

**HUNTSVILLE TOWN
ORDINANCE NO. 2022-11-16**

APPEAL AMENDMENTS, NONCONFORMING LOTS, AND WASTEWATER

**AN ORDINANCE OF HUNTSVILLE TOWN AMENDING THE
HUNTSVILLE MUNICIPAL CODE TO ELIMINATE DUPLICATIVE OR
SUCCESSIVE APPEALS; AMENDING NONCONFORMING LOTS OR
PARCELS OF RECORD; ADOPTING WASTEWATER REGULATIONS;
SEVERABILITY; AND EFFECTIVE DATE.**

WHEREAS, Huntsville Town (hereafter “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 allow municipalities in the State of Utah to exercise certain police and regulatory powers, including but not limited to the providing for safety and preservation of health, the promotion of prosperity, the improvement of community well-being, and the peace and good order for the inhabitants of the Town;

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

WHEREAS, the Town finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, the Utah Department of Environmental Quality adopted R317 to govern wastewater systems which the Town seeks to implement by this Ordinance;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on November 16, 2022, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance and;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on March 2, 2022;

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

Section 1: Repealer. Any code, chapter, or section in conflict with this Ordinance is hereby repealed in its entirety and referenced thereto vacated.

Section 2: Appeals. In accordance with *Utah Code* §10-9a-701(4) and to comply with state law mandating the elimination of “duplicate or successive appeals,” the Huntsville Municipal Code is amended to repeal all instances of the Town

Council hearing or deciding any appeal. Appeals of any Planning Commission decision shall be forwarded directly to and decided by the Appeal Authority.

Section 3: Adoption. Section 15.17.14 of the *Huntsville Municipal Code* is hereby amended to read as follows:

15.17.14 Nonconforming Lots or Parcels of Record.

- A. A parcel which is nonconforming as to area and frontage requirements, and which contains a single-family residence that has not been abandoned, and which was legally created within Huntsville Town limits and recorded prior to 1987; shall be a legally complying lot entitled to the same rights as lots conforming to current Huntsville Town area and frontage requirements.
- B. A parcel which is nonconforming as to area and frontage requirements, and which was of record as a legally created lot within Huntsville Town limits and was recorded prior to 1987 and which met area and frontage requirements for the zone in which it was created at the time it was created; may submit an application for subdivision approval provided that it meets all other applicable requirements of the Huntsville Town Subdivision and Zoning Titles. The Landowner will have the burden to prove that their lot met area and frontage requirements for the zone in which it was created at the time it was created.
- C. A parcel non-conforming as to current area and frontage requirements, which was legally created and recorded prior to 1987 in the Town of Huntsville; and which met area and frontage requirements per Huntsville Town Municipal Code for the zone in which it was created at the time it was legally created, will be determined to be a buildable lot and have the same rights as a conforming parcel.
- D. A parcel annexed into Huntsville Town that is nonconforming as to the current area and frontage requirements of the Huntsville Town zone into which it is annexed; but met the area and frontage requirements of the Weber County zone in which it was created at the time it was legally created and recorded and has vested rights under the laws of the State of Utah shall be determined to be a buildable lot and have the same rights as a conforming parcel.

Section 4: 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 shall continue in full force and effect.

Section 5: Effective date. This Ordinance take effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the Town Council on this 2nd day of March, 2023.

Mayor

ATTEST:

Town Clerk

RECORDED this 2nd day of March, 2023.
PUBLISHED OR POSTED this 2nd day of March, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) Town Hall, 2) Post Office, and 3) www.huntsvilletown.com on the above referenced dates.

Town Clerk

DATE: _____