

**Rockville Planning Commission
Work Meeting
Rockville Community Center, Town Hall
December 13, 2022 – 6:30 p.m.**

1. **CALL TO ORDER – ROLL CALL:** Chair Jane Brennan called the meeting to order at 6:00 p.m. Ken Rybkiewicz, Garth Tyler, Robin Smith, Tim Arnold and Chair Jane Brennan were present. Linda Brinkley was excused. Clerk Bell recorded the meeting.
2. **DISCUSS FOR CLARIFICATION THE TERM “LOCATED BEHIND THE PRINCIPAL DWELLING OR STRUCTURE” AS FOUND IN SECTION 8.17.6 (3):** Chair Brennan read the existing definitions of both Dwelling and Residence.
 - a. **Definition of Dwelling (Section 2)** Any building or portion of a building designed or used as the more or less permanent residence or sleeping place of one or more persons or families which is occupied for no less than thirty (30) days. This does not include a tent, recreational [vehicle], hotel, motel, hospital, or nursing home. Minimum square footage of a dwelling shall be eight hundred (800) sq. ft.
 - b. **Definition of Residence (Section 2)** A building used exclusively for residential occupancy and permitted accessory uses, including single family residences, two-family residences, and multi-family residences, and having as its primary intended purpose to provide a place for its occupants to reside. The term does not include boarding houses, hotels, motels, tents, vehicles, or other structures designed or used primarily for temporary occupancy.

Chair Brennan shared that in Chapter 8, for example, an accessory dwelling needs to be located ‘behind the principal dwelling or structure’. The problem that has been found was that the term ‘behind the principal structure’ is unclear and can vary depending upon the lot and street. Tim shared that at his property he is unable to build anything ‘behind’ the principal dwelling due to the shape of the lot and proximity to the street even though the parcel is large enough for other buildings. Tim stated that if a new building is behind the front of an existing house, he was ok with that, provided that all other setbacks are met. Robin stated that it would be impossible to build on her parcel and obey the existing terms as there is no buildable land behind her principal dwelling despite having 2.5 acres. Ken asked if setbacks change with larger sized lots. Chair Brennan stated that with parcels 5 acres or greater, the accessory building does not need to be behind the primary dwelling. Chair Brennan stated that the three smaller zones; ½ acre, 1-acre and 2-acre parcels are restricted by the existing terms. Garth added that if the accessory building is behind the plane of the main residence... Clerk Bell clarified that the accessory building is behind the plane of the side of the house that is adjacent to the street. Garth read what he had written ‘direction of the structure would be oriented as to the land adjacent to the street.’ The Commissioners described various wording and believed that ‘facing’ would be an appropriate term as there are so many variables with custom homes and uncommon lot sizes and shapes. Ken asked to clarify the term ‘behind’ to a specific measurement. Chair Brennan said that one inch is technically ‘behind’ the front plane. Tim asked to define ‘front’. Clerk Bell reiterated that the side of a residence facing the street should be the ‘front’. Tim asked about storage containers and how they would fit into the definitions as his neighbors have a storage container on Dennett Lane, which is technically Town property. Chair Brennan asked about the possibility of further defining ‘behind’ and leaving room for variables. Garth shared that he included ‘some properties may need special consideration based upon...’ Ken added ‘subject to Planning Commission review’. Tim did not want so much subjectivity. Chair Brennan added perhaps ‘subject to an odd-shaped lot’ and much like a variance, it’s not the applicant’s making, and variances can be provided. Garth read: ‘some properties may need special consideration based on orientation of the main residence’. Clerk Bell added ‘and may be considered on a case-by-case basis’. Garth added that he had included in his wording that storage containers are considered accessory buildings. Chair Brennan reminded the Commission that there are five conditions that a variance must meet in order to be granted. She continued that they could include similar conditions into this code when the problem is not of the applicants making. Garth re-read ‘some properties may need special consideration based upon orientation of the residence due to pre-existing conditions such as:’ and then list possible variables in the code. Ken asked to define ‘behind the dwelling’ and the distance allowed. Robin suggested considering the smallest lots that exist and base the distance off of those lots. Chair Brennan stated that zoning terms begin at the ½ acre size although smaller lots exist. Clerk Bell reminded the commission that the original code was created for

aesthetic purposes, to maintain the look of the town. Five feet was the measurement they agreed to use for 'behind' a residence. Garth re-read 'an accessory building would be five feet behind the plane that is adjacent to the street'. The Commissioners illustrated various designs and discussed what would be appropriate for each illustration. Ken asked if the term 'scenic corridor' would be appropriate and if there are County or State language about protecting Zion's Scenic Corridor view-shed. Chair Brennan stated that the language does exist, but nobody follows that language as the helicopter business was allowed on SR-9. Garth asked about including the term 'main road'. Ken suggested using similar terminology to emergency service providers: alpha, bravo etc. Tim suggested that the permit applicant be asked to orient things correctly at the time of permit application. Clerk Bell referred to a definition in the LUC that falls under the sensitive lands and refers to protecting the view. Robin confirmed that Section 8.20.3(3) contained the definition of scenic corridor and view-shed.

3. **DISCUSS POSSIBLE AMENDMENTS TO CHAPTER 9, SECTION 9.2 SIGNS**: Chair Brennan tabled this discussion until the next meeting. Tim offered to communicate written changes over the coming month and Chair Brennan asked all Commissioners to read the Sign Chapter before the next meeting.
4. **DISCUSS PROPOSED AMENDMENTS TO THE CARGO STORAGE CONTAINER CHAPTER 9, SECTION 9.1.19**: Garth began with all previously discussed changes and that he included all of those changes in what he compiled. He stated that he will add the five terms required in the definition. He directed the Commission to paragraph 5(a) all cargo storage containers shall be behind the primary structure on a residential lot. Tim asked about no. 7, existing storage containers 'the placement and use of a cargo storage container placed before the date this ordinance became effective may be continued provided that no such use may be expanded, relocated or changed in any way on the property.' Chair Brennan stated that in order for something to be 'grandfathered in' it needed to be legal before the rules were created, such as legal with the County before the Town code was adopted. If it was illegal by the County, it remains illegal. Garth modified no. 7 to 'the placement and use of cargo storage container placed before the date of this ordinance became effective will need to adhere to the following: A) an application is submitted and approved by the Planning Commission. B) If a container is expanded, relocated or changed, then a new permit application must be applied for and accepted.'

Garth continued and directed all to the first page of the application under permanent residential, the first check box is behind residence and setbacks. Chair Brennan added that a temporary one can be located in front of the residence and limited to a six-month period. Tim suggested that temporary storage containers do not need to attend a meeting and apply for a permit at the Town Office but for permanent storage containers meeting attendance will be required. Chair Brennan asked about adding something similar to the application to inform the applicant about meeting attendance requirements. Clerk Bell asked about timing of applications and if 21 days is sufficient to allow for site plan assessment prior to a meeting. Everyone agreed.

5. **ADJOURNMENT**: Tim Arnold **MOVED** to adjourn the meeting. Garth Tyler **SECONDED** the motion.

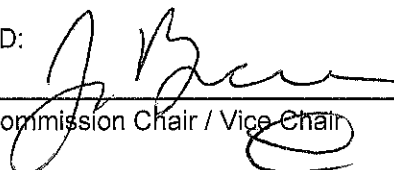
Vote on Motion:

Ken Rybkiewicz: Aye
Garth Tyler: Aye
Robin Smith: Aye
Tim Arnold: Aye
Chair Brennan: Aye

The motion passed unanimously. The meeting adjourned at 7:37 p.m.

Minutes Prepared by
Pearl Meadows
Town of Rockville

APPROVED:



Planning Commission Chair / Vice Chair

The foregoing minutes were posted in the cabinet of the Rockville Town Office by
Vicki S. Bell on 11 January, 2023 at approximately
10:00 ~~AM~~ PM and on the Utah Public Network and Rockville websites.

Vicki S. Bell



**Rockville Planning Commission
Work Meeting
December 13, 2022 6:00 p.m.
Rockville Community Center
43 E. Main Rockville, UT 84763**

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME _____

ADDRESS

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