years and then pass an ordinance that there can no longer be storage units, then no longer being able to use that property for that use would result as a taking.

Chairman Allen stated they are following the proper process. Kerry Wangsgard asked when the upcoming Town Council Meetings were going to be held. Beckki responded November 7th and November 21st. Kerry stated the 7th would not work because he would be out of town on business. He also stated his tenants are wanting a new trailer, and this process was started in July. To prevent nonconforming uses from becoming blighted properties, which in his opinion is what he is trying to do, zoning codes allow for repair and maintenance. Kerry states there is no way for this trailer to be repaired. It has been repaired many times previously. The roof is caving in and needs to be replaced. He stated he is preventing blight and the law allows him in essence to repair the trailer by bringing in a new trailer.

Sandy asked how big the trailer is that is currently on the property. He stated it is 14 feet by 58 feet. Sandy asked how big the new trailer was going to be. Kerry stated 14 feet by 70 feet. Sandy stated there was an additional ordinance to look at. She pointed to 15.17.12:

15.17.12 Nonconforming Use of Land The nonconforming use of land, or a portion thereof, existing at the time this Title became effective, may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof is abandoned or changed, any future use of such land shall be in conformity with the provisions of this Title.

Kerry stated he knew he couldn't bring on two mobile homes to the property. Sandy commented that he couldn't expand past the 58 feet. Kerry stated that was incorrect. He stated there was a double-wide trailer on the property originally. He asked the PC if they would deny the trailer for 12 feet. Doug responded the PC has an obligation to follow the ordinances. Kerry requested to be put on the Town Council Agenda for November 21st.

Doug asked Kerry how a mobile home would be received in his own current neighborhood. Kerry replied with an example of the dairy farm that was in his neighborhood. He stated the dairy farm had been on the property for years and then people started building around it. The neighbors moved in and didn't like the smell or early morning hours, but the dairy farm was allowed to continue as a dairy farm. As soon as the dairy farm closed, they lost that use. He stated it was much like Doug's own father milking cows in Town. Kerry stated he remembered

people complaining about the cows in Town, but Doug's father was allowed to continue as long as he was milking cows.

Doug stated to the PC that it was his opinion that they could not approve this Land Use Permit based on the current ordinances.

Kerry Wangsgard stated he believed the PC could approve it.

Sandy Hunter motioned to deny the Land Use Permit based on 15.6.2 J & M and also 15.17.8 paragraph B and also based on 15.17.12 for the fact that the land would be expanded or extended because it would be a larger mobile home. Allen Endicott seconded the motion. Chairman Allen called for a roll call vote. All votes aye. Motion to deny the Land Use Permit for Kerry Wangsgard is passed.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter
NAYS:	
ALTERNATE:	
EXCUSED:	Commissioner Jeff Larsen Commissioner Larel Parkinson

4) Discussion and/or action on approval of Preliminary Subdivision Plan for Bill White, Pine View Point, LLC:

Jed Hunter from the Ogden Boat Club: He doesn't have any concerns about the subdivision. He does want to make sure that the property line between the Boat Club and the subdivision is correct. Jed stated the property line between the two properties is 5 feet south of the existing fence. He stated he wanted to make sure that the right of way gets expanded to where it should be when the subdivision is developed.

Sandy confirmed that the fence line he is referring to is the white fence.

Karen ? from the Ogden Boat Club: Karen stated that the boundary line is correct on the large subdivision plans but not on the plans they received in the mail. **(See Attachment #3)**

Doug quoted from the minutes from the August PC Meeting. The PC proceeded to look at the large subdivision plans. Rex and the Boat Club Members also looked at the plans with the survey provided by Ken Berg from Berg Civil Engineering. Rex commented as long as the two property owners agree on the said survey, then they can proceed.

Ken Berg stated these are the preliminary drawings. He has yet to do the engineered drawings for the road. Doug asked if there were any other comments regarding the subdivision. None of the audience voiced any additional concerns.

Liz Poulter motioned to recommend to the Town Council the Preliminary Subdivision Plans for Pineview Point, LLC. Sandy seconded the motion. All votes aye. Motion passed.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter
NAYS:	
ALTERNATE:	Commissioner Larel Parkinson
EXCUSED:	Commissioner Jeff Larsen

5) Discussion and/or action on Land Use Permit for Paul Avner, Just Because, parcel #240140028 7350 East and 100 south for additional storage units:

Rex explained this parcel has an existing storage unit on the parcel. At the time the owners purchased the property, the “use” of the storage unit on the land was allowed. Since that time, the Allowable Use Table has been amended and storage units are no longer allowed on Huntsville Town Commercial Property. The property owners would like to add an additional storage unit to the property. Rex stated his understanding would be that the grandfathered “use” would apply to the current storage building but cannot be expanded or extended. This parcel is in a commercial zone, which would allow for an overlay zone that could allow this use if the development of an additional building was acceptable to Planning Commission and Town Council. Rex admonished the owners to come and make the request of the Town Council. The parcel would have to go through a Zoning Map Amendment.

Paul Avner and Casey Pratt came forward to present their idea for an additional storage unit on the property (**See Attachment #4**). Paul stated he bought the parcel with the existing storage unit. The unit looks like a shed. He would like to change the façade of the current building and add an additional building. Paul stated this was the original intent when they bought the property. He stated the look would be very much like the Town Sheds.

Sandy wanted to know how the new building would be situated on the property. Paul responded the entrance to the new building would be on 7300 East not on 100 South. He agrees that Huntsville should not be known for “storage units” so they are calling the unit a “boat hanger.” Blake asked if the building would be used for boat storage. Paul and Casey confirmed they would be renting space for boats.

Rex recommended to the Planning Commission the action today be a recommendation to the Town Council to go through a Zoning Map Amendment process and not a Land Use Permit. Beckki stated she was unsure of the situation but knew the item needed action and that is why it is on the agenda the way that it is.

Liz asked how much bigger the new building was compared to the old building. Paul replied the building is around twice as big as the old building. Doug asked about set backs in a commercial zone. Rex stated there are no set back requirements in a commercial zone. The plans that were brought to him originally had the new roof line of the building on the property line. Rex

suggested to them they might want to accommodate snow by allowing the room for it to come off the roof. The land owners have made that adjustment.

Liz went back to the size of the building. She asked again how much of the lot they thought it would cover. Rex responded that the new building would cover the majority of the lot that was there. Paul stated the new building is 120x100 feet.

Sandy pointed to 15.8.10.

Sandy and Doug had questions about the procedure for an overlay zone. Beckki stated the land owners would now have to apply for a Rezone. As soon as an application and fee have been received, the public hearing would be set at the Planning Commission Meeting. Once the Planning Commission has the hearing and makes a recommendation to the Town Council, the Town Council will have to approve a Zoning Map Amendment Ordinance.

Blake wanted to make sure the Planning Commission is applying the Huntsville Code equitably to all residents. The PC denied a Land Use Permit for a property owner with a nonconforming use earlier in the meeting. Blake wanted to make sure Huntsville Ordinances were applied fairly to these property owners. He stated he believed their situations were a little different. Rex replied the difference is that one parcel was in a commercial zone. The Planning Commission has used an overlay zone on commercial property in the past.

Doug asked the land owners for their patience. He stated this is not something the Planning commission is used to doing and they are as familiar with the process of how this should proceed.

Paul Avner and Casey Pratt expressed frustration that they bought the parcel as a commercial property with the intent to use it as such and were unaware that the Allowable Use Table had changed.

Allen stated he is unprepared to make a determination about the building on this night. He did recommend to the property owners that if they would like to proceed, they should go to the Town Council and start the process for a Zoning Map Amendment.

Doug didn't feel there is any action that needed to be taken at this point. The next step in the process is for the property owners to apply for a Rezone. Paul stated they are here to see what the options were for developing this property. Sandy responded that an overlay zone is the only option for what they are wanting to do.

Rex stated his job is to help people go through this process. He would hate to see people invest a lot of money up front if the concept is not something the Town wants. He stated if the Town Council has no desire to be in the business for rezoning for this purpose, then he felt the PC and TC should be up front about the issues. The last thing he would like to have happen is for the land owners to file the application and have a public hearing when the PC and TC have no desire to go through the process in the first place.

Mayor Truett stated the allowable use table was changed in order to prevent open land in Town from becoming full of storage units. In this case, Paul Avner, already has a storage unit on the property. The business has already functioning storage units. He believes there is a difference between Kerry Wangsgard's situation and Paul Avner's situation. Liz stated she didn't agree when the owners are coming to triple the size of their business on that lot. Mayor Truett stated the Avner's bought the property in order to store boats.

Blake asked the land owners when they acquired the property and when the Allowable Use Table was changed. Rex stated he looked at all the dates but didn't come prepared with the specific dates to share with the Planning Commission. Paul stated they came to the Council prior to purchasing with this plan and it was after that point that the Allowable Use Table had changed.

Paul stated they are anxious to get started. They would like to start building in the Spring and have 45 customers on a waiting list. They would like to be on the Town Council Agenda on November 21st. Blake will present the plan to the Town Council. Beckki stated it would be very helpful to have a better site plan that shows the new building in relation to the new old building. Doug would like the owners to have the dates for purchase available for the Town Council.

Sandy stated the purchase of the property date was 2015. The Use Table came into effect in 2017.

6) – Discussion and/or action on Title 4 Edits: (See Attachment #5 – 4.2.2) Blake stated the Town Council appreciated the work that had been done on this Ordinance. Blake stated there was some concern regarding the new edits about requiring a Land Use Permit for structures under 200 square feet. The Town Council feels that this is overreach. Rex stated he agrees that it might seem like overreach but many of the problems that we have with following the ordinances start with a structure under 200 square feet. Rex stated he feels that it is for there protection as well. He stated there were about 4 or 5 situations this year when he helped a land owner change the placement of their small buildings. Many times, the owners put these small buildings on property lines or over drain fields. Sandy suggested that maybe the wording could be changed so that the details of the building didn't matter so much but put more emphasis on the site plan.

Blake suggested that maybe a work session would be in order. The Town Council is strongly suggesting that any wording for a Land Use Permit will be rejected by the Town Council.

Rex stated this requirement is usually to protect the neighbor not the land owner themselves.

Liz suggested changing the wording from "required" to "encouraged." Doug believed this would protect the Planning Commission and the Town. Allen suggested that instead of coming to the Planning Commission, give people an application to file with the Town. Rex could then review the placement of the buildings.

Sandy suggested that they reword the ordinance to say, anything with a footprint under 200 sq ft does not require a Land Use Permit but must follow the set-backs in Title 15.6. She stated at least it reminds the land owner they need to comply with the other building ordinances.

Doug asked Rex to reword the ordinance for next time. **Doug motioned to table the item by consent. There were no objections.** Motion passes.

7) Discussion and/or action on corner lot set back ordinance: (See Attachment #6) Allen presented the changes to the corner lot set back ordinance.

15.6.4.D Primary vehicular access to the lot shall be from the frontage, *unless the lot is on the 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.

Blake wanted to know if you are on a corner lot and your vehicular access is at the front of the house, what is your side set-back. Doug responded the side set back is 10 feet. Allen explained this ordinance would only apply if you wanted vehicular access to the home that was not the front of the home. Blake confirmed that if a land owner was gaining access to their home by way of something other than the frontage, then the set-back is 20 feet. Allen confirmed.

Doug stated the previous ordinance was restrictive to corner lot owners. He believes this allows a little more flexibility. Allen explained it also provided a way to have a driveway.

Blake had additional questions about determining frontage. He stated that this ordinance states that an address can be independent of the frontage. Sandy confirmed this was correct and asked if the PC was worried about determining addresses. Blake stated they could address the problem with many addresses in Town in this ordinance. Beckki stated the PC hasn't addressed the problem of addresses being incongruent with the frontage of properties. This ordinance only addressed how to handle the front and side set back of new homes on corner lots.

Allen stated the intent was only to address what to do when the owner of a corner lot is planning access to their home. Blake commented that the draft ordinance has some errors in the recitals. Beckki will correct them prior to the public hearing.

Sandy motioned to have a public hearing on 15.6.4 at the next Planning Commission Meeting. Allen seconded the motion. All votes aye. Motion passes. Beckki will add this to the next Planning Commission agenda.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter
NAYS:	
ALTERNATE:	Commissioner Larel Parkinson
EXCUSED:	Commissioner Jeff Larsen

8) Discussion on adding helicopter pads and hot air balloon pads to the Land Use Table:

Sandy stated Mayor Truett brought this to her attention back in August. She stated they've heard reports of The Sanctuary helicoptering clients from Green Hills to their property here in Huntsville as well as launching their balloon from the property every weekend. The launches are early in the morning and the noise of the set-up equipment is disturbing to the neighbors. Sandy wanted to prohibit the use in the Land Use Table. Blake stated he thought someone could get around "use" by having the pads on their private property. He felt that an ordinance prohibiting launch pads would be solid. Blake suggested they could prohibit helicopters and balloons in Town with the exception of the emergency helicopters. Blake will work on drafting the ordinance and will look at fitting the new wording in Title 14 – Traffic. He will take the new ordinance to the Town Council.

9) Public Comments: There were none.

10) Chairman Comments:

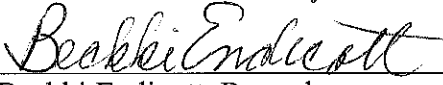
Doug stated Dave Booth called him regarding his corner commercial property. The Town rezoned his lot three years ago. Doug stated that when the original proposal was made Dave was intending to retain ownership of the buildings and lease the footprints. Doug stated when he spoke with Dave a couple of days ago, Dave stated he did not want to be a landlord and own all of those buildings. Doug has thought about this plan. Dave's current concept of not owning the commercial buildings does not comply with the Concept Development Plan that the Planning Commission approved of in 2015. The time has expired for the concept to actually be developed. The Planning Commission has given Dave more time than the ordinance allows for the development to go forward. Doug fears that there has been investor complications and that the property will be sold and developed in a manner that would not meet the concept that was presented to the Planning Commission and Town Council. Doug believes the Planning Commission should take action to rezone the property back to an R-1 status.

Sandy stated that it is up to the Town Council to revert the zoning back. Sandy advised Blake to take this to the Town Council. Blake read from the Town Code. The Huntsville Town Code states they have to revert the zoning by starting the zoning process again. Sandy stated the PC has tried to get Dave and Gina to report to the Planning Commission on the status of the development and they have ignored most of their requests. Doug stated that Dave was here earlier in the year but that the Planning Commission gave him until October to get going on the project. October has now past. Blake advised to schedule the Public Hearing to revert the property. Blake also stated that the Town Council has the charge of determining an extension or a reverting of the zoning. Blake suggested the PC initiate the steps to rezone and the Town Council will make the determination.

Sandy advised that no action be taken to schedule the public hearing without having that on the agenda for Planning Commission Meeting. Beckki will contact the Booth's and let them know that they will be on the agenda for the November Meeting on Thursday, November 14th. The PC will schedule the public hearing at that time.

Sandy motioned to adjourn the Planning Commission Meeting. Allen seconded the motion.

Meeting is adjourned at 9:06 p.m.


Beckki Endicott, Recorder

Wangsgard Mobile Home Discussion.

15.5.1 General Considerations

In order to provide for the just and fair treatment in the administration of the Huntsville Town Land Use Title, and to ensure that substantial justice is done, the Huntsville Town hereby appoints the Huntsville Town Appeal Authority to exercise the powers and duties provided in this Title.

The Huntsville Town Appeal Authority established will hear and decide:

- A. Requests for variances from the terms of the Land Use Titles; and
- B. Appeals from decisions applying the Land Use Titles.

15.5.5 Appeals

- A. The applicant, a board or officer of the municipality, or any person adversely affected by the Huntsville Town Council's decision administering or interpreting a Land Use Title may, within the time period provided, appeal that decision to the Huntsville Town Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the Huntsville Town Council in the administration or interpretation of the Land Use Titles.
- B. The Huntsville Town Appeal Authority shall determine the correctness of a decision of the Land Use authority in its interpretation and application of a Land Use Ordinance. Only those decisions in which the Huntsville Town Council has applied the Land Use Titles to a particular application, person, or parcel may be appealed to an Appeal Authority.
- C. A person may not appeal, and the Huntsville Town Appeal Authority may not consider, any Land Use Titles amendments.
- D. The appellant has the burden of proving that the Huntsville Town Council erred in the administration or interpretation of the Land Use Titles.
- E. Appeals may not be used to waive or modify the terms or requirements of the Land Use Titles.
- F. Any appeal to the Huntsville Town Appeal Authority must be filed within ten (10) days of the adverse decision being appealed from.
- G. Any officer, department or board of town affected by the grant or refusal of a building permit or by any other decision of the administrative officer in the administration or interpretation of the Land Use Titles may appeal any decision of the Huntsville Town Appeal Authority.

- H. The Huntsville Town Appeal Authority shall hear and decide appeals from Huntsville Town Planning Commission decisions regarding conditional use permits.
- I. The Huntsville Town Appeal Authority shall respect the due process rights of each of the participants in the appeal process.
- J. A decision of the Huntsville Town Appeal Authority takes effect on the date when the Huntsville Town Appeal Authority issues a written decision. A written decision, or other event as provided by Ordinance, constitutes a final decision.
- K. The adversely affected party must present to the Huntsville Town Appeal Authority every theory of relief that it may also raise in district court.

15.6.2 Use Regulations

In Residential Zone R-1, no building or structure or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

J. 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.

M. 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 J. above.

Beckki Endicott

From: Sandy Hunter
Sent: Thursday, September 12, 2019 7:39 AM
To: Beckki Endicott
Subject: RE: Mobile Home Ordinances

Beckki

There is one more ordinance the PC should study regarding the current "non-compliant use" of the mobile home on Kerry Wangsgard's lot.

See Title 15.17.8:

15.17.8 Continuation of Use

Nonconforming uses and noncomplying structures, existing at the time this Ordinance became effective, may be continued.

A. Except as provided in this Chapter, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.

B. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

Sandy

From: Beckki Endicott <bendicott@huntsvilletown.com>
Sent: Monday, September 9, 2019 3:55 PM
To: Planning Commission <pc@huntsvilletown.com>; Town Council <tc@huntsvilletown.com>
Subject: FW: Mobile Home Ordinances

Dear Town Council and Planning Commission,

I wanted to forward this discussion document on your committees. So far, I have not found a quorum to field Kerry Wangsgard's request for a Land Use Permit. However, when this item comes up for discussion, I thought it would be good to have some ordinance background. This is a document that Rex put together regarding Trailers and Mobile Homes.

Thanks!

Beckki Endicott
Huntsville Town Clerk
PO Box 267
Huntsville, UT 84317
(801) 745-3420

Weber County Building Permit Application

Incomplete applications will not be accepted or held. All required items shall be submitted.

Date Submitted /Completed 10/25/2019		Fees (Office Use)		Receipt Number (Office Use)	
Property Owner Contact Information			Authorized Representative Contact Information		
Name of Property Owner(s) Renny + Susan Wangsgard			Name of Person Authorized to Represent the Property Owner(s)		
Phone [REDACTED]		Email (Required) [REDACTED]		Phone Email(Required)	
Property Information					
Property Address 700 South 7600 E Huntsville UT 84317		Land Serial Number 24-018-0052		Current Zoning	
Subdivision Name		Lot Number		Acreage 1.7	
				Frontage 260 Feet	
Culinary Water Provider Huntsville Town		Secondary Water Provider Huntsville Town		Waste Water Provider Septic Tank	
Detailed Description of Proposed Use/Structure Removal of existing mobile home Replacement of mobile on mobile home space.					

Contractor Information	
Architect or Engineer:	Phone Number:
General Contractor:	Contractor's Address:
Phone number:	State License:
Electrical Contractor:	Contractor's Address:
Phone number:	State License:
Plumbing Contractor:	Contractor's Address:
Phone number:	State License:
Mechanical Contractor:	Contractor's Address:
Phone number:	State License:

Submittal Requirements: *(Check all that apply)*

Parcel Information: *Check one*

- ☒ Lot of Record
☐ Lot within an approved subdivision meeting the applicable notes on the plat

Site plan with required information demonstrated on the site plan as outlined on the Submittal Checklist:

• **Site Access:** *Check One*

- ☒ Across own front property line
☐ Flag lot approval date: _____
☐ Alternative Access approval date: _____

• **Setback Requirements:** *Check all that apply*

- ☒ Meets setbacks per ordinance:
Front: ☒ Side: ☒ Rear: ☒ Side Street: _____
☐ Meets additional setbacks per outlined "Site Restrictions"

• **Large Accessory Building:**

- ☐ Located in the front or side of main dwelling with conforming architectural style and material as main building.
☐ Located behind dwelling

• **Height Requirements:** *Check one*

- ☒ Meets height requirements per Weber County Land Use Code
☐ Height Variance approval date: _____

Site Restrictions: *Check all that apply*

- ☐ FEMA Flood Zone _____
☐ Buildable area recorded on the plat
☐ Lot identified as a "R" (restricted lot)
☐ Areas of slope greater than 25%
☐ Geologic Study Area
☐ Site Elevation below 4,218
☐ Wetlands as identified by the USGS
• Western Weber Stream Corridor:
☐ Year-Round stream; or
☐ Ephemeral stream
• Ogden Valley Sensitive Lands:
☐ Scenic Corridor
☐ Ridgeline
☐ Historic/Prehistoric and/or Cultural Resources
• Ogden Valley Stream corridor setbacks:
☐ North Fork, South Fork & Middle Fork of the Ogden River:
100' setback from high water mark
☐ Year Round: 75' setback from high water mark
☐ Ephemeral: 50' setback from high water mark

The following submittal items are considered required items and shall be submitted with the building permit application. Incomplete applications will not be accepted or held.

• **Geology:**

- ☐ Geologic Unit: _____ as determined by Weber County staff member: _____
☐ Geologic site reconnaissance required? Yes ☒ No ☐
☐ If yes, Geologic site reconnaissance clearing the lot for development will be required to be submitted or if an engineering geologist deems additional studies are necessary, the final geotechnical and geologic reports will be required to be stamped, signed and dated by an approved Utah State Engineering Geologist and Geotechnical Engineer.

• **Two complete and identical sets of the plans with scale including the following information:**

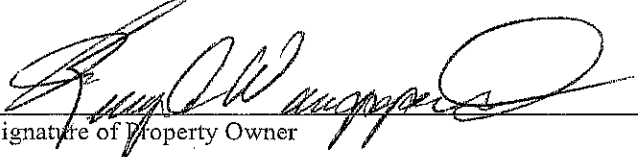
- ☒ Site Plan including existing site contours and lot/parcel boundary lines
☐ Building elevations (renderings) reflecting natural grade
☐ Structure Footing/Foundation plan including all decks/porches/covered patios
☒ Floor plans (all levels)
☐ Section/Details
☒ Structural calculations from the Engineer of record
☐ Energy Conservation Compliance Method (REScheck or other method)
☐ SWPPP Storm Water Pollution Prevention Plan (State/Local)
☐ Receipt for payment of Fire District Impact Fee
☐ All engineered, architectural and site plans are to be combined into one PDF file format to scale

• **The following items will not be required at the initial submittal stage; however these items will be required to be submitted to our office prior to the issuance of the building permit:**

- ☐ Proof of approved wastewater disposal system
☒ Proof of approved culinary water system

Signature of Property Owner or Authorized Representative

I (We), Kenng & Susan Wangsgard depose and say that I (we) am (are) the owner(s) or authorized representative of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

 
Signature of Property Owner

Or

Signature of Authorized Representative

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit dose not presume to give authority to violate or cancel the provisions of any State or local law regulating construction or the performance of construction and I make this statement under penalty of perjury.

7/2/19



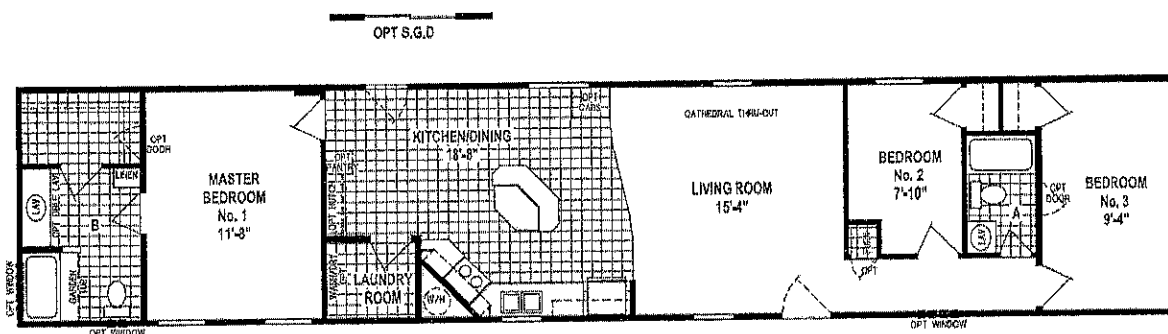
David, your home Estimate

Thank you for choosing Home Nation. We take pride in offering only the best value homes to customers across the nation. The following is an estimate for your home and options. Please note this is not a quote. We hope you choose us to build your next home! - Paul Comino

Breach - 3 bed / 2 bath - New Single Wide ID 1097

8726/7616

1,178 SQ. FT. - 3 BEDROOMS - 2 BATHS - CATHEDRAL THRU-OUT



Date Created

7/2/19

Name

David Paul

Phone

8016484440

Email

artbydavidpaul@gmail.com

Salesperson

artbydavidpaul@gmail.com

State

UT

Zip Code

84317

30 To 40 # Load

- General**
- Exterior Receptacles and Switches: (1) GFI recept and cover
 - Interior Receptacles and Switches: White, self contained
 - Phone Jack(s): None
 - AC: Conduit
 - HUD code
 - 20 lb. Roof Load Std., 30 psf optional
 - Thermal Zone 2 Standard, Zone 3 optional
 - Wind Zone 1 Std., zones 2 and 3 optional

Frame

- Exterior Wall Construction: 2x4, 16 inch O.C. spacing
- Ext. Wall Height Sidewall 7 foot, Endwall 7 foot
- I - Beam: 12 inch or 10 inch, model specified (cambo vault/flat ceiling, per prints)
- Outriggers: 95 inch spacing
- Interior Wall Construction: 2x3, 24 inch on center spacing
- Crossmembers: 95 inch spacing
- Wall Coverings: 3/8 inch minimum VOG or paper on gyp
- Header: (Front/Rear) Flush, not recessed
- Wall Coverage at Closets: 3/8 inch gyp, raw
- Axles: Spread (no equalizers) overslung mounted
- Brake Axles: One, except where more are mandatory by state DOT
- Hitch Beam: 8 inch Detachable Hitch

Interior Features

- Cabinets: MDF / 24 inch tall overheads
- Countertops (All): Formica
- Backsplash: None
- Closet Shelving: Closet Maid – vinyl wrapped metal
- Utility Shelving: None
- Refrigerator: 18 CF
- Range: Electric
- Range Hood: 30 inch, 100 cfm min, vent through sidewall
- Valance on LR windows only. No mini blinds
- Color Scheme: Factory Select
- Joists: 2x6 / 19.2 inch on center
- Carpet: Factory Select
- Carpet Bar: None
- Pad: 3.5 lb. (minimum) Rebond Pad
- Vinyl: Factory Select
- Decking: 19/32 inch 4x8 OSB T&G

Thermal (insulation and windows specs)

- Floor: R-11 Wall: R-11 Roof: R-14
- Floor: R-22 Wall: R-11 Roof: R-30

Windows and Doors

- Front door: Out swing 34x76 inch blank
- Rear door: Out swing 34x76 inch blank
- Interior doors: Factory Select
- Windows: Metal single glaze, size per prints

Roof and Ceiling

- Design Load: 20 psf Live load standard, 30 psf options where needed
- Shingles: 20 year
- Trusses: 24 inch on center spacing
- Sheathing: 7/16 inch OSB
- Insulation: Blown Cellulose
- Ceiling: Textured
- Ceiling Slope: Vault/Flat Ceiling
- Attic Ventilation: Pot vents (low), Ridge vent high

Plumbing

- Water Heater: 30 gallon electric
- Kitchen Sink: Stainless Steel, dbl bowl
- Lavatory Sinks: Plastic
- Faucets: Plastic
- Master Bath: 54 ABS Plastic Tub
- Hall Bath: 54 ABS Plastic Tub
- Main Water Shut Off

HVAC

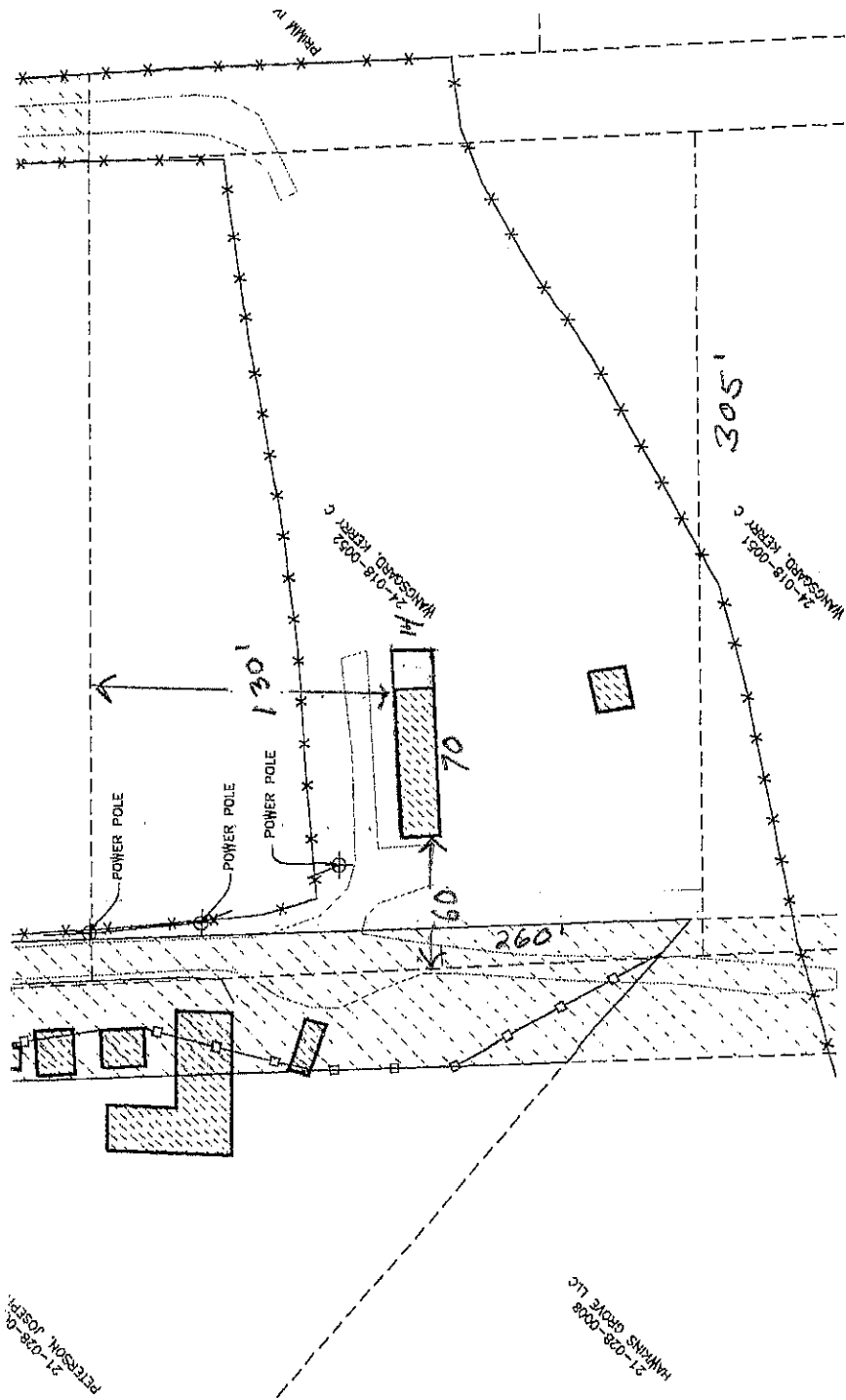
- Heat: Electric (gas optional)
- Ductwork: Metal duct
- Thermostat: 8 Wire

Exterior, 7 foot sidewalls and endwalls

- Vinyl Siding: Standard
- Sheathing: WZ 1 - Foam standard, plant specific brand. WZ 2 & 3 - Includes OSB
- House Wrap: Over OSB (where used)
- Shutters: None

Electrical

- Load Center: 200 amp
- (100 amp allowed when gas option ordered – gas range and gas furnace)



NARRATIVE

THE PURPOSE OF THE SURVIVAL BOUNDARY LINE AGREEMENT (SBLA) IS TO PROTECT THE ENVIRONMENT AND THE PEOPLE OF THE SECTION LINE. THE SBLA IS A LEGAL DOCUMENT THAT SETS OUT THE RULES FOR THE SECTION LINE. THE SBLA IS A LEGAL DOCUMENT THAT SETS OUT THE RULES FOR THE SECTION LINE. THE SBLA IS A LEGAL DOCUMENT THAT SETS OUT THE RULES FOR THE SECTION LINE.

MAINTENANCE CITY, MOORE CORNER
BEGINNING AT A POINT ON
NORTH QUARTER CORNER OF
SAID EXISTING FENCE LINE
STREET.

THE BEGINNINGS FROM THE
SECTION LINE.

Huntsville Town

Subdivision Application

Applicant Name: William White
Applicant Mailing Address: 6995 E 200S, Huntsville
Email: [REDACTED] Phone: [REDACTED]
Brief Description of Proposed Subdivision: 3 lot subdivision near
Cemetery Point & adjacent to Boat Club.
1

Applicant Signature: [Signature] Date: 10-24-19

Parcel Owner's Permission for Subdivision Application

The undersigned authorize this application for subdivision:

Parcel Number(s): # 200140013
Parcel(s) Owner Name: William White Consulting, LLC 401K Plan
Parcel(s) Owner Mailing Address: See above
Email: _____ Phone: _____
Parcel Owner Signature: [Signature] Date: 10-24-19
Title (Authorized Agent): Trustee

The undersigned authorize this application for subdivision:

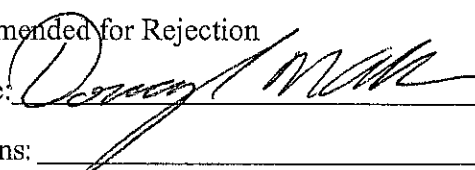
Parcel Number(s): _____
Parcel(s) Owner Name: _____
Parcel(s) Owner Mailing Address: _____
Email: _____ Phone: _____
Parcel Owner Signature: _____ Date: _____
Title (Authorized Agent): _____

(For Additional Parcel Owners Use Attached Sheet)

For Town Use:

Application Date: 10-24-2019 Fees Paid: \$130.00
Beckki Endicott ~~AK~~ receipt # 8045
Beckki Endicott, Town Clerk

Huntsville Town Planning Commission – Subdivision Preliminary Plan

☒ Recommended for Approval ☐ Recommended for Conditional Approval
☐ Recommended for Rejection ☐ Deferred
Chair Signature:  Date: 10-24-2019
Notes/Conditions: _____

Huntsville Town Council – Subdivision Preliminary Plan

☐ Approved ☐ Conditional Approval
☐ Rejected ☐ Deferred
Mayor Signature: _____ Date: _____
Notes/Conditions: _____

ATTEST: _____ Date: _____
Beckki Endicott, Town Recorder

Huntsville Town Planning Commission – Final Plat

☐ Recommended for Approval ☐ Recommended for Conditional Approval
☐ Recommended for Rejection ☐ Deferred
Chair Signature: _____ Date: _____
Notes/Conditions: _____

Huntsville Town Council – Final Plat

☐ Approved ☐ Conditional Approval
☐ Rejected ☐ Deferred
Mayor Signature: _____ Date: _____
Notes/Conditions: _____

ATTEST: _____ Date: _____
Beckki Endicott, Town Recorder

Huntsville Town Engineer – Final Plat & Final Improvement Plan

- | | |
|-----------------------------------|---|
| ☐ Approved | ☐ Conditional Approval |
| ☐ Rejected | ☐ Deferred |

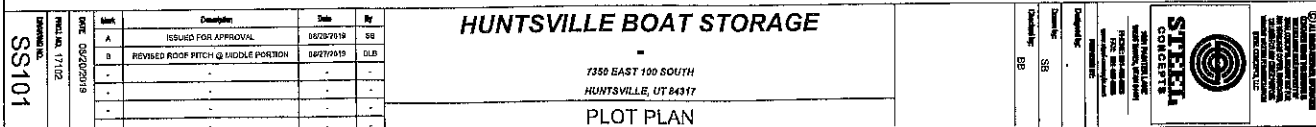
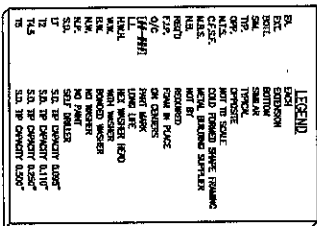
Town Engineer Signature: _____ Date: _____

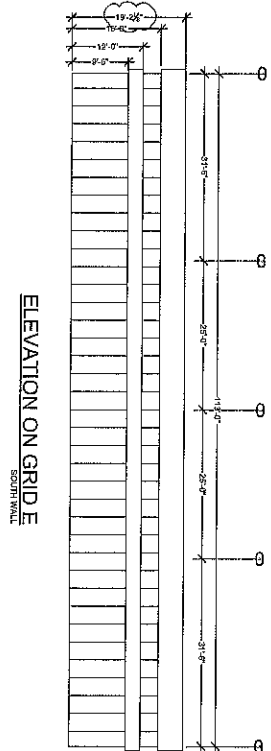
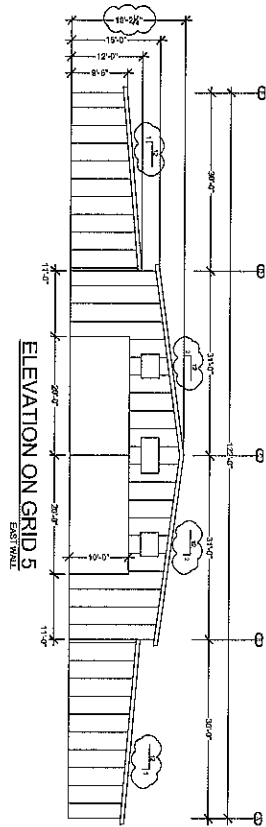
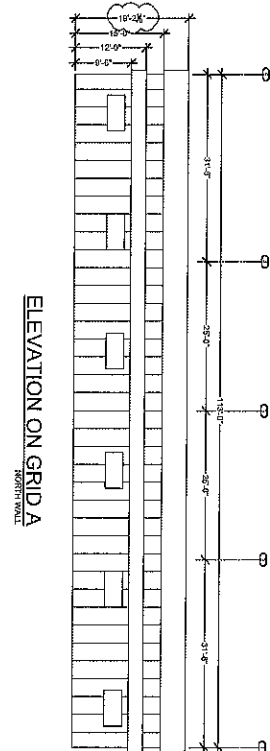
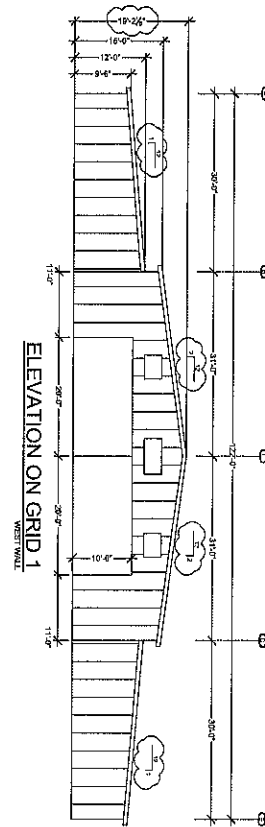
Notes/Conditions: _____

Submission Requirements & Process:

- ☐ Completed & Signed Application Form
- ☐ Payment of Application Fee to Huntsville Town
- ☐ **Subdivision Preliminary Plan** requirements (see Titles 15.25.1 for all requirements):
 - Submit eight (8) copies of the Subdivision Preliminary Plan that includes the following:
 - Drawn to a scale no smaller than 100 feet to an inch.
 - The proposed named of the subdivision.
 - Sufficient information to accurately locate the proposed subdivision, including section corner ties.
 - The name(s) and address(es) of the subdivider, the licensed engineer (if required), and licensed land surveyor.
 - Land ownership of adjacent parcels to the proposed subdivision.
 - The boundary lines of the existing parcel(s) with bearings and distances.
 - The location of existing streets, water courses, irrigation ditches and structures, exceptional topography, easements and buildings within or immediately adjacent to the parcels being subdivided.
 - Existing and proposed septic systems, storm drains, water supply mains, water wells, land drains, and culverts within the parcel and immediately adjacent thereto.
 - North-pointing arrow, scale, and date of drawing creation.
 - A written Statement of Feasibility from the Weber County Health Department or Utah Division of Water Quality which states recommendations regarding sanitary sewage disposal.
 - The Subdivision Application and Subdivision Preliminary Plan must be reviewed by the Huntsville Planning Commission and approved by the Huntsville Town Council.
 - Approval the Subdivision Preliminary Plan by the Huntsville Town Council is valid for eighteen (18) months from the date of approval.
- ☐ **Final Plat** requirements (see Titles 15.25.1.8 for all requirements):
 - Submit four (4) copies of the Final Plat that includes all requirements outlined in Title 15.25.1.8.
 - A Letter of Certification by the subdivider's registered Land Surveyor, indicating that all lots meet the requirements of the Huntsville Town Land Use regulations.
 - The Final Plat must be recorded within eighteen (18) months from the date of approval of the Subdivision Preliminary Plan by the Town Council otherwise the subdivision application is considered void. A Subdivision Application that is considered void will require a new application with the accompanying appropriate fees.
- ☐ **Final Improvement Plan** requirements (see Titles 15.25.1.9 for all requirements):
 - Submit a complete set of Final Improvement Plans to the Huntsville Town Engineer stamped by a Utah Licensed Professional Engineer that includes all requirements outlined in Title 15.25.1.9.
 - Provide copies of utility contracts with applicable companies such as electric, gas, and telephone services.

LEGEND	
1. 1/2"	1/2" SECTION
2. 1/4"	1/4" SECTION
3. 1/8"	1/8" SECTION
4. 1/16"	1/16" SECTION
5. 1/32"	1/32" SECTION
6. 1/64"	1/64" SECTION
7. 1/128"	1/128" SECTION
8. 1/256"	1/256" SECTION
9. 1/512"	1/512" SECTION
10. 1/1024"	1/1024" SECTION
11. 1/2048"	1/2048" SECTION
12. 1/4096"	1/4096" SECTION
13. 1/8192"	1/8192" SECTION
14. 1/16384"	1/16384" SECTION
15. 1/32768"	1/32768" SECTION
16. 1/65536"	1/65536" SECTION
17. 1/131072"	1/131072" SECTION
18. 1/262144"	1/262144" SECTION
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DRAWING NUMBER SS401	DATE 06/20/2019	SHEET 17/102	<table border="1"> <thead> <tr> <th>Sheet</th> <th>Description</th> <th>Date</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>(ISSUED FOR APPROVAL)</td> <td>06/20/2019</td> <td>GB</td> </tr> <tr> <td>B</td> <td>REVISED ROOF PITCH @ MIDDLE PORTION</td> <td>06/27/2019</td> <td>GBL</td> </tr> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Sheet	Description	Date	By	A	(ISSUED FOR APPROVAL)	06/20/2019	GB	B	REVISED ROOF PITCH @ MIDDLE PORTION	06/27/2019	GBL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	HUNTSVILLE BOAT STORAGE - 7350 EAST 100 SOUTH HUNTSVILLE, UT 84317 STRUCTURAL ELEVATIONS	<table border="1"> <tr> <td>Project No.</td> <td>25</td> </tr> <tr> <td>Client</td> <td>BBB</td> </tr> </table>	Project No.	25	Client	BBB	<table border="1"> <tr> <td>Project Name</td> <td>BOAT STORAGE</td> </tr> <tr> <td>Design No.</td> <td>SS401</td> </tr> <tr> <td>Drawn By</td> <td>GBL</td> </tr> <tr> <td>Checked By</td> <td>GBL</td> </tr> <tr> <td>Project Location</td> <td>7350 EAST 100 SOUTH HUNTSVILLE, UT 84317</td> </tr> <tr> <td>Project Description</td> <td>BOAT STORAGE</td> </tr> <tr> <td>Project Status</td> <td>ISSUED FOR APPROVAL</td> </tr> </table>	Project Name	BOAT STORAGE	Design No.	SS401	Drawn By	GBL	Checked By	GBL	Project Location	7350 EAST 100 SOUTH HUNTSVILLE, UT 84317	Project Description	BOAT STORAGE	Project Status	ISSUED FOR APPROVAL	 STEEL CONCEPTS 10000 W. 10000 S. SUITE 100 HUNTSVILLE, UT 84317 TEL: 801-288-1111 WWW.STEELCONCEPTS.COM	THIS DOCUMENT IS THE PROPERTY OF STEEL CONCEPTS. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF STEEL CONCEPTS.
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**HUNTSVILLE TOWN
ORDINANCE 2019-9-5**

HUNTSVILLE TITLE 4 EDITS – LAND USE PERMIT UPDATE

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 4 –
LAND USE PERMIT UPDATES**

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

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on August 22, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT this ordinance on September 5, 2019;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on September 5, 2019 and desires to act on this Ordinance;

ORDINANCE

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

Section 1: Repealer. Any word, sentence, paragraph, or phrase 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:

4.1 Purpose

Building/Land Use permits are essential for the management of building, construction and land use in Huntsville Town, provide an effective vehicle for complying with State laws and adopted building standards, and are necessary to effectively administrate building and construction procedures and to cover the costs of the administration thereof.

4.2 Building/Land Use Permit Required

4.2.1 Land Use Permit

Any owner desiring to change (e.g. build a new residence) or add a use of the land shall not commence or proceed with except after the issuance of a written Land Use Permit for the same by the Huntsville Town Planning Commission. Any permanent structure being placed on land shall adhere to all land use regulations

established for the zone in which that land resides. If the Huntsville Town Planning Commission deems it necessary due to extenuating circumstances, they will submit the permit application to the Huntsville Town Council for their review and approval.

4.2.2 Building Permit

4.2.2.1 New Structures Less than 200 Square Feet

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint less than 200 square feet shall only commence work after acquiring a Land Use Permit from the Huntsville Planning Commission. No building permit is required for a new structure less than 200 square feet unless electrical, gas, mechanical, or plumbing installation is required; then the owner or authorized agent must follow the requirements of 4.2.2.2 New Structures 200 Square Feet or Greater.

4.2.2.2 New Structures 200 Square Feet or Greater

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint 200 square feet or greater shall only commence work after first, having received a Land Use Permit from the Huntsville Planning Commission, and then, secondly, upon issuance of a Building Permit from the Huntsville Building Official or authorized delegate of the Huntsville Building Official. Exceptions to this rule can be found in 4.2.3 Remodel Permit or 4.2.4 Self Performed Remodel Permit – Residential.

4.2.3 Remodel Permit

For the sake of the safety of the public, any structure owner or authorized agent who intends to install, alter, remove, convert or replace any existing electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Huntsville Town Building Official. Minor replacement or repair of such systems, especially to replace like kind (i.e., replace a water faucet, light switch, light fixture, toilet, etc.), replacement of roof shingles or siding does not require a permit. If the land use change involves excavating, an excavation permit may be required as specified in Title 17. Exception to these requirements can be found in 4.2.4 Self Performed Remodel Permit – Residential.

4.2.4 Self Performed Remodel Permit – Residential

A Self-Performed Remodel Permit can be granted by the Huntsville Town Building Official or their designee if all the following stipulations are met:

- a. A Land Use Permit is obtained from the Huntsville Planning Commission.
- b. Work is for a remodel/repair of an existing home or for the construction/remodel/repair of an auxiliary building greater than 200 square feet (electrical and plumbing changes for any size

building). If more than 25% of the square footage of the home or auxiliary building is over 200 square feet it will be considered as a new construction and will require a Remodel Permit.

- c. Work is self-performed by the owner or a close associate. This means that no compensation either monetarily or in kind for work performed on the project can be tendered.
- d. The homeowner declares on the Self-Performed Remodel Permit form all of the work that will be performed on the project receiving the Self-Performed Remodel Permit.
- e. The home owner certifies by signing the Self-Performed Remodel Permit that they will abide by all of the Utah State construction Code requirements in the construction of their project (including all applicable stamped plans by professionals licensed by the State of Utah).

4.2.5 Validity Period

4.2.5.1 Land Use Permit Validity Period

Land Use Permits shall be valid for a period of one year. If at any time the Land Use Permit expires, the owner or authorized agent must reapply for a Land Use Permit as outlined in 4.2.1. A Land Use Permit will be required to continue work on any unfinished items listed on the Land Use Permit. The owner will be responsible to pay any fees associated with the issuance of this new Land Use Permit.

4.2.5.2 Building Permit Validity Period

Building Permits shall be valid only during the period that a valid Land Use Permit is in effect. The owner may be subject to any penalties that may result from allowing the permit to expire before completion and final inspection of the work is completed.

4.3 Huntsville Town Building Official

The Huntsville Town Building Official, appointed by the Huntsville Town Council, is hereby designated and authorized as the officer charged with the enforcement of this and other applicable titles of the Huntsville Town Ordinances in regards to all building in Huntsville Town. The Huntsville Town Council, by resolution or ordinance, may from time to time entrust such administration and enforcement, in whole or in part, to any other officer or designee of Huntsville Town without amendment to this Title. The Huntsville Town Building Official is authorized to execute the duties required herein including the issuance of building permits.

4.4 Permits to Comply with Title

The Huntsville Town Building Official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of the Huntsville Town Land Use Title, nor shall any Huntsville Town Officer grant any permit or license for the use of any building or land if such use would be in violation of this Title.

4.5 Powers and Duties of Huntsville Town Building Official

It shall be the duty of the Huntsville Town Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. They shall enforce all of the provisions of this Title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions. The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect.

4.6 Building Inspector

The Huntsville Town Building Inspector(s) shall be appointed by resolution of the Huntsville Town Council and be authorized to execute the duties of that office under the direction of the Huntsville Town Council. The appointed Building Inspector must possess a valid combination level State of Utah Building Inspector license including valid International Code Council (ICC, formerly ICBO) certificates for building, electrical, plumbing, and mechanical inspectors.

4.7 Certificate of Occupancy Required

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, in accordance with Utah State Law until a Certificate of Occupancy shall have been issued by the Huntsville Town Building Official stating that the building or the proposed use thereof, complies with the provisions of this Title. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for when the builder is ready. A temporary occupancy permit may be issued for a period of not more than one (1) year and shall be issued within seven (7) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed and inspected by the Huntsville Town Building Inspector to be in conformity with the provisions of this Title.

4.8 Zones Requiring a Land Use Permit

In order to verify the requirements of the Land Use Title in general, and setbacks for permitted or conditional uses in the A-3, CR-1, S, O, FP, and RC Zones, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted, until and unless a Building/Land Use Permit is approved and issued by the Huntsville Town Building Permit Official.

The site plan requirements for these zones are specified in the Land Use Title.

4.9 Zones Requiring Site Plan Approval

The location of main and accessory buildings on a site in relation to one another, the provision of off-street parking space, the provision for driveways for ingress and egress, and the provision of other open space on a requested site, and the display of signs, shall be in accordance with a site plan or plans or subsequent amendment thereof, reviewed by the Huntsville Town Planning Commission prior to the issuance of a Building/Land Use permit by the Huntsville Town Building Official.

In considering any site plan hereunder, the Huntsville Town Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods.

4.10 Building Permit Fees

Building/Land Use permit and renewal fee valuations and schedules shall be adopted by resolution of the Huntsville Town Council.

4.11 Impact Fees

An impact fee per building lot shall be assessed of each builder at the time of issuance of a building permit. Such impact fee amount, as described in the Impact Fees Title, shall be adopted by resolution of the Huntsville Town Council.

4.12 Plan Reviewer

The Huntsville Town Planning Commission shall direct the Huntsville Town Building Official, or Building Inspector, to review building and site plans, make a recommendation on plans that are non-compliant with applicable codes to the Huntsville Town Planning Commission and the Huntsville Town Council.

The Huntsville Town Engineer shall review site plans for engineering considerations such as storm drain facilities, structural calculations, and the design of improvements.

4.13 Licensing

All departments, officials and public employees of Huntsville Town, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of the Title, shall be null and void.

4.14 Penalties

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Title shall be guilty of a Class C misdemeanor and punishable as provided by law. Such person, firm or corporation who intentionally violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

4.15 Responsibility for Damage to Huntsville Town Streets

The real property owner is responsible to maintain an orderly construction site so as not to cause risk of injury to the public or to Huntsville Town streets. Any debris on or damage to Huntsville Town streets must be immediately remedied at the expense of the real property owner or their authorized agent.

4.16 Appeal Authority

In order to hear and decide appeals in orders, decisions or determinations made by the Huntsville Town Building Official and the Huntsville Town Planning Commission relative to the application and interpretation of this Title, there shall be a Huntsville Town Appeal Authority. The creation, office, and duties of the Huntsville Town Appeal Authority is described in the Appeal Authority Title. The Appeal Authority shall consist of members who are qualified to determine if the intent of the applicable adopted codes have been satisfied. They will not have authority to waive requirements of the code.

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.

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

ADOPTED AND APPROVED on this 15th day of September, 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this 15th day of September, 2019

**HUNTSVILLE TOWN
ORDINANCE 2019-12-5**

HUNTSVILLE CORNER LOT SET BACKS

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15

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

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on August 22, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT this ordinance on September 5, 2019;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on September 5, 2019 and desires to act on this Ordinance;

ORDINANCE

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

Section 1: Repealer. Any word, sentence, paragraph, or phrase 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:

15.6.4 Frontage Regulations

- 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.
- C. 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.

- D. Primary vehicular access to the lot shall be from the frontage, *unless 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.
- E. Primary vehicular access to lot must be identified on submitted site plan.

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.

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

ADOPTED AND APPROVED on this 5th day of December, 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this 5th day of December, 2019