

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

**MEETING DATE:** September 22<sup>nd</sup>, 2016  
**PLACE:** Huntsville Town Hall, 7309 E. 200 S.  
**TIME:** 7:00 P.M.

**Commissioners:** Ron Gault                      Karen Klein  
                                 Preston Cox                      Sandy Hunter

**Excused:** Brent Ahlstrom                      Rex Harris

**Admin Staff:** Ramona Clapperton                      Mike Engstrom

**Citizens:** Artie Powell                      Brian Cornell

Ron Gault called the meeting to order, there is a quorum present.

Review of Remodel or Addition Permit: (See Attachment #1)

Ron mentioned that Gail asked about this Remodel or Addition Permit, she has had a couple of requests for one this past month and was unsure on the procedure. Ron stated that the ordinances address two types of permits, one for a building permit and one is for any major remodeling that requires inspection. The reason for the Remodel Permit was to make sure residents were getting their remodel or addition inspected for safety, e.g. changing from propane to gas, electrical work, water heater replacement, or furnace. The thinking was if residents were doing these types of things on their own there could be some safety issues, and having them get a permit would be one way of getting their work inspected. A home in Eden blew up about 10 years ago because a new furnace installation was not inspected. Ron said Gail hasn't really gotten any of these permits and doesn't know if the process is working.

Mike said the way he understands the ordinances is that you can paint your house, put up new siding, put on new shingles, but any other type of remodel is supposed to be permitted. Mike wondered if there should be a certain amount of remodeling that could be done without a permit. Some contractors know that they need a permit from the town if the project exceeds a certain dollar amount. Mike read from Title 3.1.3: "Violation of Code Unlawful It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, remodel, repair, move, remove or maintain any building or structure or cause or permit the same to be done in violation of these codes; and any violation of said codes is a Class B misdemeanor unless otherwise specified. The Huntsville Town Building Official or Building Inspector will determine code violations."

Preston clarified that the town wants to control or have some type of monitoring over remodels or additions to protect the residents. So when people buy or sell a home they know the home has been built to certain standards.

Preston commented that he can understand the town wanting to monitor a replacement of a water heater, furnace, or major remodel, but if someone is doing a remodel like replacing a floor, painting, or tile, he doesn't see why the town would want to permit this. Mike remarked that any time you mess with sheet rock you are likely to be dealing with electric wires as well, doing electrical wrong can cause problems. Ron recalled the building permit ordinance saying you didn't need a permit to re-shingle, paint, carpet, etc., but if you are replacing a gas line, water heater, or furnace you do.

Mike read from Title 4.2: Building/Land Use Permit Required: "Any owner or authorized agent who intends to engage in new construction of a building with a footprint greater than 200 square feet, alteration, remodel or removal of any structure or any part thereof, change or add a use of land as provided or as restricted in this Title, shall not commence, or proceed with, except after the issuance of a written permit for the same by the Huntsville Town Building Official. The Building Official will not issue the Building Permit until it has been reviewed and approved by a quorum of the Huntsville Town Planning Commission." "Minor replacement or repair of such systems, especially to replace like kind (i.e., replacing a water faucet, light switch, light fixtures, toilet, etc.), replacement of roof shingles or siding does not require a permit."

The Commissioners know that residents are doing remodeling all the time and not getting permits. Ron said the intent of the remodel permit was to protect the citizens from safety problems. Getting a building inspector to come check out a project could take a couple of weeks. Sandy stated that most people are hiring licensed contractors to install furnaces and water heaters. Ron said this ordinance has been in place for years, but there is no real way to enforce it. It's a good idea to have it in place, in case someone does blow their house up and they wanted to sue the town because it wasn't requiring permits. Artie remarked that there is a fine line between intrusion and the public good.

Ron would like to see the Remodel Permit make reference to the Remodel Ordinance. Mike read from Title 4.2: "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 codes, or to cause any such work to be done, shall first make application to the Huntsville Town Building Official and obtain the required permit." Sandy said it's the difference between people who know nothing about remodeling and plan to do it their first time as opposed to people who know what they are doing. Karen wondered if you hired a licensed contractor who knows what they are doing versus someone who is watching "you tube" videos trying to figure out how to do something. If you hire a contractor then you don't need the permit? The remodel permit is \$50 to pay for the inspection.

Mike suggested making the separation between getting a building permit that has been reviewed by the PC for a new home or a major remodel, versus something minor. This will be discussed in the next PC meeting.

Motion to adjourn the Regular Commission meeting to hold the public hearings:

**Ron made a motion to adjourn the Regular Commission meeting to hold the public hearings.** Karen seconded. All votes aye. Motion passed.

**Residents:** Brian Cornell Artie Powell

Public Hearing on amendment to Title 15.6.2.H: R-1 Land Use Uses: (See Attachment #2)

Ron stated that the amendments to this ordinance were prepared by Attorney Bill Morris. Mike mentioned that the ordinance state the town doesn't allow nightly rentals like Vacation Rentals by Owner, but will allow for rentals of a minimum of 30 days. It is, however, permissible to call your house a B&B and do all the nightly rentals you want. The proposed amendments would no long allow for B&B's in R-1 zones. The B&B's in an R-1 zone currently would be grandfathered. Preston asked if this has become a problem. Mike replied no. The B&B across the street is in a C-1 zone. There are only two B&B's in town at the moment the Atomic Chalet and the Valley House. The meeting was opened to public comment.

**Brian Cornell** said if you are looking at B&B's and whether or not the residents want them, he doesn't have strong feelings about this either way. But, if you look at B&B's they really don't have a lot of impact. The town still has two vacant lots on the old school property that currently with the Allowable Use Table; the person who purchases those lots could build another 16 room inn. Brian understands that the town might be annexing property and the town could have a nice commercial zone and it might make sense to put an inn along the Hwy. Brian doesn't know anyone who would be happy about having additional inn's in town. Brian suggested looking at the zoning in the C-1 zone and create a C-2 zone that would allow inn's, and set that aside for the future when property is annexed. Brian suggested taking Inn's out of the Allowable Use Table. Ron agreed that he would hate to see another hotel inside the town.

**Artie Powell** wanted to remark on the earlier conversation about remodeling. The town doesn't want to restrict property owners more than what's necessary for the public good. In his mind vacation rentals do create problems. The owners of the properties don't live in town or even in the state. They rent out their homes over the internet and it appears that there are no safeguards in place. People come from out of town, rent the homes and there is no supervision. Whereas: a B&B has someone on site 24 hours a day. Maybe the ordinances should be clearer that the town doesn't allow nightly rentals. B&B's don't present the problems for the town. Artie feels that not allowing B&B's in the R-1 zone might be overreaching. B&B's should have parking, someone on site 24 hours a day, and a business license.

Ron commented that it is hard to be definitive with what the residents would be ok with and what we don't want happening. There seems to be a move to eliminate everything so there won't be a problem. Mike said the PC needs to decide if the proposed changes are good policy or not. None of the Commissioners remember ever hearing about any complaints on the two B&B's.

Public Hearing on amendment to Title 15.6.7: Side Yard Setbacks: (See Attachment #3)

The Commissioners presented the following verbiage for side yard setbacks. "The minimum side yard for any dwelling, private garage or accessory building shall be ten (10) feet and the total width of the two required side yards shall be not less than twenty (20) feet. Measurement of the side yard shall be the distance between the wall of a structure (above or below ground) and the side property line. If the wall is built straight up from the foundation, the measurement can be made from the foundation wall.

If any portion of the structure, such as a roof eave, porch or patio extends more than 18 inches beyond the wall used to calculate the setback, the distance of that extension beyond 18 inches shall be added to the ten feet side yard measurement.”

**Artie Powell** commented that he isn't quite clear what the sentence “the distance of that extension beyond 18 inches shall be added to the ten feet side yard measurement” means. He is not sure this verbiage captures the intent. He gave a hypothetical: If a house sits crooked on a lot and the foundation wall is 10' off the property line and they want to add a covered patio off the back of the house. The patio extends straight out from the sidewall of the house going back; because the house sits crooked the back patio post is now only 2-3' off the property line. Artie said the 18” hangover is ok, but would like to see it say “any portion of the structure that extends into the setback is in violation”, otherwise it defeats the purpose. Because there is a 20' requirement with the 18” hangover they are now almost 8' from the property line. The adjoining property owner now has to be 12' off his property line to comply with the side yard widths of 20'. This would take away property from the adjoining resident forcing them to come to the town for a variance in order for them to recover their ability to do something out to his 10' setback. Artie said this seems unfair, as a property owner he shouldn't have to do that.

Mike mentioned that part of the problem is that this verbiage would allow someone to have eaves 18” into the side yard setback but also patios and porches. Artie's issue is with the sentence that says: “Measurement of the side yard shall be the distance between the wall of a structure (above or below ground).” On a patio there is no wall, this would allow someone to build a structure into the setback. Mike said the only thing that would be acceptable to go into the setback would be the eave. Artie said he understands the idea of allowing someone an eave overhang on a house, but he doesn't see why the town would allow someone to build on the ten foot setback and then build anything else in the setback area.

Mike suggested amending the last sentence to read: “The only portion of the structure allowed to violate the 10' setback, is a roof eave, by a maximum of 18 inches or less.” The last sentence will be deleted: “beyond the wall used to calculate the setback, the distance of that extension beyond 18 inches shall be added to the ten feet side yard measurement.”

#### Public Hearing on amendment to the Allowable Use Table: (See Attachment #4)

The Commissioner's reviewed the Allowable Use Table. Ron said this Table was discussed in the PC June 23 meeting, changes were adopted then. Ron mentioned that the B&B uses will need to be amended if the R-1 Uses are changed, they need to match. There was also a recommendation tonight to amend the uses for a Hotel, Motel or Inn with fewer than 16 rooms and Hotel, Motel or Inn with 16 or more rooms to Not Permitted. The meeting was opened for public comment. There was none.

#### Public Hearing on amendment to Title 15.21.6: Sign Ordinance:

Ron said in a past PC meeting the Commissioners discussed amending Title 15.21.6 to allow business signs in the R-1 zone when a portion of a property has a boundary along a State Highway. The idea was to allow signage on that boundary similar to what is allowed in the C-1 zone, but only if the sign was for a business that was being conducted by the property owner.

Ron read from his notes; in the C-1 zone it spells out what is allowed for signage in the C-1 zone and in an R-1 bounded by a state highway. The amendment will be added in the C-1 zone not the R-1 section. The signage requirements will be the same as the C-1 zone. Ron said the wording for this is not ready to be forwarded to the TC yet. The meeting was opened for public comment. There was none. Preston stated that monument signs are limited to 6' high and 10' wide.

Motion to close the Public Hearings and re-convene to the Regular Commission meeting:

Ron made a motion to close the Public Hearings and re-convene to the regular Commission meeting. Preston seconded. All votes aye. Motion passed.

Discussion and/or action on proposed amendment to Title 15.6.2.H: R-1 Land Use Uses:

(See Attachment #2) **Ron made a motion that the PC recommends to the TC no change to ordinance Title 15.6.2: Use Regulations.** Karen seconded. Sandy commented that she would like to take out the first sentence as proposed in Title 15.6.2: "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." **Ron amended his motion to recommend the suggested change to the opening paragraph of Title 15.6.2 which will now read "The following uses are permitted in the Residential Zone (R-1 Zone). Unless a use is expressly provided below, it is not allowed in the R-1 Zone.** Sandy seconded. All votes aye. Motion passed. Mike stated that the attorney proposed quite a few changes to Title 15.6.2 he would like to send it back to the attorney.

	<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>
<b>ROLL CALL:</b> Ron Gault	X		Preston Cox	X	
Karen Klein	X		Sandy Hunter	X	

Discussion and/or action on proposed amendment to the Allowable Use Table:

(See Attachment #4) **Ron made a motion that the following changes are made to the Allowable Use Table; Under B&B's all cells will be Not Permitted and under Hotel, Motel, and Inn's all cells will be changed to Not permitted for both line items, fewer than 16 rooms and 16 rooms or more.** Preston wondered if they wanted to do this with the B&B's, he doesn't feel that this has been talked about thoroughly. Sandy said the residents don't want VRBO's and the intent was that B&B's were kind of a loop hole for VRBO's. There are a lot of restrictions listed in the ordinances in regards to B&B's. VRBO's don't have anyone on site but B&B's do. Mike said the same point could be made that if a resident comes to the PC with a great idea for a B&B they could lobby the PC to amend the Use Table. Ron stated that the concern was that a home owner could say they are at the home but not really be there when the home is rented out. Mike commented that the town doesn't really have a great success rate on enforcing ordinances. It's easier to restrict than enforce. Preston said that's a bad way to do business, he doesn't see the negative to a B&B. There are only two B&B's in town currently. Mike asked if someone could use this ordinance as a way to get around a VRBO. Preston remarked that all of the ordinances appeal to a citizen's ethics. If an issue is brought up then the town can pursue it at that time. Karen mentioned that people won't comply with the ordinances until the town starts imposing fines. Sandy agreed that if we don't mind citizens in town running a B&B then the town shouldn't restrict them.

Artie said it would be a good idea to lay out a process for ordinance violations. Brian mentioned that it seems to him that people who would benefit from not allowing additional B&B's are those who are looking to have rental properties such as B&B's and Inns. **Ron made a motion that the PC recommends to the TC the following amendments to the Appendix One: Table 15-1: Huntsville Town Acceptable Uses by Zone Table: Page 2: under Use, Hotel, motel or inn with fewer than 16 rooms, Hotel, motel or inn with 16 rooms or more rooms that all uses be changed to Not Permitted, and Page 3: that the use, Short term loans & Title be amended to read Short Term Loans & Title Loans, with all uses as Not-Permitted.** Sandy seconded. All votes aye. Motion passed.

	<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>
<b>ROLL CALL:</b> Ron Gault	X		Preston Cox	X	
Karen Klein	X		Sandy Hunter	X	

Citizen Comments:

There was none.

Approval of PC minutes for meeting held August 25<sup>th</sup>, 2016:

Ron made a motion to approve the PC minutes for meeting held August 25<sup>th</sup>, 2016, as prepared. Sandy seconded. All votes aye. Minutes are approved.

Commission Updates:

Sandy brought up the issue of people parking stuff in the alleys. Ron said years ago, when he was on the Town Council there was a movement to get the alleys cleaned up. They went around the town and made a list of all the violators, but could never really figure out a way to coerce, force, or beg residents to take care of the problem. Notices were put in the water bills and mailed out to individuals and only one or two people responded. Sandy understands that with old time residents but is worried about the new residents who are just moving in. Sandy suggested sending out a flyer with the newsletter to remind the citizens of ordinances that are being violated, e.g.: dogs need to be on a leash and you shouldn't be blocking alleyways. Alleyways are not storage units. **Ron made a motion to suggest to the TC that they consider including a flyer with the next water bills to remind residents of issues that seem to be arising as problems, e.g. alleys, loose dogs, noise ordinance violations, and 4 wheelers and golf carts being driven by children.** Sandy seconded. All votes aye. Motion passed.

	<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>
<b>ROLL CALL:</b> Ron Gault	X		Preston Cox	X	
Karen Klein	X		Sandy Hunter	X	

Ron made a motion to adjourn. Sandy seconded. All votes aye. Motion passed.

**Meeting adjourned at 9:00 P.M.**

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Gail Ahlstrom, Clerk/Recorder

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Ron Gault, Chairman

