

# Fact Sheet for Proposed Land Use Regulation Amendments

## Background

The General Plan adopted by Huntsville Town provides overarching conceptual guidance with respect to the future development and land use inside the municipal boundaries of the Town. Within the General Plan is a vision statement that prescribes the preservation of the Town's semi-rural and low population density character to maintain the high quality lifestyle of residents. In an effort to conform to the General Plan, only one single-family dwelling is currently allowed per residential lot (Title 15.6.2.A). However, there has been a trend within Huntsville Town to construct additional large accessory buildings that incorporate sleeping quarters, bathrooms, and even kitchens. The construction of these types of structures appears to conflict with the General Plan and potentially Huntsville Town ordinances inasmuch as they increase the building density, enable long-term habitation (essentially becoming an additional single-family dwelling on the lot), and facilitate the potential for illicit use (i.e., short term rental). In an effort to align more closely with the General Plan and remove the incentive for unauthorized habitation or use, Title 15.6.2 is proposed to be amended to limit the amount and types of plumbing fixtures that are allowed in accessory buildings on residential lots. The proposed amendment also removes redundant references to authorized uses within the Residential Zone R-1.

## Summary of Proposed Changes:

- Allow no more than one sink, one toilet, one water heater, and one washing machine connection, total, for all accessory buildings per residential lot.
- Prohibit any other additional interior plumbing fixtures (including tubs, showers, etc.) within accessory buildings.
- Prohibit kitchens and other cooking amenities (including ovens, cooking stoves, etc.) within accessory buildings.

## Argument in Favor of the Proposed Amendment:

Huntsville Town continues to face the challenge of balancing between preserving the flexible use of private property that residents expect and drafting ordinances that also preserve the semi-rural lifestyle that defines our small town. As development pressures continue to grow within Ogden Valley, the incentive to utilize accessory structures in ways that directly violate Town ordinances increases in commensurate fashion. Unfortunately, Huntsville Town does not have resources to effectively enforce those provisions and doing so places the Town in an untenable position of pursuing divisive enforcement actions and costly lawsuits. Prohibiting kitchens and additional hygiene fixtures in accessory buildings decreases the incentive to use the structures for long-term habitation or short-term rentals while simultaneously reducing the burden of enforcement (and the associated expense) to the Town. Ultimately, the Town is at a crossroads and must decide whether it wants to be a "resort community" by allowing multiple dwellings on residential lots or retain its small-town atmosphere while accommodating some reasonable uses of accessory buildings.

## Argument in Opposition of the Proposed Amendment:

The Huntsville Town General Plan recognizes the importance of preserving the "western attitude of flexibility with the use of private property" within the residential zone. Limiting the number or type of plumbing fixtures is a severe restriction on property rights that does not directly address the concern being cited for its implementation (i.e., illicit use of accessory buildings or building density). If unauthorized rental or long-term habitation are critical concerns, then penalties and enforcement efforts relating to those violations need to be further refined—not plumbing fixtures in accessory buildings. If concerns regarding building density is the crux of the issue, then ordinances that govern the aggregate building footprint allowed on residential lots should be revised—not plumbing fixtures in accessory buildings. Furthermore, for many residents, one of the key attractions of living in Huntsville is the ability to host family and friends during holiday and seasonal events. Consequently, Huntsville Town residents should be able to have accessory buildings that are amenable to hosting those guests.