**HUNTSVILLE TOWN**

 **ORDINANCE 2022-5-26**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH ADDING DEFINITIONS TO TO TITLE 15.0; AMENDING 15.1 ALLOWABLE USE TABLE; 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 update the use standards for the A-3 zone;

 **WHEREAS,** the Huntsville Town Planning Commission desires to establish additional definitions and update the Allowable Use Table;

 **WHEREAS,** after publication of the required notice, the Planning Commission held its public hearing on May 26, 2022, to take public comment on this Ordinance, and subsequently gave its recommendation to adopt this Ordinance on May 26th, 2022;

 **WHEREAS,** the Town Council received the recommendation from the Planning Commission and held its public meeting on June 2, 2022, and desires to act on this Ordinance;

 **NOW, THEREFOR**E, be it ordained by the Huntsville Town Council as follows:

**Section 1: Repealer.** Any ordinance or portion of the municipal code inconsistent with this ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.** The *Huntsville Municipal Code* is hereby amended to read as follows:

15.0 Definitions

1. Planned Residential Unit Development (PRUD) or Planned Residential Development (PRD) –

15.1 Allowable Use Table

1. Change “Construction equipment storage” from not permitted to permitted in the A-3 zone.
2. Add “Public Utility Substation” as Permitted in the C-1, C-2 and A-3 zone.
3. Add “Internal ADU’s” as Conditional in the R-1 and A-3 zone with note that refers to title 15.18.

Title 15.10 AGRICULTURAL ZONE A-3

15.10.1 Purpose

15.10.2 Agriculture Preferred Use

15.10.3 Permitted Uses

15.10.4 Permitted Uses Requiring Five (5) Acres Minimum Lot Area

15.10.5 Conditional Use Standards

15.10.6 Single Family Dwellings

15.10.7 Permitted Signs

15.10.8 Planned Residential Unit Developments (PRUDs)

**15.10.1 Purpose**

The purpose of the A-3 Zone is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of animals, and to direct orderly low density residential development in a continuing rural environment. This zone requires a three-acre minimum lot size.

**15.10.2 Agriculture Preferred Use**

Agriculture is the preferred use in this agricultural zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery. No agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

**15.10.3 Permitted Uses**

Refer to Appendix One, Table 15.1 (Allowable Use Table) for all permitted uses in A3 zone.

**15.10.4 Permitted uses Requiring Five (5) Acres Minimum Lot Area**

1. Farms devoted to hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs, or beaver.
2. Fruit and vegetable storage and packing plant for produce grown on premises.
3. The raising and grazing of horses, cattle, sheep, or goats as part of a farming operation, including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse shall:
	1. Not exceed a density of twenty-five (25) head per acre of used and;
	2. Be carried on during the period of September 15 through April 15 only;
	3. Be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
	4. Not include the construction of any permanent fences, corrals, chutes, structures, or other building normally associated with a feeding operation.
4. The use of farm equipment by a farm operator for off-farm contracting work to supplement farm income.

15.10.5 Conditional Use Standards

The following are permitted uses with conditions in the A3 zone. Conditional uses must receive approval on a case-by-case basis from the Planning Commission and Town Council after an application is submitted.

1. Animal hospital, veterinary clinic; dog breeding; dog kennels; or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) from any side or rear property line.
2. Animal hospital or clinic, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
3. Dog breeding and dog kennels on a minimum of three (3) acres, as an accessory use to a single-family dwelling, limited to 10 dogs of more than 10 weeks old. Any building or enclosure for the dogs shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence.
4. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time.
5. Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.
6. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
7. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses.
8. Public equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre.
9. Construction equipment storage: the overnight parking of not more than one vehicle other than an automobile, light truck or recreation 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 feet from a public street.
10. The storage and use of light construction equipment such as a backhoe, front end loader or up to a ten-wheel truck for off-premise contract work by the owner resident of property of not less than five acres in area.

(notes – took out child day care because there were no conditions; took out home occupations; took out public storage facilities its on the allowable use table; took out public utility substations but should be added to the use table; took out residential facility for handicapped persons and residential facility for elderly persons; took out school bus parking; moved all conditional uses that had to do with animals and farming to letter A; please consider overnight parking and storage E & F; took out waste water treatment and cluster subdivisions; also please consider PRUD’s….they need to be added to the use table and a definition added to the code)

**15.16.6 Single Family Dwellings**

1. **Use Regulations for Single Family Dwellings**

Single-family dwelling use regulations are subject to the respective conditions in the R-1 zone. Please see 15.6.2.

1. **Area Regulations**

The minimum lot area for a single-family dwelling shall be not less than three (3) acres.

1. **Frontage Regulations**
2. The minimum width of a lot, for a single-family dwelling, along the street frontage shall be one hundred thirty (130) feet on a three (3) acre lot or three hundred feet (300) on a five (5) acre lot. 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.
3. All other frontage regulations from the R-1 zone apply. Please see 15.6.4.
4. **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.

1. **Front, Side and Rear Yard and Height Regulations**
2. Front, Side and Rear Yard and Height Regulations from the R-1 zone apply. Please see 15.6.6, 15.6.7, 15.6.8, 15.6.9.
3. For setbacks where the boundary is a natural stream or river corridor see the Huntsville Town Sensitive Lands Title – see 15.15.
4. **Coverage Regulations**
5. No single building shall cover more than twenty-five (25) percent of the area of the lot or parcel upon which it resides.
6. 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.
7. **Special Provisions**

Special provisions from the R-1 zone apply. Please see 15.6.11 through 15.6.15

1. **Swimming Pools**

Swimming Pool regulations from the R-1 zone apply. Please see 15.6.16

**15.16.7 Permitted Signs**

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

**15.16.8 Planned Residential Unit Developments (PRUDS)**

Planned Residential Unit Developments (PRUDS) are not allowed in the A3 zone.

**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 26th day of May, 2022.

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RICHARD L SORENSEN, Mayor

ATTEST:

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BECKKI ENDICOTT, Town Clerk

RECORDED this 26th day of May, 2022.

POSTED this 26th day of May, 2022.

 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](http://www.pmn.org) on the above referenced dates.

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BECKKI ENDICOTT, Town Clerk