

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.

**HUNTSVILLE TOWN
ORDINANCE 2019-XX-XX**

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.6.2 USE REGULATIONS FURTHER DEFINING AUTHORIZED AND CONDITIONAL USES IN RESIDENTIAL (R-1) ZONE.

RECITALS

- A. **WHEREAS**, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. **WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. **WHEREAS**, Title 15.6.2 currently does not clearly define limitations associated with the construction and use of accessory buildings and structures in Residential Zone R-1.
- D. **WHEREAS**, issues involving the construction of accessory buildings and structures in Residential Zone R-1 has prompted this proposed change to the ordinance.
- E. **WHEREAS**, the proposed change to the ordinance specifies the extent of sanitation and cooking amenities allowed in accessory structures or buildings in Residential Zone R-1; refers to Appendix One, Table 15-1 Huntsville Town Acceptable Uses by Zone; and eliminates redundant references for permitted uses.
- F. **WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on <Month/Day/Year>, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on <Month/Day/Year>;
- G. **WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on <Month/Day/Year> and desires to act on this Ordinance;

ORDINANCE

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

15.6.2 Use Regulations

Refer to Appendix One, Table 15.1 (Acceptable Uses by Zone) for all permitted uses in Residential Zone R-1.

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~~ the following uses are subject to the respective conditions:

A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot. No residential dwelling or a portion of a residential dwelling shall be rented for a term less than 30 days. Violations will be subject to a Class B Misdemeanor.

~~B. Churches.~~

~~C. Cemeteries.~~

~~D. Libraries, museums, public art galleries.~~

~~E. Public schools, pre-school, child day care or nursery.~~

FB. Agriculture; nurseries and greenhouse, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.

GC. Large animals and household pets, in accordance with the Huntsville Town Animal Control Title.

HD. A Residential Zone Bed and Breakfast subject to the following standards:

1. Two parking spaces shall be provided for the family plus one space for each guest room. No parking may be located on the public thoroughfare;
2. Proprietor or owner must occupy the property;
3. Meals may only be served to overnight guests;
4. Not more than three (3) guests sleeping rooms per dwelling;
5. Allowed only in existing dwellings with no exterior additions nor change in residential character;
6. Business license must be obtained;
7. No traveler or guest may rent a room for more than seven (7) consecutive nights;

IE. Signage as regulated under Title 15.21 is restricted. ~~These regulations are contained in the Huntsville Town Signs Title.~~

JE. 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.

KG. Home occupations as regulated under Title 15.18, ~~in accordance with the Home Occupations Title of this Ordinance.~~

LH. Accessory uses-Structures or Buildings (e.g., garage, shop, storage, etc.) subject to the following limitations:

1. No more than one (1) sink, one (1) toilet, one (1) water heater, and one (1) washing machine connection, total, is allowed for all accessory structures or buildings on a residential parcel or lot.
2. Additional interior plumbing fixtures are prohibited, including but not limited to: tubs, showers, additional sinks, or additional toilets.
3. Kitchens and interior cooking amenities are prohibited, including but not limited to: ovens, cooking stoves, or additional sinks.

MI. 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.

N. ~~Hotels, Motels, and condominiums are not allowed.~~

VOTES:	AYES	NAYS	EXCUSED	RECUSED
Mayor Truett				
CM Max Ferre'				
CM Bill White				
CM Wendy McKay				
CM Bill Wangsgard				

PASSED AND ADOPTED by the Town Council on this <Month/Day/Year>.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this <Month/Day/Year>