

**Rockville Planning Commission**  
**WORK MEETING**  
**June 14, 2016**  
**Rockville Community Center**

1. **CALL TO ORDER AND ROLL CALL** – Chair Ford called the meeting to order at 6:00 p.m. The following members of the Rockville Planning Commission were present: Cheryl McGovern, Linda Brinkley and Jane Brennan. Karen Lodinger was present by phone. Guests present from the Multiple Housing Task Force: Sharon Hatfield and Megan Honer-Orton. Town Clerk, Vicki S. Bell, recorded the meeting.
2. **REVIEW, DISCUSS AND FINALIZE THE PROPOSED MULTIPLE-HOUSING ORDINANCE IN PREPARATION FOR A PUBLIC HEARING**

- a. Determine the amount of the fine.

Jane indicated the Task Force had recommended \$500 and that also includes the \$250 fee, which is double the regular fee. Someone presently renting against the current ordinances will be paying \$750 and someone not renting now but waiting for this sunshine ordinance to go into effect would only have to pay the regular building permit fee of \$125. Jane felt that was a significant difference to show that we are not coddling people who are presently breaking the rules. These fees do not include the building inspector's fees; that is based on the building permit.

Chair Ford concurred there were no Commission members who felt there should not be a fine.

Linda felt that the fine was very generous as those who are renting out of compliance have been receiving extra income for many years.

Jane felt it could be a little higher. We are giving them an incentive to come and obtain a permit, but making it too high may discourage some to come forward and feel they can continue to violate the ordinance by possibly remaining inconspicuous.

In response to Cheryl's concern about our ability to enforce the ordinance, Sharon indicated enforcement is always difficult and asked if Cheryl had another solution other than the proposed Sunshine Ordinance. Cheryl felt we should prove our ability to enforce the code prior to enacting the Sunshine Ordinance.

Chair Ford reviewed the long history that took place that necessitated the creation of the Sunset Ordinance, which has been in the works for quite a few years. We now need to decide to move forward, unless we agree it is something we shouldn't be doing, which doesn't seem feasible.

Sharon indicated, to her knowledge, no one has been cited for renting a secondary residence. That is why it is essential we deal with the problem. We can't ignore a problem and then deny someone the opportunity to do the same thing by citing it is against the code.

Karen would like to have an answer as to whether or not the town is liable if they know a residence has been created without a permit and a problem within that space causes a fire.

Karen also referenced the last survey which indicated many felt it was okay to have a second residence (apartment) within an existing footprint. Sharon answered the survey indicated they would like that opportunity; not that it was okay. The answer was comprised of respondents that were property owners and also renters. Sharon responded that another question on the survey was did they want the character of community to remain rural, agricultural, small, residential and, every time that question is asked, the overwhelming response is "yes".

The Task Force considered the option of changing the General Plan to allow for a second residence on a parcel. There would need to be another survey before that could be considered. Changing the General Plan can take a few months.

One of the purposes of this proposed ordinance was to allow people to come into compliance without having to change the General Plan.

Karen felt the ordinance needs to be permanently changed to allow the creation of an apartment within the existing footprint instead of only during a designated period of time. Jane responded that that would require changing the General Plan. You would have to have a survey in order to consider changing the General Plan.

Suggestions were made for making sure the notice for the public hearing is distributed through as many avenues as possible.

Relative to enforcement, we can only do the best we can with the information we have available.

Chair Ford called the Commission's attention back to the agenda item of determining the fine. Those present concurred with the current fines that have been proposed, understanding there may be more input during the public hearing.

- b. Determine the procedure for how and when to notify residents about the ordinance.

Every effort will be made to notify property owners to include the Globe, letters to property owners and post cards as a follow up.

- c. Determine the time frame for residents to construct an ADU within the footprint of an existing residence.

The following points were made:

- o An existing residence may increase their footprint to a maximum of 4,000 sq. ft. as long as it meets the setbacks for the zone.
- o Jane indicated there is proposed a one year limit to complete the application/approval process. That gives enough time that no one can say they didn't know about it. Approved applicants will have 180 days from the date of approval for a building permit extended to one year if there is no existing violation. There will not be another extension beyond the one year. Those that are currently in violation will have a much simpler and shorter process and, therefore, would be limited to 180 days with no extension.
- o The Commission was reminded that it is not their responsibility to take into consideration financial status or availability of contractors.

All concurred with Jane's suggestion for increasing the time to one year for new construction for applicants without any existing violations.

- d. Determine definition of density.

After discussion, the Commission concurred the existing definition is adequate.

- e. Determine whether to implement an annual fee and/or require annual business license.

Discussion took place making the following points:

- o There are currently no businesses in Rockville that require an annual fee in addition to a business license, the cost being \$40.
- o Those businesses that invite the public into their residence are required to have an annual fire inspection, the cost being \$45, prior to renewal of their business license.

- Jane felt having an Accessory Dwelling Unit (ADU) business license for rentals would be appropriate. It allows the Commission to keep track of the rentals.
- ADUs could be considered a Home Occupation and the Home Occupation chapter would have to be amended.
- Fire inspections would be required.
- The annual business license would be \$40 and a required fire inspection would be \$45.
- Those rentals that existed prior to Rockville's incorporation in 1987 would be required to have a safety inspection.

The Commission concurred on the business license and fire inspection fees and also adding an ADU to the Home Occupation chapter.

- f. Determine the space allowed between structures for the "Building, Attached" definition.

During discussion, the following points were made:

- The current distance allowed from the footprint of an existing structure for a second structure to be considered attached is 30'. It was the opinion this distance was too far.
- If the second structure is not attached, it has to be 10' from the foundation or roofline of the first structure, whichever is the closest.
- The current definition requires two of four requirements to be considered attached: a common wall, a continuous wall, a continuous foundation or a continuous roofline.
- In order for a building to be considered attached, it has to meet the criteria required by the proposed amended definition; attached by a continuous foundation and a continuous roofline. A sidewalk would not meet the requirement.
- The reason the definition is being included in the proposed ordinance is because it is a term that is utilized in the ordinance. If a term is used in an ordinance, you need to clearly define it. The Task Force decided the definitions that are currently in our code were not adequate.
- In responding to a question, if there are two pre-existing structures on a parcel, can they be sold independently, and the answer was no, they have to be sold as part of the entire parcel.
- In visually determining what a 30' distance is, the Commission did not feel it was excessive.
- Chair Ford felt extending the roofline for that distance seemed feasible, but to require the extension of the foundation just to meet a definitional issue to consider it attached was ridiculous.

It was concurred that if someone was willing to go to the expense of extending the footing and roofline of the original structure, 30' would be acceptable.

- g. Determine the minimum amount of time facilities can be rented.

During discussion, the following points were made:

- The determined minimum amount of time will be a part of the proposed ordinance.
- The current limitation is a minimum of 30 days which was clearly the intent to avoid transient rentals.

- There needs to be a definition for “Transient Rental”.
- Jane stated if the ordinance exists because the town wants non-transient rentals, there needs to be something in place that people can’t get around.
- When someone rents for only five days within a 30-day period and doesn’t rent for the remaining 25 days, it was Sharon’s opinion that is circumventing the intent of the ordinance as that would still be considered a transient rental.
- Presently, the ordinance is vague enough to allow this situation.
- Cheryl felt the suggestion of a 90-day limit was too restrictive as she knows of people who rent their homes once a month and possibly seasonally. If someone wants to rent for only 30 days, that means the owner can’t rent it for the remaining 60 days.
- Cheryl suggested those that have a permit to rent as a part of their business license – add something to the permanent ordinance that states anyone who is renting has to register a lease with the town for however many days that is decided upon for the minimum.
- Jane indicated a 90-day limit would be the summer months, which is when the seasonal rangers need a place to stay for that season. That is a lot less movement and more neighbor-like and she likes the 90-day minimum limitation.
- Chair Ford had no objection to the 30 days but we will need to take into consideration the input from the public hearing. If the 90 days is implemented, it will be limiting the rental to semi-permanent residents.
- Jane asked Chair Ford if he had no objection to the 30 days, but can he live with the way it is able to be manipulated? Bob’s response was not presently because he doesn’t think it lives up to the intent, if the intent is to reduce transient travel.
- Jane liked Cheryl’s suggestion about the lease, but felt it was still manipulatable. Someone could give you a 30-day rental agreement every month there is a new renter, but they are really there for only a week.
- Jane suggested Commission members all try to word the limitation so it works for a 30-day limitation that is actually a 30-day limitation.
- Karen indicated that when she bought her residence, it had been used as a rental and she continued to rent it to rangers and stated they do not always stay for three months. Since this type of renting was not suitable, she advertised it on VRBO on a monthly basis per Rockville's code and she received two hits in about six months with a 30-day explanation of the house. Now she has been renting it on a 30-day basis per our ordinance. The financial reality is that it is more profitable to rent it by the week than by the month.

Commissioners concurred to leave at 30 days but work to make the requirements stronger.

h. Determine date for public hearing.

During discussion, the following points were made:

- There is a couple of weeks needed for implementing the issues from this meeting into the ordinance, then address it at the next regular Planning Commission meeting on July 12. The finalization of wording can be worked out by emails.
- The minimum amount of time limitation will be a part of the proposed ordinance.
- Sharon should be present at the public hearing to give a presentation of the purpose and reasoning of the proposed ordinance.

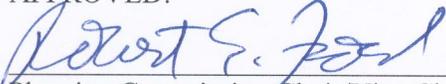
- After the public hearing, it will go to the Town Council with any revisions due to input at the public hearing.
3. **ADJOURN** – Jane **MOVED** the meeting be adjourned and the Commission continue working on language by email. Cheryl **SECONDED** the motion.

The meeting was adjourned by acclamation at 8:12 p.m.

Minutes Prepared by:

Elaine M. Harris  
Deputy Town Clerk

APPROVED:

  
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Planning Commission Chair/Vice Chair

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Vicki S. Bell at approximately 10:00 (A)M/PM on July 19 2016 and on the Rockville Website.

Vicki S Bell

