

WORK SESSION—FEBRUARY 7, 2019

Minutes of the Huntsville Town Council Work Session, held at the Huntsville Town Hall at 5:30 p.m. February 7, 2019 regarding 15.17.3 discussion on Additions and Enlargements.

Attending: Ron Gault, Bill White, Sandy Hunter, Doug Allen, Liz Poulter, Blake Bingham, Jeff Larsen, Mayor Jim Truett, Larel Parkinson, Bill Wangsgard

Mayor Truett welcomed all to the meeting.

Mayor Truett thanked Bill White for the summary on this ordinance. CM White explained the General Plan is trying to make non-conforming uses, conforming uses over time. If you had a home that was non-conforming and wanted to make a change then you would have to bring the whole home into conformance. The set-backs became a problem. He gave the example of the Christie's buying the lot next to the Powell's and wanting to improve it. The PC worked with the ordinance trying to allow for remodels to allow for non-conforming use. The PC adjusted the ordinances and the Christy's remodeled. The Christy's sold the house to the Hoovers who made additional changes and those changes resulted in a lawsuit. Hence, the PC changed the ordinance again, which resulted in a more restrictive ordinance. Over time more of these problems are coming up all over the Town. The PC and TC are now trying to make the rules less restrictive. The PC had a public hearing last week with a new amendment of the ordinance and a lot of the public continue to say that these rules are too restrictive. Hence, the PC and TC are here today in a work session to see if they can find solutions to the concerns in the ordinance.

Mayor Truett expressed his opinion that we should allow residents to beautify their property. He believes that remodels ought to be allowed without restriction if the set-backs are met and the coverage requirements of 60% are met.

Sandy showed a picture of a house that takes up 60% of the lot. (See **Attachment #1**). Mayor Truett stated it looked like 90%. Sandy showed a picture of a house that takes up 35% percent of the lot (See **Attachment #2**). She stated that this seems more reasonable. Sandy stated that there wasn't even one house in Huntsville that exceeded the 60%. Her thought is that not more than one house should take up more than 35% or the lot and then have a different percentage for a group of buildings which total the lot.

Doug commented the set-backs on older homes is inconsistent.

Blake suggested the issue with accessory buildings and additions/enlargements should be addressed in a global solution. Addressing the coverage requirements would be a good way to address both concerns. He also stated that accessory buildings need a definition. Blake suggested that the proposed 15.17.3 eliminate #3 & #4. (See **Attachment #3**) Blake suggested that #5 was also prohibitive. Sandy commented #5 is discriminatory against non-conforming lots.

Mayor Truett asked everyone to speak about their opinions and preferences with regards to 15.17.3 and accessory buildings. The consensus between PC and TC members was that coverage requirements needed to be reduced and 15.17.3 could lose the restrictions on #3, 4 & 5. Most would like to see 35% coverage for one building and 45% for all buildings on one lot.

Mayor Truett expressed the desire to be able provide young families the opportunities to stay in the community with an addition to an older home.

Mayor Truett asked what Ron Gault thought about the changes to 15.17.3 and the coverage requirements. He stated he agreed with the changes but recognized that there will always be people who will push the envelope and find work arounds. He stated we have to be willing accept the risk.

There was a discussion on a subdivision and building proposal upcoming to the Planning Commission by Tim Charlwood. The website advertises fractional ownership. There was discussion about whether this kind of ownership is allowed within the Huntsville Ordinances. The PC and TC have seen the website with the mock ups of the house and there is concern. Rex has met with him. The TC and PC would like to meet with Tim Charlwood. Mr. Charlwood would like to make a presentation regarding his development ideas. This meeting will be held on February 13th at 7 p.m.

A public hearing will be held on coverage requirements on the next PC meeting on February 28th at 7 p.m. Action will be taken on 15.17.3 and the coverage requirements 15.6.10 at that PC meeting. The Town Council will look at the recommendations for accessory buildings on 15.6.2, 15.6.10 regarding coverage and 15.17.3 regarding additions and enlargements at the March 7th Town Council Meeting.

A discussion was held about Land Use Permits and a requirement to provide engineered drawing before receiving a Land Use Permit. The Land Use requirements are under Title 4 and other Land Use requirements are under Title 15. The ordinances need to be reorganized under the Huntsville Code. Beckki stated that they needed to give a person the opportunity to reorganize these ordinances under a resolution provided by the Town Council.

Meeting adjourned at 6:53 p.m.

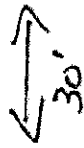


Beckki Endicott, Recorder

Front

Attachment # 1
WS 2-7-19

Front yard



1/4 acre
= 32,670 sf

50% =
19,602 sf

20' x 103' =
19,570 sf

— 103' —

side yard
12'

— 190' —

House

— 15' —

250'

60%
footprint

side yard

Rear



Rear

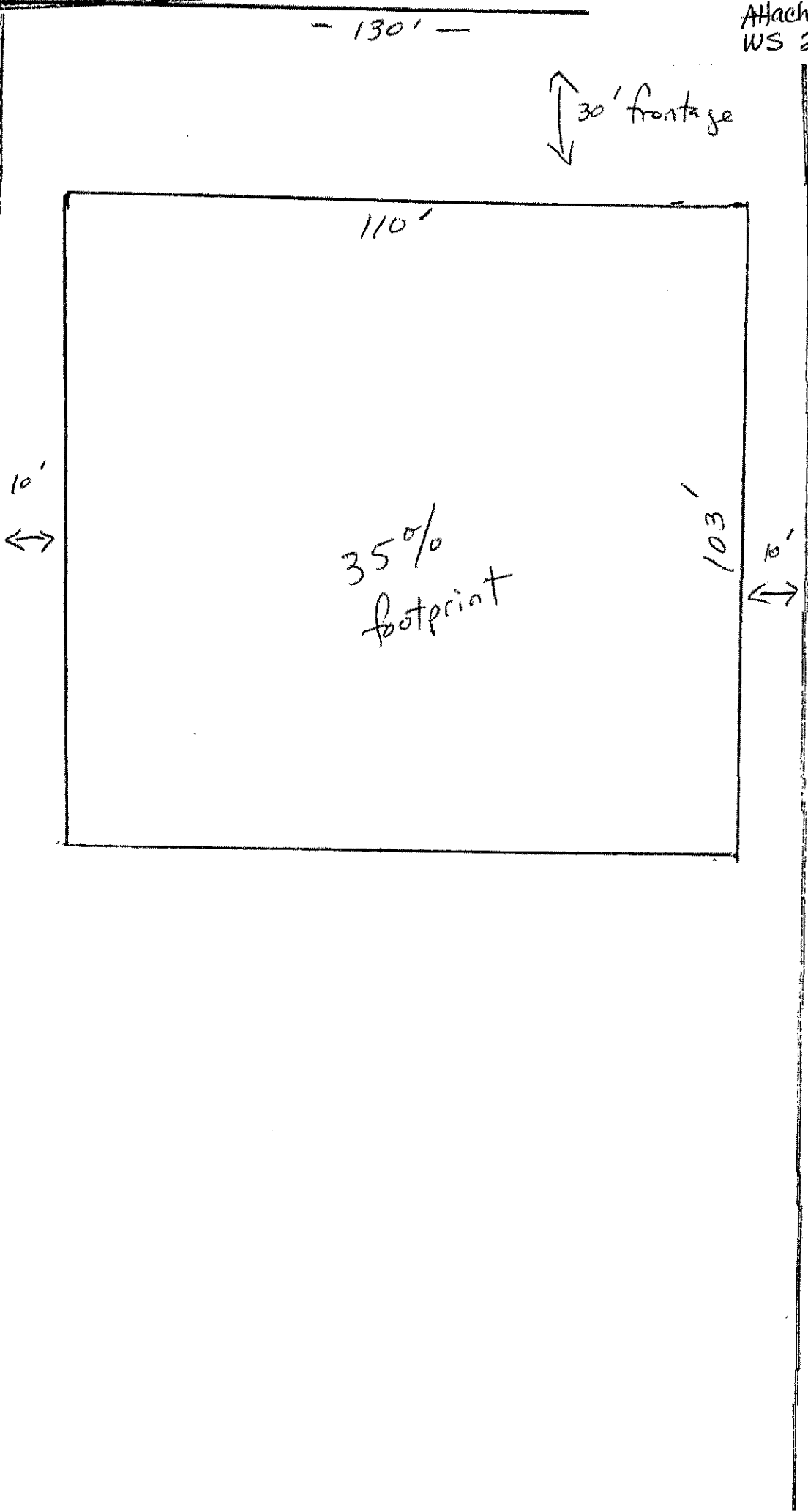
- 130' -

30' frontage

3/4 acre
lot or
32,670 sf

35%
footprint =
11,434 sf

House
103' x 110' =
11,330 sf



110'

103'

35%
footprint

10'

←

6'

252'

Fact Sheet for Proposed Non-Complying Building Amendments

Background

As presently constituted, Title 15.17.3 of the Huntsville Town Municipal Code prohibits any additions or enlargements to non-complying buildings. Typically, a non-complying building is a structure that does not conform to the setback requirements or height restrictions for its respective zone. The proposed amendment to the ordinance would allow limited enlargement of a non-complying building if the addition meets certain requirements pertaining to land use regulations, gross floor area size, footprint size, and parcel conformance.

Summary of Proposed Changes:

The amendment would allow additions or enlargements to non-complying buildings if:

- The addition or enlargement complies with the land use regulations of the respective zone (i.e., setback requirements, height restrictions, etc.)
- The gross floor area and the footprint of the addition do not exceed the gross floor area or footprint of the existing building (i.e., the addition can't be larger than the existing building).
- The lot upon which the building is located must conform to the frontage and size requirements of its respective zone.

**HUNTSVILLE TOWN
ORDINANCE 2018-XX-XX**

ADDITIONS AND ENLARGEMENTS OF NON-COMPLYING BUILDINGS OR STRUCTURES

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.17.3 NONCOMPLYING BUILDINGS, NONCONFORMING USES, AND PARCELS - ADDITIONS AND ENLARGEMENTS: REVISING SUB-PARAGRAPH B TO ALLOW ADDITIONS AND ENLARGEMENTS TO NON-COMPLYING BUILDINGS OR STRUCTURES SO LONG AS SUCH ADDITIONS OR ENLARGEMENTS CONFORM TO ALL LAND USE REGULATIONS AND MEET CERTAIN SIZE REQUIREMENTS.

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**, after publication of the required notice, the Planning Commission held its public hearing on December XX, 2018 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on December XX, 2018;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on January XX, 2019 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:

15.17.3 Additions and Enlargements

- A.** A building or structure nonconforming as to use shall not be added to or enlarged in any manner, unless the building or structure is brought into conformance with the use regulations of the zone in which it is located.
- B.** ~~A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless the entire building or structure is brought into conformance with building regulations of the zone in which it is located. A non-complying building or structure shall not be added to or enlarged in any manner, unless:~~
 - 1. Such additions or enlargements comply with all of the regulations of the zone in which the non-complying building or structure is located;

2. A Conditional Use Permit is approved by the Huntsville Town Council after review and recommendation by the Huntsville Town Planning Commission;
3. The gross floor area of the addition or enlargement does not exceed the gross floor area of the existing non-complying building or structure;
 - a. The calculation of the gross floor area of the existing non-complying building or structure under 15.17.3.B.3 shall exclude any gross floor area attributable to existing garage space.
4. The building footprint of the addition or enlargement does not exceed the building footprint of the existing non-complying building or structure;
 - a. The calculation of the building footprint of the existing non-complying building or structure under 15.17.3.B.4 shall exclude any portion of the building footprint solely attributable to existing garage space.
5. The parcel or lot upon which the non-complying building or structure is located conforms to the current area and frontage requirements for its designated 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 shall continue in full force and effect.

Section 4: **Effective date.** This Ordinance shall take effect immediately upon mayoral approval and posting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett				
CM Max Ferre'				
CM McKay				
CM Bill Wangsgard				
CM Bill White				

PASSED AND ADOPTED by the Town Council on this XX day of January 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this XX day of January 2019