

# Chapter 8: Zoning Regulations

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## 8.1 Scope and Applicability of Zoning Regulations

The provisions of this Chapter shall apply to any real property located in any zone as shown on the official zoning map. No building, structure, or real property shall be used, and no building or structure shall be hereafter erected, structurally, or substantially altered, or enlarged unless it is permitted by the requirements of this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws.

The Town Council establishes the uses and regulations which apply to each zoning district in accordance with a General Plan designed for the same purposes for which the Town Council enacted this Code, and declares these requirements to be the minimum necessary to accomplish the purposes of this Code.

## 8.2 Zoning Districts Map

The Rockville Zoning Map is the official zoning map. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted in a timely manner.

In order to carry out the purposes of this Code, land use districts have been established as set forth in 8.9-8.20 of this Chapter and a Zoning Map has been established. The Zoning Map is adopted as a part of this code, and this Code is intended to be consistent with the Future Land Use Map of the General Plan. Interpreting the Zoning Map shall follow the subsequent standards:

1. The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the centerline of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.
2. Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.
3. Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes fifteen (15) percent in grade. In the case of waterways, the average centerline of the waterway. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic data submitted to the Town. Where land of less than fifteen (15) percent slope is surrounded by land of fifteen (15) percent or greater slope, the Land Use Authority shall entertain an application to rezone the land of less than fifteen (15) percent slope to a suitable residential use if the Planning Commission determines that the land is adequately accessible and not within sensitive land areas.
4. If the Land Use Authority, Legislative Body, or member of the Public requests an interpretation of a zoning district boundary, the matter shall be forwarded to the appropriate Appeal Authority and the appropriate fees must be paid for the appeal for interpretation. The appropriate fees must also be paid in full at the time of the appeal.

## 8.3 Uncertainty and Ambiguity

Zone Classification: Any property which, for any reason, is not clearly zoned on the Town's official zone maps, or is determined not to be subject to the requirements of a zone classification as provided by this Title is hereby declared to be in the A-1 Zone.

Use Classification: If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or with respect to matters of height, yard requirements, area requirements, or other property development standards, the Planning Commission acting as the Land Use Administrator shall determine the proper use or classification.

## 8.4 Establishment of Zones

The Town Council hereby divides the Town into the following zones as shown on the map entitled “Rockville Zoning Map”, which map and boundaries, notations, references, and other information shown thereon shall be as much as a part of this Title as if the information illustrated by the map were fully described herein.

1. ROS (Restricted Open Space)
2. OS-20 (Open Space)
3. A-1 (Agricultural)
4. RA-5 (Residential-Agricultural)
5. RR-2 (Rural Residential, 2ac)
6. RR-1 (Rural Residential, 1ac)
7. RR-0.5 (Rural Residential, 0.5ac)
8. PUZ (Public Use Zone)
9. Overlay zones for specific issues

All development, use, activity, and permits and licenses shall conform to all the provisions, standards, and requirements of the applicable zoning district.

## 8.5 Intent of Zoning Districts

The general intent of the Zoning Districts is to protect residents and visitors from existing and potential natural hazards; to provide for a quiet, clean, safe community with a rural, agricultural and residential character; to implement the goals of the General Plan; to provide for low density, rural, residential homes while protecting the use of agriculture and grazing; to protect critical view corridor and watersheds as well as the natural scenic character of areas not suitable for development; and to minimize flooding, erosion and other environmental hazards.

The zoning districts are formulated to provide and achieve the following purposes:

1. **ROS (Restricted Open Space):** The purpose of this zone is to manage lands within this zone in a manner which is compatible and consistent with the management of adjacent public lands of Zion National Park and the Bureau of Land Management, including the Canaan Mountain Wilderness area.
2. **OS-20 (Open Space):** The purpose of this zone is to protect prime agricultural land for continued agricultural use or for low-density residential-agricultural development.
3. **A-1 (Agricultural):** The purpose of this zone is to preserve the historic Grafton Town site while promoting and preserving appropriate areas and conditions favorable to agriculture.
4. **RA-5 (Residential-Agricultural):** The purpose of this zone is to provide for dwellings on large lots in agricultural areas while maintaining conditions favorable to agriculture.
5. **RR-2 (Rural Residential, 2ac):** The purpose of this zone is to provide opportunities for small farms, hobby farms and larger lots for residential use.

6. **RR-1 (Rural Residential, 1ac):** The purpose of this zone is to provide opportunities for gardening, small farms and for single family residential use.
7. **RR-0.5 (Rural Residential, 0.5ac):**The purpose of this zone is to provide a quiet, clean, safe community with a rural, agricultural, and single-family residential development.
8. **PUZ (Public Use Zone):** The purpose of this zone is to provide areas for the location and establishment of facilities that are maintained in public ownership.

## 8.6 Zoning of Annexation Areas

The Town Council, with recommendations by the Planning and Commission, shall determine at the time of annexation the most appropriate zoning of all property hereafter annexed into Rockville.

## 8.7 Permitted and Conditional Uses and Provisions

Uses permitted within a zoning district should be incidental and should not change the basic character of the zone. As such these uses are permitted without special authorization. However, some uses are subject to minimum land area requirements determined by the Planning and Zoning Commission, Town Council, or this Code. The establishment of any permitted use is subject to obtaining a building permit, business license, road encroachment permits, or any other regulation stated in this Title.

Permitted and Conditional Uses are indicated by a “P” or “C” respectively, in the appropriate column. Uses not permitted are indicated by an “X”. Any use not shown on the table shall be prohibited, unless the Land Use Authority determines the use in question is substantially the same as one permitted or conditionally based upon an interpretation provided in Chapter 11 of this Title.

### 8.7.1 Land Uses and Activities

*Note: also see provisions for specified uses (8.7.2)*

	ROS	OS-20	A-1	RA-5	RR-2	RR-1	RR-0.5	PUZ
<b>AGRICULTURAL and NATURAL RESOURCE:</b>								
Buildings Incidental to Agricultural Operations (L)	X	P	P	P	P	P	P	X
Farming, Raising Animals (10)	X	P	P	P	P	P	P	X
Habitat Management (E)	P	P	X	-	X	X	X	X
Livestock Grazing	P	P	P	P	P	P	P	X
Mineral Extraction (C,D,G,H)	X	X	X	X	X	X	X	X
Wildfire Management (E)	P	P	X	X	X	X	X	X
<b>RESIDENTIAL and COMMERCIAL:</b>								
Accessory Buildings (I)	X	P	X	P	P	P	P	X
Bed & Breakfast	X	C	X	C	C	C	C	X
Congregate Living Facilities (K)	X	P	X	P	P	P	P	X
Home Occupations	X	C	X	C	C	C	C	X
Single Family Dwellings	X	P	X	P	P	P	P	X
Mobile or Modular Home	X	P	X	P	P	P	P	X
Multi-family Dwellings	X	X	X	X	X	X	X	X
<b>PUBLIC and CIVIC:</b>								
Cemeteries	X	X	X	X	X	X	X	P
Church	X	C	C	C	C	C	C	X
Primitive Recreation (B,F)	P	X	X	X	X	X	X	X
Public Buildings	X	X	X	X	X	X	X	P
Public Recreation Facilities	X	X	X	X	X	X	X	P
ROW for Utilities (C)	P	P	P	P	P	P	P	P
Unstaffed Public Buildings	X	X	C	C	C	C	C	P

## **8.7.2 Use and Activity Provisions**

1. Factors to be considered include, but are not limited to, disturbance of natural vegetation, wildlife habitats, archaeological sites, location in relation to flood zones and drainages, steep slopes, rock fall areas, and other considerations which may have potential adverse consequences for the health, safety, and welfare of present and future residents of the Town of Rockville.
2. Camping is restricted to fifteen (15) days every six (6) months in any one location.
3. Air and water quality must be protected. Noise nuisance, excessive traffic, erosion hazards, and visual disturbances are prohibited.
4. Only such excavation as is directly associated with and accessory to an approved use may be allowed. (See Chapter 5)
5. Authorized motorized vehicles restricted to existing roads.
6. Non-motorized off-road vehicles, including bicycles, shall be restricted to existing roads and authorized trails.
7. Land use leases and interagency agreements must be approved in accordance with the Rockville Town ordinances and General Plan.
8. Application for mining claims must be presented to the Bureau of Land Management for review.
9. Any accessory building shall not have any plumbing and shall not be a separate living facility.
10. Raising of animals and fowl, excluding the keeping or raising of dangerous animals.
11. See also Chapter 8.3 - Congregate Living Facilities.
12. Barns, corrals, pens, coops, machinery sheds and other buildings incidental to agricultural operations. These buildings shall not be used as living facilities.

## 8.8 Development Standards

The Table of Development Standards (below) accompanies the Table of Uses and Activities. This table identifies the density allowed, required setback and yard standards, building height standards, site coverage standards, and other requirements for the uses allowed within each Zoning District.

### 8.8.1 Table of Development Standards for Principal Buildings

*Note: also see modifying regulations (8.8.2)*

	ROS	OS-20	A-1	RA-5	RR-2	RR-1	RR-0.5	PUZ
<b>LOT STANDARDS:</b>								
Lot Requirement	Principal Buildings shall be on a Lot, as defined by this Ordinance							
Utilities	Principal Buildings shall be permanently connected to and approved for all required utilities							
Permanent Foundation	Principal Buildings must be located on a site-built permanent foundation which meets the International Building Code (IBC) and all other Codes, or, if a Modular Home, meets the requirements for manufactured housing installations							
Density (Dwellings per Parcel)	n/a	1	1	1	1	1	1	n/a
Building Footprint Maximum (Square Ft)	n/a	<4,000	<4,000	<4,000	<4,000	<4,000	<4,000	<2,000
Minimum Required Lot Size (Acres)	n/a	20	1	5	2	1	0.5	n/a
Minimum Lot Width (Linear Feet)	n/a	500'	100'	100'	100'	100'	100'	n/a
<b>HEIGHT, SETBACK, and MASSING STANDARDS - PRINCIPAL BUILDINGS</b>								
Max Building Height (Ground to Roof Ridge)	n/a	25'	25'	25'	25'	25'	25'	n/a
Minimum Front Yard	n/a	50'	40'	40'	40'	40'	30'	10'
Minimum Side Yard (A)	n/a	30'	20'	20'	20'	20'	15'	10'
Minimum Rear Yard	n/a	50'	40'	40'	40'	40'	30'	10'
<b>DEVELOPMENT STANDARDS - ACCESSORY BUILDINGS</b>								
Accessory Building Lot Coverage Maximum	n/a	<25%	<25%	<25%	<25%	<25%	<25%	n/a
Distance from Primary Building (B)	n/a	10'	10'	10'	10'	10'	10'	n/a
Max Building Height (Ground to Roof Ridge)	n/a	25'	25'	25'	25'	25'	25'	n/a
Minimum Front Yard	n/a	50'	50'	40'	40'	40'	30'	10'
Minimum Side Yard	n/a	30'	50'	20'	5'	5'	5'	10'
Minimum Rear Yard	n/a	50'	50'	40'	15'	15'	10'	10'

### 8.8.2 Modifying Regulations (All Zones)

1. **Corner lot setbacks.** On corner lots, the side yard setbacks that face on a street shall not be less than twenty feet (20’).
2. **Accessory Buildings.** All accessory buildings shall be located at least ten feet (10’) from the main building, unless attached. The ten-foot (10’) separation requirement includes overhanging roof lines and/or any other projection. In residential zones, all accessory buildings shall be located behind the main building. Accessory buildings shall not encroach upon any easement or cause such easement to be inaccessible.
3. Accessory buildings in Zones RR2, RR1, RR.05 and PUZ rear setback is 20 feet (20’) if the rear of the property is along a town road.

## 8.9 Off-Street Parking Requirements

The Table of Off-Street Parking Requirements (Table 8.9.1) accompanies the Table of Uses and Activities. See also Chapter 9.2 - Off-Street Parking Requirements.

### 8.9.1 Table of Required Off-Street Parking

This table identifies the minimum number of off-street parking spaces required to be provided by each use or activity allowed within each Zoning District.

Required Off-Street Parking	
Single-Family Dwelling	2 per dwelling unit
Residential Facilities for Persons with Disabilities	1 per each 4 residents plus 1 for each 2 employees during regular hours
Residential Facilities for Elderly Persons	1 per each 4 residents plus 1 for each 2 employees during regular hours
Parks and Playgrounds	As approved by the Land Use Authority
Civic/Public Buildings/Public Facilities	As approved by the Land Use Authority
Bed and Breakfast Inn	2 spaces for owner/manager plus one 1 space per guest room
Other Uses	As approved by the Land Use Authority

Notes Accompanying Table of Off-Street Parking Standards:

1. Americans with Disabilities Act. All property owners and applicants for development approvals requiring public access are advised that in addition to the minimum off-street parking requirements, they are also required to comply with the minimum standards for the provision of handicapped parking spaces as identified and required by the Americans with Disabilities Act, as amended.
2. Dimensions of Required Parking Spaces. Each required parking space shall be an area of not less than eight feet six inches (8'6") in width and having an area of not less than one

hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

3. Loading and Unloading Requirements and Regulations:
  - a. Location of Required Loading and Unloading Spaces. The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve.
  - b. Collective Action Relative to Loading and Unloading. This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or uses.

## **8.10 Landscaping Requirements**

Practical and reasonable landscape screening and other buffer requirements may be required to minimize the impact on adjacent uses, as well as keeping the rural character of Rockville contiguous throughout the Town. These special screening and buffer requirements, if applicable, shall be determined through the Site Plan Review processes.

## **8.11 Preference for Cluster Housing Development**

To encourage the preservation of agricultural and natural open space, enhance its profitability, minimize the cost of public services, reduce yard sizes to conserve water and improve landscaping quality, as well as encourage assorted lot sizes and varying housing types along city streets, clustered residential housing is preferred within the residential zones.

## **8.12 Cluster Subdivision**

1. Each lot within a cluster-type subdivision shall have direct access to a public or private dedicated street.
2. Location of dwellings on lots within this type of development shall be approved by the Planning Commission on the preliminary development plan.
3. Dwellings and attached carports, garages, patios, breezeways, or other structures attached to the dwelling shall have a minimum total side yard setback of fifteen feet (15'). Unless the reduced side yard provisions are applied, the minimum setback for one side shall be five feet (5'). The minimum front setback for the main dwelling and any additional accessory buildings or attachments shall be twenty feet (20'). No more than two (2) adjacent dwellings shall have equal front setbacks if the front setbacks are less than twenty feet (20').

## **8.13 Restricted Open Space Zone (ROS)**

### **8.13.1 Purpose**

The purpose of this Chapter is to protect residents and visitors from existing and potential natural hazards; to minimize flooding, erosion and other environmental hazards; to provide access to Public Lands; to provide for a quiet, clean, safe community with a rural, agricultural and residential character; to protect critical view and watersheds, as well as maintain the natural scenic character of areas not suitable for development; to manage lands within this zone in a manner which is compatible and consistent with the General Plan and with the management of adjacent public lands of Zion National Park and the Bureau of Land Management, including the Canaan Mountain Wilderness area.

### **8.13.2 Permitted Uses**

1. Livestock grazing.
2. Primitive recreational uses, with appropriate permits, which will not alter the natural form of the landscape.
3. Fire management.
4. Habitat management.
5. Rights-of-way for uses such as pipelines, telephone lines, power lines and accesses.
6. Mineral material removal, with appropriate permits, including sand, gravel, decorative stone, and landscape rocks.
7. Unstaffed public buildings.

### **8.13.3 Prohibited Uses**

Land use not clearly identified as permitted is deemed prohibited. All use must be consistent with the General Plan and the Land Use Code.

### **8.13.4 Provisions**

1. Factors to be considered include, but are not limited to, disturbance of natural vegetation, wildlife habitats, archaeological sites, location in relation to flood zones and drainages, steep slopes, rock fall areas, and other considerations which may have potential adverse consequences for the health, safety, and welfare of present and future residents of the Town of Rockville.
2. Camping is restricted to fourteen (14) days in any one location and must meet current Bureau of Land Management guidelines.
3. Air and water quality must be protected.
4. Noise nuisance, excessive traffic, erosion hazards, and visual disturbances are prohibited.
5. Only such excavation as is directly associated with and accessory to an approved use may be allowed. (See Chapter 5.)
6. Authorized motorized vehicles restricted to existing roads.
7. Non-motorized off-road vehicles, including bicycles, shall be restricted to existing roads and authorized trails.
8. Land use leases and interagency agreements must be approved in accordance with the Rockville Town ordinances and General Plan.
9. Application for mining claims must be presented to the Bureau of Land Management for review.

### **8.13.5 Violations**

Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

*Amended by Rockville Town Ordinance 21-1110-03*

*Amended by Rockville Town Ordinance 20-1112-02*

*Amended by Rockville Town Ordinance 10-0811-1*

*Amended by Rockville Town Ordinance 06-1120-1*



## **8.14 Open Space (OS-20 Acres)**

### **8.14.1 Purpose**

The purpose of this zone is to protect prime agricultural land for continued agricultural use or for low-density residential-agricultural development.

### **8.14.2 Permitted Use Regulations**

In the Open Space Zone (OS-20) the following uses are permitted:

1. Livestock grazing, including buildings and enclosures customarily associated with such use.
2. Emergency equipment routes to provide essential emergency services, such as fire control.
3. Single family dwellings, provided the applicant can demonstrate conclusively to the Planning Commission that any hazards and/or limitations of the site can be overcome in order to prevent hazards to life, limb or property, as well as any potential adverse effects to the safety, use or stability of a public way, or to the environment.
4. All utilities and transmission lines.
5. Congregate living facilities.

### **8.14.3 Conditional Uses**

1. Home Occupations (See Chapters 4 and 8.9.)

### **8.14.4 Uses Prohibited**

Land use not clearly identified as permitted is deemed prohibited. All use must be consistent with the General Plan and the Land Use Code.

### **8.14.5 Site Design Regulations**

All site design elements are subject to review and approval by the Planning Commission.

### **8.14.6 Height Regulations and Building Size**

1. No building may exceed twenty-five feet (25') in height.
2. A building's height will be measured from the structure's lowest point of ground at the perimeter of the foundation contact with the existing pre-excavated level or from the finished grade, whichever is lower, to the highest point of the structure.
3. The builder may not circumvent the twenty-five foot (25') height requirement by adding fill to raise the apparent finished grade or by digging below the pre-excavated level.
4. In no case shall a footprint exceed four thousand (4,000) square feet per building. The footprint includes any accessory buildings or garages if either are attached.

### 8.14.7 Lot Standards

	Open Space (OS-20)
Area	20 Acres
Frontage	500'
Front Setback	50'
Side Setback	30'
Rear Setback	50'
Height	25'

### 8.14.8 Signs

All signs are subject to the provisions of Chapter 9.2 of this Code.

### 8.14.9 Modifying Regulations

1. Corner Lot Side Yard: On corner lots, the side yard setbacks that face on a street shall not be less than twenty feet (20').
2. All accessory buildings shall be located at least ten feet (10') from the main building, unless attached. The ten-foot (10') separation requirement includes overhanging roof lines and/or any other projection.

Accessory buildings not attached to the main house shall be in compliance with the lot line setbacks for the Open Space (OS-20 Acres) Zone: Front and rear setbacks at 50 feet and side setbacks at 30 feet.

3. Livestock and Animals: All livestock or animals shall be housed in enclosed corrals, stables, or other enclosures.
4. Temporary Residences (See Chapter 9.1.19.)

- a. No temporary residence, as defined in Chapter 9.1.19, shall be located, placed, used, or occupied for permanent residential purposes in any zone.
- b. A Recreational Vehicle (RV) or other temporary dwelling that meets the criteria established in Chapter 9.1.19 may be occupied as a temporary residence on private property for up to fifteen (15) cumulative days within any six (6) month period. This limitation applies to property owners, as well as guests.

This regulation is intended to apply to the occasional visitation of guests and not intended to allow a larger number of temporary dwellings to occupy a property at one time. Larger gatherings (more than two (2) temporary dwellings) would require the property owner to apply for a temporary use/special event permit.

- c. Temporary placement and occupancy of a self-contained travel trailer/RV on a residential lot is permitted during construction of a permanent dwelling for which a valid building permit has been issued. Said use shall be approved for up to six (6) months. One (1) six (6) month extension may be requested and will be considered by the Planning Commission.

### **8.14.10 Other Provisions**

1. Exceptions to these regulations are provided in Chapter 9 of this Code.
2. Only such excavation as is directly associated with and accessory to an approved use may be allowed. (See Chapter 5)
3. Any accessory building shall not have any plumbing and shall not be a separate living facility.

### **8.14.11 Violations**

Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

*Amended by Rockville Town Ordinance 21-1110-03*

*Amended by Rockville Town Ordinance 20-1112-02*

*Amended by Rockville Town Ordinance 13-1120-1*

*Amended by Rockville Town Ordinance 13-0306-1*

*Amended by Rockville Town Ordinance 10-0811-1*

*Amended by Rockville Town Ordinance 06-1120-1*

*Amended by Rockville Town Ordinance 06-215-1*

*Amended by Rockville Town Ordinance 99-0217-1*

*Amended by Rockville Town Ordinance 96-0717-1*

*Amended by Rockville Town Ordinance 96-0522-1*

*Amended by Rockville Town Ordinance 95-1213-1*

*Amended by Rockville Town Ordinance 95-0419-1*

## **8.15 Agricultural (A-1 Acre)**

### **8.15.1 Purpose**

The purpose of this Chapter is to protect residents and visitors from existing and potential natural hazards; to provide for a quiet, clean, safe community with a rural, agricultural character; to implement the goals of the General Plan; and to protect and preserve the historic Grafton Town site while promoting and preserving appropriate areas and conditions favorable to agriculture.

### **8.15.2 Permitted Uses (General)**

1. Raising of animals and fowl excluding the keeping or raising of dangerous animals.
2. Legal agricultural uses, farming, and gardening.
3. Barns, corrals, pens, coops, machinery sheds and other buildings incidental to agricultural operations.
4. Raising livestock for family use and/or sale.

### **8.15.3 Permitted Uses (Specific to Grafton Historic Town Site)**

1. Placement of a self-contained travel trailer/RV for an on-site steward (seasonal or year-round) for the purpose of site protection and only with the approval of the Board of Trustees of the Grafton Heritage Partnership Project.
2. Interpretive signing.
3. Sanitation facility (restroom).

4. Placement of permanent or temporary closures (gates, fences, or barriers).

#### **8.15.4 Uses Prohibited**

Land use not clearly identified as permitted is deemed prohibited. All use must be consistent with the General Plan and the Land Use Code.

#### **8.15.5 Minimum Area, Width and Yard Requirements**

Minimum area in the Agricultural Zone is one acre.

#### **8.15.6 Modifying Regulations**

1. Stables, corrals, barns, and chicken coops shall be located at least fifty feet (50') from the nearest residence or public street.
2. Height Regulations and Building Size
  - a. No building may exceed twenty-five feet (25') in height.
  - b. A building's height will be measured from the structure's lowest point of ground at the perimeter of the foundation contact with the existing pre-excavated level or from the finished grade, whichever is lower, to the highest point of the structure.
  - c. The builder may not circumvent the twenty-five foot (25') height requirement by adding fill to raise the apparent finished grade or by digging below the pre-excavated level.
  - d. In no case shall a footprint exceed four thousand (4,000) sq. ft. per building. The footprint includes any accessory buildings or garages if either are attached.
3. Livestock and Animals
  - a. The raising or keeping of livestock or animals is permitted on lots which are a minimum of one-half (1/2) acre in size.
  - b. All livestock or animals shall be housed in enclosed corrals, stables, or other enclosures.
4. Temporary Residences (See Chapter 9.1.20.)
  - a. The placement of a self-contained travel trailer/RV within the Grafton Historic District for occupancy by an on-site steward is permitted, without time limitations, for the purpose of protection of the Grafton Historic site.
  - b. A Recreational Vehicle (RV) or other temporary dwelling that meets the criteria established in Chapter 9.1.20 may be occupied as a temporary residence on private property for up to fifteen (15) cumulative days within any six (6)-month period. This limitation applies to property owners as well as guests of property owners.

This regulation is intended to apply to the occasional visitation of guests and not intended to allow a large number of temporary dwellings to occupy a property at one time. Larger gatherings (more than two (2) temporary dwelling) would require the property owner to apply for a temporary use/special event even permit.

#### **8.15.7 Other Provisions**

1. Exceptions to these regulations are provided in Chapter 9 of this Code.

2. Only such excavation as is directly associated with and accessory to an approved use may be allowed. (See Chapter 5.)

*Amended by Rockville Town Ordinance 21-1110-03  
 Amended by Rockville Town Ordinance 20-1112-02  
 Amended by Rockville Town Ordinance 15-0610-1  
 Amended by Rockville Town Ordinance 06-1120-1  
 Amended by Rockville Town Ordinance 06-216-1  
 Amended by Rockville Town Ordinance 00-0215-1*

## **8.16 Residential-Agricultural (RA-5 Acres)**

### **8.16.1 Purpose**

The purpose of this Chapter is to protect residents and visitors from existing and potential natural hazards; to provide for a quiet, clean, safe community with a rural, agricultural and residential character; to implement the goals of the General Plan; and to provide for dwellings on large lots in agricultural areas while maintaining conditions favorable to agriculture.

### **8.16.2 Lot Standards**

	<b>Residential Ag. (RA-5 Acres)</b>
Height Regulation	25'
Building Footprint	4,000 Sq. Ft. per Building
Area	5 Acres
Frontage	100'
Front Setback	40'
Side Setback	20'
Rear Setback	40'

### **8.16.3 Height Regulations and Building Size**

1. No building may exceed twenty-five feet (25') in height.
2. A building's height will be measured from the structure's lowest point of ground at the perimeter of the foundation contact with the existing pre-excavated level or from the finished grade, whichever is lower, to the highest point of the structure.
3. The builder may not circumvent the 25-foot (25') height requirement by either adding fill to raise the apparent finished grade or by digging down below the pre-excavated level.
4. In no case shall a footprint exceed 4,000 sq. ft. per building. The footprint includes any accessory buildings or garages if either are attached.

#### **8.16.4 Permitted Uses**

1. Raising of animals and fowl excluding the keeping or raising of dangerous animals.
2. Legal agricultural uses, farming, and gardening.
3. Barns, corrals, pens, coops, machinery sheds and other buildings incidental to agricultural operations.
4. Single-family homes.
5. Accessory uses and buildings customarily incidental to permitted uses.
6. Raising livestock for family use and/or sale.
7. Congregate Living Facilities.

#### **8.16.5 Conditional Uses**

1. Home Occupations (See Chapters 4 and 8.9.)

#### **8.16.6 Uses Prohibited**

Land use not clearly identified as permitted is deemed prohibited. All use must be consistent with the General Plan and the Land Use Code.

#### **8.16.7 Signs**

All signs are subject to the provisions of Chapter 9.2 of this Code.

#### **8.16.8 Modifying Regulations**

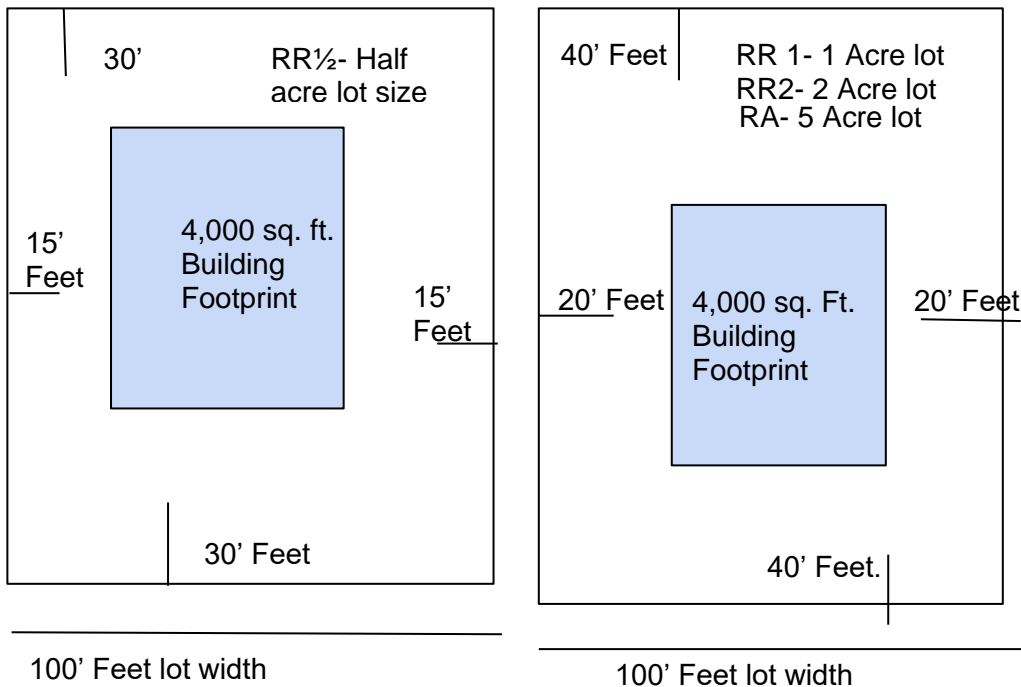
1. Corner Lot Side Yard: On corner lots, the side yard which faces on a street shall not be less than twenty feet (20').
2. All accessory buildings shall be located at least ten feet (10') from the main building unless it is attached. The ten-foot (10') separation requirement includes overhanging rooflines and/or any other projection.
3. Accessory buildings not attached to the main house shall be in compliance with the lot line setbacks for the RA-5 Zone: front and rear locations at 40 feet and side yards at 20 feet.
4. Livestock and Animals: All livestock or animals shall be housed in enclosed corrals, stables, or other enclosures.
5. Temporary Residences (See Chapter 9.19.)
  - a. No recreational vehicle as herein defined shall be located, placed, used, or occupied for permanent residential purposes in any zone.
  - b. A Recreational Vehicle (RV) may be occupied as a temporary residence on private property for up to fifteen (15) cumulative days within any six (6) month period. This limitation applies to property owners as well as guests of property owners.
  - c. This regulation is intended to apply to the occasional visitation of guests and not intended to allow a large number of temporary dwellings to occupy a property at one time. Larger gatherings (more than two temporary dwellings) would require the property owner to apply for a temporary use/special event permit.
  - d. Temporary placement of a recreational vehicle for occupancy on a residential lot is permitted during the construction of a permanent dwelling for which a valid

building permit has been issued. Said use shall be approved for up to six (6) months. One (1) six (6) month extension may be requested and considered by the Planning Commission.

### 8.16.9 Other Provisions

1. Exceptions to these regulations are provided in Chapter 9 of this Code.
2. Only such excavation as is directly associated with and accessory to an approved use may be allowed. (See Chapter 5.)
3. Any accessory building shall not have any plumbing and shall not be a separate living facility
4. Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

### 8.16.10 Lot Standards



*Amended by Rockville Town Ordinance 21-1110-03  
 Amended by Rockville Town Ordinance 20-1112-02  
 Amended by Rockville Town Ordinance 15-0610-1  
 Amended by Rockville Town Ordinance 13-1120-1  
 Amended by Rockville Town Ordinance 13-0306-1  
 Amended by Rockville Town Ordinance 10-08-1  
 Amended by Rockville Town Ordinance 06-1120-1  
 Amended by Rockville Town Ordinance 06-0315-2  
 Amended by Rockville Town Ordinance 05-12-14-1  
 Amended by Rockville Town Ordinance 90-0418-1  
 Amended by Rockville Town Ordinance 90-0117-1*

## 8.17 Rural Residential Zones

### 8.17.1 Purpose

The purpose of this Chapter is to protect residents and visitors from existing and potential natural hazards; to provide for a quiet, clean, safe community with a rural, agricultural and residential character; to implement the goals of the General Plan and to provide for the orderly, consistent and harmonious development of the Town.

### 8.17.2 Lot Standards

	Rural Residential RR ½ Acre	Rural Residential RR 1 Acre	Rural Residential RR 2 Acres
Height Regulation	25'	25'	25'
Building Footprint	4,000 Square Feet	4,000 Square Feet	4,000 Square Feet
Area	½ Acre	1 Acre	2 Acres
Frontage	100'	100'	100'
Front Setback	30'	40'	40'
Side Setback	15'	20'	20'
Rear Setback	30'	40'	40'

### 8.17.3 Permitted and Conditional Uses

#### Permitted Uses

1. Agriculture.
  - a. Tilling of the soil, raising of crops, horticulture, and gardening for legal use.
  - b. Raising of animals and fowl for recreational use or family food production for the primary use of persons residing on the premises, excluding the keeping or raising of dangerous animals.
  - c. Raising livestock for family use and/or for sale.
2. Single-family homes.
3. Accessory buildings and uses customarily incidental to the permitted uses.
4. Congregate Living Facilities.

#### Conditional Uses

1. Home Occupations (See Chapter 4.)



### **8.17.4 Prohibited Uses**

Land use not clearly identified as permitted is deemed prohibited. All use must be consistent with the General Plan and this Land Use Code.

### **8.17.5 Signs**

All signs are subject to the provisions of Chapter 9.2 of this Code.

### **8.17.6 Modifying Regulations**

#### **1. Yard Coverage of Accessory Buildings**

No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the total acreage of the lot.

#### **2. Side Yard**

On corner lots, the side yard setback which faces on adjacent to a street shall not be less than at least twenty feet (20').

#### **3. Rear Yard**

All accessory buildings shall be located at least ten feet (10') from the main building, unless attached. The ten-foot (10') separation requirement includes overhanging rooflines and/or any other projection.

All accessory buildings shall be located behind the principal dwelling or structure.

An accessory building may be placed up to one foot (1') from side yard property lines when such a building is at least ten feet (10') behind the rear of the principal dwelling or structure and complies with rear yard setbacks.

Such accessory buildings shall not encroach upon any easement or cause easements to be inaccessible.

#### **4. Livestock and Animals**

The raising or keeping of livestock or animals is permitted on lots which are a minimum of one-half (1/2) acre in size and subject to the following regulations:

1. All livestock or animals shall be housed in enclosed corrals, stables, or other enclosures.

#### **5. Temporary Residences (See Chapter 6.1.)**

1. No temporary residence, as defined in Chapter 6.1 shall be located, placed, used, or occupied for permanent residential purposes in any zone.
2. A Recreational Vehicle (RV) or other temporary dwellings that meets the criteria established in Chapter 9.19 may be occupied as a temporary residence on private property for up to fifteen (15) cumulative consecutive days within any six (6) month period. This limitation applies to property owners as well as guests of property owners.

This regulation is intended to apply to the occasional visitation of guests and not intended to allow a larger number of temporary dwellings to occupy a property at one time. Larger gatherings (more than two (2) temporary dwellings) would require the property owner to apply for a temporary use/special event permit.

3. Temporary placement of a self-contained travel trailer/RV on a residential lot is permitted during the construction of permanent dwellings for which a valid

building permit has been issued. Said use shall be approved for up to six (6) months. One six (6) month extension may be requested and considered by the Planning Commission.

### **8.17.7 Height Regulations and Building Size**

1. No building may exceed twenty-five feet (25') in height excluding chimneys, vents or other equipment.
2. A building's height will be measured from the structures lowest point of ground at the perimeter of the foundation contact with the existing pre-excavated level or from the finished grade, whichever is lower, to the highest point of the structure.
3. The builder may not circumvent the twenty-five foot (25') height requirement by either adding fill to raise the apparent finished grade or by digging down below the pre-excavated level.
4. In no case shall a footprint exceed four thousand (4,000) sq. ft. per building. The footprint includes any accessory buildings or garages if either are attached.

### **8.17.8 Other Provisions**

1. Exceptions to these regulations are provided in Chapter 9 of this Code.
2. Only such excavation as is directly associated with and accessory to an approved use may be allowed. (See Chapter 5.)
3. Any accessory building shall not have any plumbing and shall not be a separate living facility.
4. Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

*Amended by Rockville Town Ordinance 21-1110-03*

*Amended by Rockville Town Ordinance 20-1112-02*

*Amended by Rockville Town Ordinance 15-0610-1*

*Amended by Rockville Town Ordinance. 13-1120-1*

*Amended by Rockville Town Ordinance 13-0306-1*

*Amended by Rockville Town Ordinance 10-0811-1*

*Amended by Rockville Town Ordinance 06-215-1*

*Amended by Rockville Town Ordinance 06-1120-1*

## **8.18 Public Use Zone (PUZ)**

### **8.18.1 Purpose**

The Public Use Zone (PUZ) is established to provide areas for the location and establishment of facilities that are maintained in public ownership primarily by the Town.

### **8.18.2 Permitted Uses**

Allowable uses in PUZ are:

1. Ambulance and Fire Protection Services.
2. Cemeteries.

3. Public Parking Facilities.
4. Postal Services.
5. Public Parks.
6. Public Libraries, Museums and Nature Exhibits.
7. Public Assembly Facilities.
8. Public Services Facilities and Town Offices.
9. Public or Quasi-public Activities.
10. Public Recreational Facilities
11. Utilities, Lines, Storage Tanks, Pumping Facilities and Rights-of-way which provide adequate levels of utility services.

### **8.18.3 Prior Created Lots, Uses and Structures**

Lots, structures and/or uses, which were in existence prior to the adoption of this Chapter, shall not be denied a building permit solely for the reason of nonconformance with any existing Land Use Code requirements.

### **8.18.4 Distance Between Buildings**

The distance between any buildings or structures on the same parcel of land shall not be less than ten feet (10'). The ten-foot (10') separation requirement includes overhanging roof lines and/or any other projection.

### **8.18.5 Parking, Loading and Access**

Each developed lot or parcel of land in the PUZ shall provide off-street parking spaces sufficient to comply with Chapter 9.3: Off-Street Parking Requirements of this Land Use Code.

### **8.18.6 Special Regulations**

1. Natural Hazards: Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real or personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards such as landslides, rock fall, floods or excessive soil erosion.
2. Grading: To reduce the possibility of erosion and eliminate unsightly scars within the Town, all excavation, grading, cut and fill operations and siting of roads shall comply with the grading standards of this Land Use Code. Upon review of the building or excavation permit, the Planning Commission may require:
  - a. A landscaping or revegetation plan and schedule.
  - b. A geotechnical report describing the stability and suitability of the parcel under consideration for development.If required, such plans and reports must be submitted, and approval granted prior to the issuance of an excavation permit.
3. Utilities: All utilities, where at all feasible, shall be placed underground on the subject property.

### **8.18.7 Increase in Building Size**

There may be occasions where the building size requirements of the PUZ may render construction of a particular public facility infeasible or may unduly inhibit the intended public use. Therefore, under certain circumstances, increase in building size may be allowed on a case-by-case basis.

In no case shall the footprint area of each individual building or structure erected on a parcel of land within the PUZ exceed two thousand (2,000) square feet. The Planning Commission, after public notice and hearing, shall hear any requests for such increases and make a recommendation to the Town Council. The Town Council, after public notice and hearing, shall determine if any increase is to be allowed. The requesting agent shall provide all information necessary for the Planning Commission and Town Council to determine why such an increase is needed.

Before recommending increases in building size to the Town Council, the Planning Commission shall find and before granting the increases, the Town Council shall find that:

1. The proposed use is in accordance with the provisions of the General Plan and will not be contrary to the public interest.
2. The spirit of this chapter is observed, and substantial justice is done.
3. The location of the proposed use is compatible with and will not adversely affect other land uses in the general neighborhood area.
4. The site is served by streets of sufficient capacity to carry the general traffic generated by the proposed use.
5. The granting of the increase will not be detrimental to the public welfare or impose unreasonable burden upon existing transportation, utilities, and service facilities in the vicinity.
6. The alterations or modifications shall result in increased benefit to the town and the general public.

### **8.18.8 Other Requirements for PUZ**

1. Air-conditioners, heating, cooling and ventilation equipment, propane tanks and all other mechanical devices shall, if determined by the Planning Commission to be necessary to minimize visual impact, be screened from surrounding properties, streets, or lanes. Such mechanical devices shall be operated in such a manner that the sounds resulting from their operation are not obtrusive or excessive.
2. All signs erected in the PUZ shall comply with provisions set forth in Chapter 9.2: Signs of this Land Use Code.
3. No trash, used materials, wrecked/abandoned vehicles or equipment shall be stored in open areas. All such materials shall be in appropriate containers and/or screened from public streets, public walkways and adjacent properties with an appropriate visual barrier or shall be stored within an enclosed building.
4. A decorative masonry wall, fence or landscape screen may be required along all property lines which lie adjacent to residential use. The Planning Commission shall determine if such a wall, fence or screening is appropriate and the extent thereof on a case-by-case basis.
5. All outdoor lighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted flood lighting or light projection above the horizontal plane is prohibited between eleven (11) P.M. and sunrise.

6. The outside storage of objects and materials shall be permitted as an accessory use, providing such storage is totally screened from public and/or view from any contiguous property.
7. Lots with frontage on SR-9 proposed to be developed shall be of an architectural style that is consistent with the simple, early pioneer character of the Town.
8. Any accessory building shall not have any plumbing and shall not be a separate living facility.

### **8.18.9 Violation**

Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

*Amended by Rockville Town Ordinance 20-1112-02*

*Amended by Rockville Town Ordinance 10-0512-1*

*Amended by Rockville Town Ordinance 02-1016-1*

## 8.19 Residential Short-Term Rental Overlay Zone (RSTROZ)

### 8.19.1 Purpose

The Residential Short-term Rental Overlay Zone (RSTROZ) is established:

1. To allow carefully designed short term rentals on Rockville parcels located along the proposed Rockville Connector Corridor located on the west side of Rockville.
2. To protect Rockville's General Plan by allowing limited short-term rentals that will conform with the General Plan and meet the overall vision of a rural, residential, and agricultural community.
3. To preserve the Town's character by implementing standards for the design and development of short-term rentals and limitations as to the number of rentals permitted.
4. To allow preservation of the underlying zone associated with the parcels located along the proposed Rockville Connector Corridor.

### 8.19.2 Definitions

**Cooking Facility:** Shall refer to microwave ovens, ovens, stoves, hot plates, toasters, toaster ovens, refrigerators and other appliances for cooking or warming of food.

**Floor Plan:** Shall mean a level-by-level plan of the short-term rental dwelling with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.

**Guest Room:** Shall mean a room which is designed for occupancy by one (1) or more guests for sleeping purposes but having no Cooking Facility.

**Owner:** Shall mean any individual, corporation, partnership, limited liability company, trust or other entity which has a legal equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling.

**Primary Renter:** Person signing the rental agreement.

**Property Manager:** Shall mean a management agent, or operator other than the owner.

**Short Term Rental:** Shall mean the act of leasing a whole residence by a person or entity to another for a period of less than thirty (30) calendar days in exchange for direct or indirect remuneration.

**Sleeping Area:** Shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon.

### 8.19.3 Applicability

1. Utah Code 10-9a-505, Zoning Districts, provides for the creation of the Overlay Zone RSTROZ as follows:
  - a. The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this Chapter.
  - b. Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

- c. A municipality may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:
  - i. protect life; and
  - ii. prevent the substantial loss of real property; or
  - iii. prevent the substantial damage to real property.
- 2. The legislative body shall ensure that the regulations are uniform for each class or kind of building throughout each zoning district, but the regulations in one zone may differ from those in other zones.
- 3. There is no minimum area or diversity of ownership requirement for a zone designation.
- a. Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
- 4. A municipality may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.
- 5. The Town Council has determined short term rentals along the Rockville Connector Corridor, and limited to the properties identified in section (a) below, is not materially adverse to the Town's desire to maintain the vision of a rural, residential, and agricultural community. This decision is also considerate of the following factors:
  - a. This overlay zone consists of the following parcels only:
    - R-1248-B-2-A-1
    - R-1248-A-2-C
    - R-1248-A-1-B-1
    - R-PERR-2
    - R-1249-A
    - R-1249-E
    - R-1248-E
  - b. The Rockville Connector Corridor is contained within the Residential Short-Term Rental Overlay Zone and Parcel R-1249-C.
  - c. The short term rental use is separated from the primary residential areas in the Town of Rockville and limited to the properties identified in section (a) and limited to the three existing homes on such properties, plus one additional rental homes on the properties.
  - d. The residential nature and appearance of the properties is, and shall be required to remain, in keeping with the Town of Rockville General Plan.

#### **8.19.4 Short-term Rentals Development Standards:**

Regulations and restrictions imposed by this section are in recognition of the premise that a short-term rental provides lodging for a transient population to ensure that neighborhood standards or exhibit neighborly consideration to the same extent as owner occupants. These requirements are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.

The following development standards apply to short term rentals in the RSTROZ:

- 1. Regulations and requirements for short term rentals shall be the same as required for the underlying zone, with the following exceptions:
  - a. The existing home on Parcel R-1248-B-2-A-1 shall be allowed to retain the bathrooms in the gymnasium/theater building and the garage. The bathroom in the

garage may be modified to contain up to three (3) sinks, two (2) toilets and two (2) shower/tubs. Both bathrooms, which were installed without permit, shall require application for an after-the-fact building permit and be subject to required fees and building inspector approval as to compliance with the International Building Code, International Residential Code and International Fire Code.

- b. The existing home on Parcel R-1248-B-2-A-1 shall be allowed an additional bedroom in the section of the garage where the bathroom is located, subject to application and approval of a building permit.
  - c. The allowance of the remaining new short term rental home, to be built on a parcel within the overlay zone, to have in addition to the main residence, one (1) accessory building to have two (2) bathrooms, each of which may contain up to three (3) sinks, two (2) toilets and two (2) shower/tubs and two (2) sleeping areas. Parcels to be considered for this exception include only R-PERR-2 and R-1249-A.
  - d. No Cooking Facility is allowed in any accessory building.
  - e. The existing cabin on parcel R-1248-E is not a dwelling that may be licensed as a short-term rental. The cabin shall only be used as a dwelling for the Property Manager managing the rental homes in the Short-Term Rental Overlay Zone and must adhere to the sleeping area requirements in 24A.4.
2. All structures must comply with International Building Code, International Residential Code and International Fire Codes and all other applicable State and Town statutes, ordinances, and regulations.
  3. The properties within the RSTROZ shall be planned and landscaped so as to minimize the impact on neighboring properties and in a manner designed to maintain the residential character of the Town.
  4. No temporary, or semi-permanent structures such as tents, yurts, trailers, containers, campers, or RVs may be used as living quarters or rented. The only exception would be for youth oriented, non-profit groups for a maximum of six (6) days temporary tent camping, limited to no more than four (4) groups per year within the RSTROZ. Owner is required to obtain a Simple Temporary Use / Special Event Permit from the Town Clerk prior to the event. This permit has no fee. Appearance before the Planning Commission is not required for approval.
  5. To be a valid sleeping area the sleeping area shall have appropriate exits, ceiling heights, and windows. A sleeping area shall require a minimum of 100 sq. feet of floor space.
  6. Sleeping Area shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon.

### **8.19.5 General Provision**

The owner of a short-term rental must comply with all the following:

1. **Short Term License Required.**
  - a. The owner must apply for and obtain a short-term rental license to be renewed annually. Said license does not run with the property and must be applied for and approved before any owner may begin short term rentals. No dwelling shall be occupied or used as a short-term rental until such time that the owner has obtained a short-term rental license.
  - b. The owner must provide proof of a Utah State Sales Tax number for remittance of transient lodging taxes.



## 2. **Miscellaneous Rules and Regulations.**

The following rules and regulations shall apply to any dwelling or accessory building for which a short-term rental license has been issued:

- a. The entire rental home including accessory building, must be rented to one primary renter. At no time can individual rooms or buildings be rented.
- b. The owner/property manager must maintain a log with the following information:
  - i. Name and address of primary renter and number of guests.
  - ii. Date(s) of occupancy.
- c. No signs are allowed on premises or off premises except as a personal address and residential identification sign as allowed in Chapter 9.2, Section 9.2.9.1. Signs advertising or announcing short term rentals are not allowed.
- d. The owner/property manager must comply with all state and local applicable safety codes, laws, rules, ordinances, and regulations.
- e. Primary Renter(s) must be at least 21 years of age and must occupy the rental property during the entire rental period.
- f. A special event, such as a wedding, family reunions, or corporate retreats, cannot be open to the public and will only be allowed in conjunction with a nightly rental.
- g. Maximum occupancy in any dwelling licensed as a short-term rental shall be determined by the Fire Code. The dwelling or accessory building may be required to have a fire sprinkler system or other fire suppression system as determined by the Fire Code as applied by the Fire Marshall. Maximum occupancy of the dwelling must be included in the regulations sign.
- h. The owner/property manager must verify to the Town that they have supplied their contact information to all adjacent property owners as listed on permit.
- i. The owner/property manager shall provide information on current occupants to law enforcement when requested.
- j. The owner/property manager shall respond within forty-five (45) minutes of notification and take the needed action to resolve complaints and concerns within a reasonable amount of time. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the short-term rental license holder.
- k. The requirements of this section shall be in effect throughout the time a short term rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or if the owner is receiving remuneration from renters and guests of the owner.
- l. An inspection of a short-term rental property for compliance with these regulations may be performed at the time of short-term rental application and annual renewal. Additional inspections may be performed with 24-hour's notice to the owner or property manager.
- m. The owner of any dwelling licensed as a short-term rental shall be required to collect and remit on a timely basis transient lodging tax.
- n. Pools and hot tubs shall comply with Utah State Code and the Utah Department of Health requirements.

- o. Each sleeping area must meet current International Building Code, International Residential Code, and International Fire Code. A fire exit route plan and maximum occupancy number must be posted in each sleeping room.

**3. Maintenance Standards:**

- a. Structures shall be properly maintained, painted, and kept in good repair, and grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood.
- b. The use of a dwelling as a short-term rental shall not in any way change the appearance of the dwelling or property for residential purposes.

**4. Parking Regulations**

The owner of any property licensed as a short-term rental shall provide off street parking for primary renters and their guests in accordance with the following:

- a. Off-street parking shall be provided on the same lot as the dwelling which is licensed as a short-term rental.
- b. All parking will be contained on the site with no side of the road or on street parking allowed.
- c. The number of vehicles allowed by the occupants of a rental home shall be restricted to the number of off-street parking spaces provided by the owner.
- d. In the case of a special event which would cause excessive vehicles parked on the site, such as a wedding or event where most of the vehicles do not belong to the rental party, the owner or property manager will notify the Town in order to ease possible concerns of excessive occupancy of the residence.

**5. Prevention of Noise, Nuisance or Trespass**

In order to maintain the rural residential feel of the community, the owner of any dwelling licensed as a short term rental shall be responsible for notifying primary renters and their guests that State laws (Utah 76-9-1) and Rockville code (Chapter 1, Section 1.20) apply, especially but not limited to regulations against:

- a. Creating noises that by reason of time, nature, intensity, or duration are out of character with noises customarily heard in the surrounding neighborhood.
- b. Disturbing the peace of the surrounding property residents by engaging in, without limitation, shouting, fighting, playing of loud music, racing of cars or recreational vehicles on the streets and roads, recreational shooting, engaging in outdoor recreation activities, or other activities that affect the quiet enjoyment of surrounding properties in accordance with the table below.

Daytime	Evening	Nighttime
7:00 am to 8:00 pm	8:00 pm to 10:00 pm	10:00 pm to 7:00 am
90 dBA	60 dBA	50 dBA

- c. Interfering with the privacy of surrounding residents or trespass onto surrounding properties.
- d. Bright lighting that interferes with Dark skies regulations (see Chapter 11).
- e. Allowing pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal (See Chapter 12).
- f. Engaging in any disorderly or illegal conduct, including, without limitation, recreational shooting or firearms and illegal consumption of drugs and alcohol.

- g. Authorized motorized vehicles restricted to existing roads. Ch 8.7.2(5)
- h. The following schedule sets forth the fine and bail amounts for violations of Section 8.19.5(5).

Offense Code Violation	Description	Default Severity Class	Suggested Fine /Bail Amount	Mandatory Court Appearance
Rockville Ordinance 8.19.5(5)(a)	Loud Noises	Infraction	\$100 + \$50 for each quarter hour additional	No
Rockville Ordinance 8.19.5(5)(d)	Bright Lights	Infraction	\$50 + \$25 for each quarter hour additional	No
Rockville Ordinance 8.19.5(5)(i)	Road Damage	Infraction	\$500 - \$50,000 commensurate with amount of damage	Yes

**6. Required Posting**

The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short-term rental:

- a. a copy of the short-term rental license;
- b. the name, address, and phone number of the owner or manager;
- c. the location of all fire extinguishers;
- d. a list of all rules applicable for short term rentals including, but not limited to Section 8.7.5, and as required by the Short-Term Rental Licensing Ordinance;
- e. the maximum occupancy of the short-term rental home including all accessory building(s).

**8.19.6 Violations**

Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

*Amended by Rockville Town Ordinance 22-0713-02  
 Amended by Rockville Town Ordinance 20-1112-02  
 Amended by Rockville Town Ordinance 18-0521-01  
 Amended by Rockville Town Ordinance 18-0424-01*

## **8.20 Sensitive Lands Overlay (SLO)**

### **8.20.1 Purpose**

The intent and purpose of this Code is to protect the health, safety and welfare of the general public and citizens of Rockville and to mitigate public and private losses due to conditions found in critical and sensitive areas such as steep slopes, unstable soils, flood zones, earthquake potential, potential rock falls, liquefaction, collapsible soils and other natural calamities. The overlay zone is to reflect the goals and policies of the Rockville General Plan and the information found in the Rockville Zoning Map, Rockville Sensitive Lands Overlay Map, FEMA maps, and other information regarding these critical lands.

The Sensitive Lands Overlay Map (SLO) is to include all lands within and adjacent to the Town of Rockville. Features identified on this map are considered environmentally sensitive and fragile as a result of the presence of steep slopes, expansive soils, flood hazards, debris flows, shallow groundwater, erosion, mudflow, earthquake potential and liquefaction, collapsible soils, danger of rock falls, wildfire, critical view sheds or other similar natural conditions. This overlay zone is to serve to protect and conserve the Town's culinary water supply, sensitive vegetation, and sensitive soils. Further, it encourages location, design, construction, and uses within the zone which provide maximum safety, and use and public enjoyment consistent with the area's natural limitations and the need to protect the environment.

This overlay zone establishes standards and guidelines for uses and development activities which recognize the needs for preservation of these natural environmental conditions, the need to mitigate potentially unsafe or adverse conditions arising from development activities, and protection of the rights of property owners to a reasonable use of their property.

### **8.20.2 Application and Analysis Requirements**

In the Sensitive Area Overlay zone, as depicted on the Rockville Sensitive Lands Overlay Map, the following application and analysis requirements and standards shall apply. The map and this Chapter require that the following analysis be conducted to determine the exact boundaries of the sensitive areas and does not in and of itself define the sensitive areas.

Parcels in or partially in the Sensitive Lands Overlay Zone as depicted in the Land Use Map, Rockville Sensitive Lands Overlay Map, and Zoning District Map, as well as other smaller areas outside of the overlay zone as determined by the Planning Commission to possibly be sensitive, require the developer to perform the following application and environmental impact studies, consisting of an analysis of each of the elements of 8.8.2.1 and 8.8.2.2 listed below and as designated by the Planning Commission. The study shall follow all standards that shall apply in this Chapter and provide enough information to the Town to be able to reasonably designate the sensitive lands areas as well as providing adequate treatment and mitigation alternatives for dealing with the development impacts.

Sensitive areas so designated contain lands that may have development suitability concerns as contained in Chapter 7 of this code, and the conditions and impacts of the potential development must be critically evaluated as per this Chapter.

The following analysis elements must be conducted to determine the exact boundaries of the sensitive areas as well as mitigation measures necessary to eliminate or lessen the impacts of development. The studies do not in and of it define the sensitive areas.

### **8.20.2.1 Sensitive Areas Analysis and Determination**

Any applicant for any development approval must produce a sensitive areas analysis performed by qualified professionals as approved by the Town that identifies and delineates all the following features and conditions:

#### **8.20.2.1.1 Slope/Topographic Map**

A slope/topographic map shall be prepared and based on a certified boundary survey and depict contours at an interval of five feet (5') or less. Additionally, the map shall highlight areas of high geologic hazards, areas subject to land sliding, and all significant steep slopes in the following categories:

1. greater than fifteen percent (15%) but less than or equal to thirty percent (30%) shall be designated Steep Slopes;
2. greater than thirty percent (30%) shall be designated Very Steep Slopes.

#### **8.20.2.1.2 Ridgeline Areas and Cliff Edges**

Ridgeline areas and cliff edges, as defined in Chapter 2, shall be denoted.

#### **8.20.2.1.3 Vegetative Cover**

Vegetative cover shall be denoted generally by type and density of vegetation, including:

1. deciduous trees;
2. coniferous trees;
3. gamble oak or high shrub; and
4. sage, grassland; and
5. agricultural crops.

The Town shall have the discretion to require a more detailed tree/ vegetation survey if the site has significant or unusual vegetation, stands of trees, or wooded areas.

#### **8.20.2.1.4 Entry Corridors and Vantage Points**

All Town designated entry corridors showing on the Land Use Map and/or Zoning Map, as well as the designated vantage points present within or adjacent to the site, as defined in Chapter 2.

#### **8.20.2.1.5 Wetlands**

Wetlands are established by using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 26, 1989 or more recent, whichever is stricter. Although the Federal Manual may change in the future, the Town will use this referenced manual as a basis for wetlands determination.

#### **8.20.2.1.6 Stream Corridors**

Stream corridors as defined by their ordinary high-water mark.

### **8.20.2.1.7 Wildlife Habitats**

Delineate all critical or sensitive wildlife areas and habitats as defined by the State or other studies and designate which wildlife species inhabit the area and may be affected by the different types of land uses proposed in the area.

### **8.20.2.2 Additional Information and Study Requirements**

In addition to the analysis required by the preceding subsection, the Town Planning Commission or Staff may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the Town has adequate information to comprehensively assess all development proposals in or containing sensitive lands. Such information and studies may include, but are not limited to:

#### **8.20.2.2.1 Visual Assessment**

Visual assessments of the subject property from relevant designated vantage points as directed by the Town Planning Commission or Staff, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to reduce any adverse impact. The visual assessment shall be conducted using techniques as approved by the Town Planning Commission or Staff, including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.

#### **8.20.2.2.2 Soil Investigation Report**

Soil investigation report, including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, and hazardous material analysis.

#### **8.20.2.2.3 Geo-technical Report**

Geo-technical report, including but not limited to location of major geographic and geologic features, depth and types of bedrock, structural features (folds, fractures, faults, etc.), and historic and potential landslides and other high-hazard areas such as mine shafts/tunnels, quarries and known rock fall paths.

#### **8.20.2.2.4 Additional Slope Information**

Additional slope information. If the size of the proposed development and visual sensitivity of the site dictate, the Town Planning Commission or Staff may require the submission of a slope/topographic map depicting contours at an interval of two feet (2').

#### **8.20.2.2.5 Fire Protection Report**

Fire protection report, including but not limited to identification of potential fire hazards, mitigation measures, and access for fire protection equipment, existing and proposed fire flow capability. The fire protection report shall address, as appropriate, the State Forester's Wildfire Hazards and Residential Development Identification Classification and Regulation Report and the Washington County Wildfire Plan. This report must be made with the direction/cooperation and approval of the Hurricane Valley Fire Protection District.

#### **8.20.2.2.6 Hydrologic Report**

Hydrologic report, including but not limited to information on groundwater levels, natural and agricultural irrigation and drainage channels and systems, and base elevations in floodplains.

#### **8.20.2.2.7 Wetland/Stream Corridor Resource Evaluation**

Wetland/stream corridor resource evaluation, including a delineation of wetland and stream corridor boundaries and a determination of resource significance pursuant to Section 8.8.2.4.

#### **8.20.2.2.8 Agricultural Analysis**

An Agricultural Analysis as per Chapter 2 may be required to determine the impacts on important agricultural areas within or adjoining the area(s). This analysis must address the effects of changing land uses on vegetation, irrigation systems, range land quality, weed control, agricultural accesses and rights-of-way and fire concerns to name a few.

### **8.20.2.3 Waiver/Modification of Analysis and Study Requirements**

Based upon a preliminary assessment of the development proposal and a site field inspection, the Town Planning Commission or Staff may modify or waive any of the sensitive lands analysis requirements upon a determination that the information is sufficient at a reduced level of detail. Any such determination must be consistent with 8.8.1 of this Chapter.

### **8.20.2.4 Sensitive Areas Determination**

The Town Planning Commission or Staff shall delineate all sensitive lands or areas on the parcel, including steep slope areas, ridgeline areas, entry corridors, and wetlands areas and stream corridors and other areas based on information submitted pursuant to this Section, including any other information and data available to or acquired by the Town, and an analysis thereof. Such delineation shall be used as the basis for all calculations of open space, density, buffers, setbacks, and density transfers permitted or required by this Chapter. The study performed by the developer may suggest areas for designation and/or various alternatives; however, the final designation shall be made by the Town.

### **8.20.2.5 Density Transfer**

Whenever land within the Sensitive Lands Overlay Zone is subject to more than one density transfer provision, the more restrictive provision shall apply.

### **8.20.2.6 Annexations**

Whenever an annexation petition is presented to the Town, that annexation may be required to provide a Sensitive Lands Analysis according to this code and may require varying levels of detail based upon existing conditions on the site. The Sensitive Lands will be determined based upon that analysis. The analysis may lead to the designation of additional sensitive areas, significant ridgelines, wetlands areas or vantage points which may not have been previously included as a part of this Code or of the accompanying maps.

### **8.20.3 Sensitive Lands Regulations**

The following provisions shall apply to all delineated sensitive lands and areas contained in the Sensitive Lands Overlay Zone, or as delineated elsewhere as provided in Section 8.8.2, including all other steep slopes, ridgeline areas, fields, entry corridors, wetlands, and stream or river corridors. Areas delineated as hazardous (geologic or natural hazards and high flooding potential) to development or areas where proper wildlife mitigation measures cannot be implemented to the satisfaction of the Town in the studies and analysis requirements of this Chapter, will be deemed as undevelopable. The following parts of this Section regulate development in the sensitive lands, which are located outside of the designated undevelopable areas.

#### **8.20.3.1 Slope Protection Regulations**

##### **8.20.3.1.1 Intent**

It is the intent of these regulations to protect Rockville's visual character and environmentally sensitive areas on hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids sensitive natural areas, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of fifteen percent (15%).

##### **8.20.3.1.2 Prohibitions**

No development shall be allowed on or within fifty feet (50') of slopes in excess of thirty percent (30%), lands subject to land sliding, regular flooding, soils deemed unsuitable as to safety, and other high-hazard geological areas, as determined by a geo-technical or soils report produced pursuant to Section 8.8.2 herein.

##### **8.20.3.1.3 Graded or Filled Slopes**

Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible. All proposed grading and filling shall be subject to review by the Town and Staff to ensure minimum visual impact and geo-technical safety. Graded or filled slopes shall be limited to a three to one (3 – 1) slope or less. All graded slopes shall be re-contoured and re-vegetated to the natural, varied contour of surrounding terrain.

##### **8.20.3.1.4 Benching or Terracing**

Benching or terracing to provide additional or larger building sites is prohibited.

##### **8.20.3.1.5 Streets and Roads**

Road construction in hillsides can be the most visually disruptive portion of a development. Development in some areas may not be appropriate if roads cannot be constructed to access it without causing significant visual impacts. Where streets and roads, public and private, are proposed to be constructed on steep slopes:

1. Streets and roads that cross slopes of thirty percent (30%) or greater shall not be allowed, with the possible exception that a short run of not more than one hundred feet (100') across slopes greater than thirty percent (30%) may be allowed by the Town upon a favorable recommendation by



the town engineer that such streets or roads will not have significant adverse visual, environmental, or safety impacts;

2. Where streets and roads, public and private, are proposed to cross slopes greater than fifteen percent (15%), the following standards shall apply:
  - a. Evidence must be presented that such streets and roads will be built with minimum environmental damage and within acceptable public safety parameters.
  - b. Such streets and roads shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation.
  - c. Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to re-vegetation. Re-vegetation plans will be required for all areas disturbed by and during road construction.

#### **8.20.3.1.6 Retaining Walls**

Use of retaining walls is encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive to re-vegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the Town based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

#### **8.20.3.1.7 Landscaping and Re-vegetation**

In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or re-vegetated in accordance with a re-vegetation/landscaping plan as provided in this Code, Chapter 5 as amended, and enhanced by the requirements of this Chapter. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in re-vegetation. Fill soil must be of a quality to support native plant growth.

#### **8.20.3.1.8 Private Development Design Standards**

All development on steep slopes shall comply with any design standards currently adopted by the Town plus those standards of Section 8.8.5 of this Chapter.

#### **8.20.3.1.9 Open Space and Density on Delineated Portions of Sites with Steep Slopes Greater Than Fifteen Percent (15%) but Less Than or Equal to Thirty Percent (30%)**

In addition to the specific development regulations set forth above, the following general open space, limits of disturbance, and density transfer regulations shall apply:

1. **Open Space.** Seventy-five percent (75%) of the steep slope areas shall remain in natural and permanent open space as defined in the Development Code. Twenty five percent (25%) may be developed in accordance with the underlying zoning subject to the following conditions.
2. **Maximum Development Density.** The maximum allowable density that may be developed on the portion of the steep slope areas not set aside for

open space shall be governed by the underlying zoning. Planned Development bonuses shall not apply to development in these areas but may be used if transferred to another site. However, the maximum allowable density shall be permitted only by approval of the Town pursuant to the visual and environmental analysis provided for in Section 8.8.2, and a finding that development at that density will not have a significant adverse visual or environmental effect on the community as set forth in Section 8.8.3.1.9(c), Suitability determination.

3. **Location of Development Within Sensitive Areas.** Any development permitted in steep slope areas pursuant to this Section shall be located in such a manner to reduce visual and environmental impacts to the maximum extent feasible. To determine the most appropriate location for development, the Town, Staff and/or Planning Commission shall require that the applicant conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon such analysis, the Town may require any one or a combination of the following measures:
  - a. Clustering of development within the sensitive areas, or
  - b. Dispersal of development throughout the sensitive areas, or
  - c. Transferal of development density to non-sensitive or less sensitive portions of the site not subject to Section 8.8.3. (In transferring development to less sensitive portions of the site, fields must also be considered as important visual resources. A low-lying field area may not always be the most appropriate location for all the development on a site to occur. Development shall be sighted to preserve the open field vistas, which are also desirable.)
4. **Density Transfer.** Up to twenty-five percent (25%) of the densities otherwise permitted in the underlying zone attributable to the seventy-five percent (75%) open space portion of the site may be transferred to other portions of the site. The density transfer shall be subject to a suitability determination as set forth in Section 8.8.3.1.9(c). In addition to density transfers permitted above, up to one hundred percent (100%) of the remaining pre-existing density as set forth in Section 8.8.3.1.9(a) is eligible for transfer.
5. **Suitability Determination.** A suitability determination certifying that a development will have no significant adverse impact on adjacent properties or development may be granted by the Planning Commission at the time of planned development or subdivision review if the following conditions are satisfied:
  - a. The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving areas may vary from those of adjacent properties or developments shall not solely be determinative of incompatibility.
  - b. The architecture, height, building materials, and other design features of the development in the receiving areas are compatible with adjacent properties or developments.

- c. The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Town Planning Commission or Staff to buffer the adjacent properties from the receiving areas.
- d. There are no adverse or unmitigated impacts on wildlife in the area.

#### **8.20.3.1.10 Open Space and Density on Portions of Sites with Very Steep Slopes (In Excess of Thirty Percent 30%)**

- 1. One hundred percent (100%) of the very steep slope areas shall remain in open space. No vegetation on the very steep slope areas shall be disturbed.
- 2. Up to ten percent (10%) of the densities otherwise permitted in the zone may be transferred to other portions of the site, including delineated sensitive areas if appropriate. The density transfer shall be subject to a suitability determination by the Town as set forth in Section 8.8.3.1.9(c).

#### **8.20.3.1.11 Planned Development Open Space Requirements**

Any open space requirements contained in Chapter 8 of the Land Use Code shall continue to apply to the developed portion of a sensitive lands site developed under that Chapter.

#### **8.20.3.1.12 Transfer Density Bonuses**

In addition to the density transfers permitted pursuant to this Section, the Town may grant, at the Planned Development or subdivision review, up to a maximum of twenty five percent (25%) increase in transferable densities if the applicant:

- 1. donates open space either in fee or a less-than-fee interest to either the Town or another unit of government or nonprofit land conservation organization approved by the Town. Such density bonus shall only be granted upon a finding by the Town that such donation will ensure the long-term protection of a significant environmentally, agricultural, or visually sensitive areas; and/or
- 2. restores previously degraded wetlands or stream areas on the site or makes other significant environmental improvements.

### **8.20.3.2 Regulations to Protect Ridgeline, Cliff Edges, and Areas Susceptible to Potential Rockfall and Landslide**

#### **8.20.3.2.1 Intent**

The intent of these provisions is to protect the unique visual and environmental character of all designated ridgeline and cliff edge areas within the Sensitive Lands Overlay Zone and to ensure that development near ridgeline areas and cliff edges blends in with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline and cliff edge areas should be retained in a natural state, and development should be sited in a manner that does not impact the

scenic open-space mesa and butte landscapes and their vistas or create a silhouette against the skyline, desert, or valley backdrop as viewed from critical highpoints along the scenic corridors as defined in the viewshed definition.

It is also the intent of this provision to identify potential areas of rockfall, landslide and/or other areas of natural hazard or menace and put regulations in place to ensure, to as great a degree as possible, the parcel can be used safely for building purposes.

#### 8.20.3.2.2 Minimum Setbacks

1. **Ridgeline and Cliff Edge.** No building, roof, or other appurtenant device shall encroach upon the ridgeline and/or cliff edge areas, as defined in the Definitions, Chapter 2. Additionally, no roof or other appurtenant device, including mechanical equipment, on any building may visually intrude on the ridgeline or cliff edge areas as viewed from critical highpoints along the scenic corridors as defined in the viewshed definition and determined by a visual assessment conducted by the Planning Commission or their designated official.

To achieve this regulation, the minimum setback from a ridgeline or cliff edge area is 150 feet. The Planning Commission may modify this setback on a site-specific, case-by-case basis, based upon the recommendation of a qualified professional.

2. **Setbacks from Potential Rockfall/Landslide Areas.** On building sites where rockfall or landslide may present a danger, the Planning Commission may require that a qualified professional assess potential rockfall and landslide danger areas and recommend setbacks from the bottom of a crest or slope to ensure, to as great a degree as possible, the parcel can be used safely for building purposes.

The professional shall, when appropriate, suggest site specific mitigation measures.

#### 8.20.3.2.3 Open Space and Density

In addition to the specific development regulations set forth above, the following general open space, limits of disturbance and density transfer regulations shall apply to all ridgeline areas in the Sensitive Lands Overlay Zone:

1. **Vegetation and Open Space.** No vegetation within the ridgeline areas shall be disturbed. One hundred percent (100%) of the ridgeline areas shall remain in open space.
2. **Density Transfer.** Up to twenty-five percent (25%) of the densities otherwise permitted in the zone attributable to the ridgeline areas may be transferred to portions of the site determined not to be subject to restrictive regulations contained in Section 8.8.3 herein. The density transfer shall be subject to a suitability determination as set forth below.
3. **Suitability Determination.** A suitability determination certifying that a development will have no significant adverse impact on adjacent properties or development may be granted by the Town at the time of the planned development or subdivision review if the following conditions are satisfied:

- a. The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving areas may vary from those of adjacent properties or developments shall not be solely determinative of incompatibility.
- b. The architecture, height, building materials, and other design features of the development are compatible with adjacent properties or developments.
- c. The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Town to buffer the adjacent properties from the receiving areas.
- d. There are no adverse or unmitigated impacts on wildlife in the area.

#### **8.20.3.2.4 Density Bonuses**

In addition to the density transfers permitted pursuant to this Section, the Town may grant, at Planned Development (Planned Development) or subdivision review, up to a maximum of twenty five percent (25%) increase in transferable densities if the applicant:

1. donates open space either in fee or a less-than-fee interest to either the Town or another unit of government or nonprofit land conservation organization approved by the Town. Such density bonus shall only be granted upon a finding by the Town that the donation will ensure the long-term protection of a significant environmentally, agriculturally, or aesthetically sensitive areas; and/or
2. restores degraded environmental areas on the site or makes other significant environmental improvements.

### **8.20.3.3 Sensitive Lands Entry Corridor Protection**

#### **8.20.3.3.1 Intent**

To protect the image of Rockville as an agricultural, desert valley community with sweeping, attractive, desert, valley vistas and open fields, it is the intent of this Section to maintain the visual character of all designated entry corridors into Rockville including open space and fields located in the entry corridor protection areas, views of hillsides and ridgeline areas, and natural areas such as streams, rivers and wetlands. This objective can be attained by eliminating or mitigating visually obtrusive development and ensuring that significant portions of open space remains intact.

#### **8.20.3.3.2 Applicability to Property within Existing Rockville Town Limits**

The regulations contained in this subsection shall apply to all structures on lots adjacent to or within two-hundred and fifty feet (250') of the nearest right-of-way of designated sensitive lands entry corridors within the existing boundaries of

Rockville. This may include all highway entries into the Town and designated on the Land Use Map and the Zoning District Map.

#### **8.20.3.3.3 Applicability to Future Annexed Properties**

Upon submission of an annexation petition, the Planning Commission shall identify relevant sensitive lands entry corridors for designation by the Town and to the maximum extent feasible, open vistas and fields shall be maintained.

#### **8.20.3.3.4 Access/Traffic**

Access points and driveways connecting directly to the sensitive lands entry corridor roadways shall be minimized. Access shall be from existing Town streets that join with the corridor roadways rather than direct roadway access. Common driveways between adjoining projects shall be encouraged. Whenever direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

#### **8.20.3.3.5 Setbacks**

1. A setback line shall be established by the Town based upon a visual assessment of the property. However, in no case shall the setback be less than one hundred feet (100') from the nearest entry roadway right-of-way. In areas where open field vistas are considered important, the required setback may be increased significantly. The one hundred-foot (100) standard is intended to be more appropriate for properties currently within the Town limits. Upon an annexation request, the appropriate setback will be determined based upon a site-specific visual analysis.
2. Building setbacks shall vary from structure to structure within any one lot or development. Setbacks shall also vary from those on adjoining roadway-oriented property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment provided for in Section 8.8.2.
3. Agricultural or stock fences shall be permitted in the setback areas.

#### **8.20.3.3.6 Parking Lots**

Parking lots shall be located to the rear or sides of buildings to the maximum extent feasible.

#### **8.20.3.3.7 Berms/Earthwork Screening**

All earthen berms and earthwork screening shall be graded and planted in such a manner so as to permit views of primary uses on the site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

#### **8.20.3.3.8 Fencing**

In addition to the requirements contained in the Development Code, all fences in the entry corridor shall be of one of the following styles:

1. Wooden rail.
2. Architecturally compatible solid wood and natural stone.
3. Wire type stock fences.

4. Various forms of steel fencing as determined by the Town, not including chain link fencing.
5. Or of a type which is compatible with the rural, agricultural, and residential character of the Town as determined by the Planning Commission.

#### **8.20.3.3.9 Height Controls**

No building shall exceed the following height limits. In addition, buildings may be required to be stepped back to preserve and enhance important views defined in the visual assessment as provided in Section 8.8.2.

1. Twenty feet (20') if the entry corridor setback is less than two hundred feet (200').
2. Up to the maximum height allowed by the underlying zone if the setback is two-hundred feet (200') or greater.

#### **8.20.3.3.10 Landscaping/Vegetation Protection**

A landscaping plan shall be required for all entry corridor developments, and vegetation protection shall be undertaken pursuant to this Code as amended.

### **8.20.3.4 Wetlands and Watercourses**

#### **8.20.3.4.1 Intent**

The Town finds that the wetlands and watercourses provide important hydrologic, biological, and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands and watercourses can be lost or significantly impaired as a result of various development activities and additional functional values of these important resources may be lost. The following requirements and standards have been developed to promote, preserve, and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.

#### **8.20.3.4.2 Jurisdiction**

All wetlands and watercourses in the Sensitive Lands Overlay Zone and elsewhere in the Town are regulated as provided herein and are subject to the jurisdiction of this Code.

#### **8.20.3.4.3 Prohibited Activities**

No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, ("surface disturbance") within significant wetlands and significant watercourses and their respective setbacks, except as may be expressly allowed herein.

The above regulation does not prohibit the routine and necessary clearing of debris from routinely maintained washes and irrigation ditches.

#### **8.20.3.4.4 Boundary Delineations**

Wetland and watercourse delineations shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by the Town and shall perform the

work on behalf of Rockville Town through a third-party contract where all fees, costs and expenses are borne by the applicant. Delineation of wetlands and watercourses shall be subject to the approval of the Town.

1. Pursuant to Section 8.8.2.1.5, Boundary Delineation of Wetlands shall be established using the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil Conservation Service. The Town will use this referenced manual as the main basis for wetlands determination.
2. A watercourse shall be delineated at the high-water mark as defined herein.
3. Although ephemeral watercourses are areas where water may only flow and collect for days or hours following intense downpours, they can pose dangerous and damaging situations. If evidence of an ephemeral watercourse exists, the Planning Commission may require a qualified professional identify and assess the same and recommend mitigating measures such as the installation of culverts.

#### **8.20.3.4.5 Determination of Significance**

1. Because wetlands vary significantly from region to region in size, distribution and protection status, the Town requires that all builders/subdividers follow all requirements of both state and federal regulators as to the protection of wetlands of all types as defined by the most current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
2. Significance shall be determined on a case-by-case basis by a qualified professional generally based on size, location contiguous with a watercourse, or other factors denoting significance such as location near a specialized nesting site or an area of critical environmental concern.
3. All perennial and intermittent watercourses, including washes, streams, and creeks, that have water in them all year or part of the year, are considered significant.
4. A watercourse shall not include ditches, which are commonly known to be irrigation ditches and do not contribute to the preservation or enhancement of fisheries or wildlife.

#### **8.20.3.4.6 Setbacks**

The following setbacks are considered minimum distances:

1. Setbacks from significant wetlands shall extend a minimum of one hundred feet (100') outward from the delineated wetland edge.
2. Setbacks from significant watercourses shall extend a minimum of one hundred feet (100') outward from the high-water mark.
3. The setback(s) from a significant wetland or a significant watercourse may be modified if, on a site specific, case-by-case basis, a certified professional verifies that a lesser setback does not pose a risk.



#### **8.20.3.4.7 Runoff Control**

All projects adjacent to wetlands will provide appropriate temporary (straw bail berms) and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible. The Town Engineer must approve these control systems.

#### **8.20.3.4.8 Habitat Restoration Projects**

The Planning Commission and/or Town staff may approve wetland and stream restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate State and Federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

### **8.20.4 Administrative Provisions**

#### **8.20.4.1 Development Approvals for Public Projects/Public Works/Public Utilities**

All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, constructed or undertaken within the Sensitive Lands Overlay Zone shall be reviewed according to the following process and guidelines. It is the intent of this Section that the proposed public utilities projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations. The primary emphasis shall be on reasonable and practical reclamation and revegetation of areas disturbed by major public works and utility projects. In some situations, it may be necessary to encroach upon certain environmentally sensitive areas in order to maintain a desirable level of public service and safety. In those cases, an evaluation of alternatives and possible mitigation shall be required prior to such projects being submitted.

##### **8.20.4.1.1 Consultation**

1. **Public Utilities Projects.** The project sponsor shall notify the Town of the proposed project. A project plan delineating the location, alignment, scope, and schedule of the undertaking shall be submitted with such notification. If the Town determines that the project may have significant visual and environmental impacts, a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections unless the Town has determined that no significant visual or environmental impact will result from the proposed project.
2. **Public Works and Other Public Projects.** The department director or designee shall notify the Town of all proposed projects which may have significant visual and environmental impacts and a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections.

3. Minor projects which are determined by the Town to have no potential for significant visual or environmental impacts shall be exempt from the process outlined in Sections 8.8.4.1.2 through 8.8.4.1.6.

#### **8.20.4.1.2 Mitigation**

The Town may require review of the proposed project and after the consultation meeting may request the project sponsor to prepare an environmental impact statement and/or mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive areas and locate it in areas not visible from major public rights-of-way or public property such as parks.

#### **8.20.4.1.3 Adoption of Recommendations**

The project sponsor shall, before undertaking the project, to the maximum extent feasible, adopt the modifications and mitigation measures recommended by the Zoning Administrator and/or staff or state in writing why adoption of such measures is not feasible before the project shall proceed.

#### **8.20.4.1.4 Wetlands and Stream Corridors**

All public utilities and public works, constructed or undertaken within significant wetlands and significant stream corridors and their respective setbacks, including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, shall be governed pursuant to the procedures set forth in Section 8.8.4.1. They may be exempted from the requirements of Section 8.8.3.4 providing that: (a) no practical alternative location exists outside the significant wetland and significant stream corridor and their respective setbacks; and (b) the project meets the technical guidelines defined below:

1. Disturbed areas within the setback shall be re-vegetated using native species common to the native vegetation community.
2. Maintenance access shall be provided at specific access points rather than parallel access roads. To the extent that access roads must be located within a corridor, the roads shall be kept to a minimum width. Parallel access roads shall be sighted contiguous to the utility corridor to minimize disturbance and shall be sighted on the outside edge of the utility corridor away from the resource.
3. Surface materials used for trail construction and other access routes shall be approved by the Town.

#### **8.20.4.1.5 Emergency Repairs**

In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the Town. The Town Planning Commission or staff shall be notified immediately and shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

#### **8.20.4.1.6 Maintenance**

Maintenance projects shall proceed only after notification of and approval by the Town. If the Town, due to the size or nature of the maintenance activity, determines that it may have a significant adverse impact on the sensitive areas, the project shall proceed through the review procedures set forth in Sections 8.8.4.1.1 through 8.8.4.1.5.

#### **8.20.4.2 Substantial Compliance**

Disputes over the application of the Sensitive Lands Overlay Zone provisions, whenever there are practical difficulties over the application of the provisions or whenever the aims of this Code can be better achieved through alternatives to strict compliance, the Town may make specific modifications to strict compliance with the Sensitive Lands Overlay Zone ordinance provisions.

### **8.20.5 Design Standards**

All development within the Sensitive Lands Overlay Zone shall comply with the following design standards which supplement, and supersede in the case of a conflict, any design standards in effect and adopted by the Town.

#### **8.20.5.1 Building Color and Material**

Exterior building colors and materials, to include roofing, shall generally be of low reflectivity and be compatible with the surrounding environment and historic structures in the area. Acceptable colors are muted earth tones and colors which blend with the naturally occurring colors in the local rock, soil, and natural vegetation in order to maintain a distinct local character and to establish visual harmony within the area.

#### **8.20.5.2 Windows and Other Glass**

Glass areas shall be reviewed to avoid highly reflective surfaces. Mirrored glazing is prohibited on any building, except that solar absorption glazing is an acceptable material.

#### **8.20.5.3 Parking**

Subdivision lots and streets shall be designed so that wherever possible parking is located behind buildings on the uphill lots. Uses other than single-family residences shall break up parking areas into smaller lots that should be located in linear strips running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural or natural elements.

#### **8.20.5.4 Rooftop Mechanical Equipment**

All rooftop mechanical equipment, including HVAC equipment and similar appurtenances, must be screened so as not to be visible from nearby properties.

#### **8.20.5.5 Height Controls**

Upon review of any subdivision or Planned Development within the Sensitive Lands Overlay Zone, an analysis of appropriate building heights will be conducted. Based upon the visual analysis, building heights may be reduced for all or part of a proposed development.

#### **8.20.5.6 Dwelling Size**

Maximum single-family dwelling size shall be evaluated at the time of project approval taking into consideration visual impact and community character.

Dwelling size may be restricted in consideration of visual impacts, community character, or other concerns.

### **8.20.5.7 Underground Utilities**

All utility lines in steep slope developments shall be underground, except that the Town may allow above ground utilities if burying would result in severe damage to significant vegetation or sensitive environmental areas.

## **8.20.6 Tree and Vegetation Protection Regulations**

### **8.20.6.1 Additional Regulations**

The following provisions and mitigation measures are hereby adopted as enhancements to existing limits of disturbance regulations contained in this code and must be adequately studied. These regulations will apply to new and existing platted subdivisions in the Sensitive Lands Overlay Zone, including the following criteria to be used in establishing limits of disturbance.

1. Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline areas protection, and protection of critical viewsheds as defined in the Sensitive Lands Regulations, Section 8.8.2 herein.
2. Erosion prevention and control, including but not limited to protection of natural drainage channels.
3. Fire prevention and safety, including but not limited to location of trees and vegetation near structures.
4. Irrigation and water conservation.
5. Wildlife habitat, including but not limited to preservation of critical wildlife habitat and migration routes.
6. Stream and wetland protection and buffering.

### **8.20.6.2 Tree/Vegetation Removal**

No trees or vegetation within the Sensitive Lands Overlay Zone may be removed without Town approval.

### **8.20.6.3 Irrigation Limits**

The amount of irrigated area shall be minimized depending on the amount of existing natural vegetation on the site prior to construction and type of irrigation system(s) proposed to be used.

### **8.20.6.4 Re-vegetation Plan**

All applicants for developments on land subject to Sensitive Lands regulations involving cut and fill and graded slopes shall submit a revegetation and landscaping plan for approval by the Planning Commission. The plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be re-contoured in such a fashion and with sufficient topsoil to ensure that re-vegetation is feasible. The plan shall also indicate a time frame for re-vegetation, which is acceptable to the Town. Retaining walls shall be used to provide breaks in man-made steep slopes exceeding fifteen (15) percent and to provide planting pockets.

### **8.20.6.5 Violation/Replacement Provision**

Any applicant who violates the provisions of this subsection by removing trees or vegetation or exceeding the prescribed limit of disturbance shall replace two (2) for one (1) in number all trees/vegetation illegally removed. Size of trees planted in replacement of illegally removed trees must be approved by the Town.

## **8.20.7 Economic Hardship Relief Provisions**

### **8.20.7.1 Hardship Relief Petition**

Any applicant for development, after a final decision on its development application is taken by the Town, may file a hardship relief petition with the Town seeking relief from the overlay zone regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of reasonable use of its property.

### **8.20.7.2 Affected Property Interest**

The hardship relief petition must provide information sufficient for the Town to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah, and the Fifth Amendment to the United States Constitution.

### **8.20.7.3 Economic Hardship Standard**

For purposes of this code, a substantial economic hardship shall be defined as denial of reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of reasonable use of the property, the Town may provide the petitioner with relief from the overlay zone regulations.

### **8.20.7.4 Time for Filing Notice of Petition and Petition**

No later than ten (10) calendar days from final action by the Town on any development application, the applicant shall file a Notice of Petition in writing with the Town Clerk. Within thirty (30) days of the filing of a Notice of Petition, the applicant shall file a Hardship Relief Petition with the Town Clerk.

### **8.20.7.5 Information to be Submitted with Hardship Relief Petition**

1. The hardship relief petition must be submitted, and must be accompanied at a minimum, by the following information:
  - a. Name of petitioner.
  - b. Name and business address of current owner(s) of the property, form of ownership (whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other), and if owned by a corporation, partnership, or joint venture, name and address of principal shareholders or partners.
  - c. Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired.
  - d. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.

- e. Terms (including sale price) of the most recent purchase or sale of a full or partial interest in the property prior to the date of application.
  - f. The most recent appraisal(s) of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, prior to the date of application.
  - g. The assessed value of and ad valorem taxes on the property for the previous three (3) years.
  - h. All information concerning current mortgages or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.
  - i. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years.
  - j. All studies commissioned by the petitioner or agents of the petitioner concerning feasibility of development or utilization of the property.
  - k. For income producing property, itemized income, and expense statements from the property.
  - l. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
2. The Zoning Administrator or the appointed hearing officer may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable use constituting a substantial economic hardship.

#### **8.20.7.6 Failure to Submit Information**

The petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

#### **8.20.7.7 Preliminary Determination of Substantial Economic Hardship**

Prior to the appointment of a hearing officer, and based on a review of documents submitted by the applicant, the Town shall make a determination whether the applicant has made a prima facie case that the subject property has suffered a denial of all reasonable use that amounts to a substantial economic hardship. If a determination is made that a prima facie case has been established, then the Town shall recommend whether the hearing shall be formal or informal under the [Utah Administrative Procedures Act](#). Such determination shall be made within thirty (30) days of the filing of a hardship relief petition and submission of all information required by the Town necessary to make such determination. Upon such a showing, the Town may appoint a hearing officer, elect either formal or informal administrative proceedings, and proceed with a review of the hardship petition. If the Town finds that the applicant has not made a prima facie case of economic hardship as defined above, the petition for hardship relief shall be denied and no hearing officer shall be appointed.

#### **8.20.7.8 Appointment of Hearing Officer**

The Town shall, within thirty (30) days following a preliminary determination of hardship, appoint a hearing officer to review information submitted by the Petitioner, and

hold a hearing to determine whether there is an affected property interest and whether a substantial economic hardship has been created as a result of the final action on the application.

#### **8.20.7.9 Qualifications of the Hearing Officer**

Every appointed hearing officer shall have demonstrated experience in either development, real estate finance, real estate analysis, real estate consulting, real estate appraisal, planning, real estate or zoning law, or in other real estate related disciplines sufficient to allow understanding, analysis and application of the economic hardship standard. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest.

#### **8.20.7.10 Notice of the Public Hearing**

Within ten (10) days following the appointment of the hearing officer, written notice shall be published and posted in accordance with Chapter 1 of the Development Code. The hearing shall be held within thirty (30) days following the final date of written notice unless a reasonable extension of time is agreed to by both the Zoning Administrator and the petitioner.

#### **8.20.7.11 Rules for Conduct for the Hearing**

The hearing shall be conducted according to the rules of the Utah Administrative Procedures Act.

#### **8.20.7.12 Application of the Economic Hardship Standard**

In applying the economic hardship standard in Section 8.8.4.3.3 above, the hearing officer shall consider, among other items, the following information or evidence:

1. Any estimates from contractors, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;
2. Any evidence or testimony of the market value of the property both considering and disregarding the sensitive area overlay zone designation; and
3. Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein.

#### **8.20.7.13 Burden of Proof**

The petitioner shall have the burden of providing that the denial of the application creates a substantial economic hardship under the standard provided in Section 8.8.7.3.

#### **8.20.7.14 Findings of the Hearing Officer**

The hearing officer shall, on the basis of the evidence and testimony presented, make the following specific findings as part of its report and recommendations to the Town:

1. Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition.
2. Whether the petitioner has a protectable interest in property.
3. The market value of the property considering the sensitive area overlay zone designation.
4. The market value of the property disregarding the sensitive area overlay zone designation.
5. The market value of, or benefit accruing from opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein.
6. Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter.
7. Whether, in the opinion of the hearing officer, the denial of the application would create a substantial economic hardship as defined in Section 3.2.3.

#### **8.20.7.15 Report and Recommendation of the Hearing Officer**

1. The hearing officer, based upon the evidence and findings, shall make a recommendation to the Town Council concerning the hardship relief petition.
2. If the hearing officer recommends that the Town approve the hardship relief petition, then the report of the hearing officer shall discuss the type and extent of incentives necessary, in the opinion of the hearing officer, to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the hearing officer may consider include, but are not limited to, the following:
  - a. An increase in the opportunity to transfer density or cluster development on other property owned by the applicant outside the sensitive area overlay zone.
  - b. A waiver of permit fees.
  - c. Approval of development on some portion of the property within the sensitive lands' protection district; and
  - d. Acquisition of all or a portion of the property at market value.
3. The report and recommendation shall be submitted to the Town and mailed to the petitioner within thirty (30) days following the conclusion of the public hearing.

#### **8.20.7.16 Town Review and Consideration**

The Town shall review the report and recommendations of the hearing officer and approve or disapprove the hardship relief petition within sixty (60) days following receipt of the hearing officer's report. The Town shall hold a public hearing and provide notice as provided in the Land Use Code. Only new testimony and evidence shall be presented at any public hearing held by the Town. The Town may adopt any incentive reasonably necessary to offset any substantial economic hardship as defined in Section 8.8.4.3.3. and may condition such incentives upon approval of specific development plans.



**8.20.7.17 Time Limits/Transferal of Incentives**

Any incentives adopted by the Town Council pursuant to this Section may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after the expiration date of the development approval.

**8.20.7.18 Application of Sensitive Lands Provisions**

	<b>Building Design Standards</b>	<b>Limits of Disturbance and Vegetation Protection Standards</b>	<b>Site Planning Standards</b>	<b>Density Limitations</b>
Annexations	Used as a Basis for Negotiation			
Projects within Town Limits, but not Master Planned	Yes	Yes	Yes	Yes
Projects within Approved Planned Developments	Yes	Yes	Yes	Where Changes in Concept are Proposed
Building Permits within Subdivisions on Visually Sensitive Hillides	Yes	Yes	No	No

*Amended by Rockville Town Ordinance 13-1120-1*

*Amended by Rockville Town Ordinance 99-0217-2*

## 8.21 Congregate Living Facilities

### 8.21.1 Special Guidelines

In order to determine which types of Congregate Living Facilities (CLF) will work best in which zone, certain properties of proposed enterprises must be considered.

1. For the purposes of this Chapter, an ‘open’ residence or CLF is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An ‘open’ facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a Oneighborhood atmosphere and connect and enhance surrounding neighborhoods.
2. For the purposes of this Chapter a ‘closed’ residence or CLF is one where inhabitants are strictly monitored, where formal program rules and/or external law may limit the movements of occupants. A ‘closed’ facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood and may disrupt the small-town atmosphere of the surrounding neighborhood.
3. For the purposes of this Chapter, a ‘permanent’ CLF means any building or portion thereof housing a CLF, where individuals are actually residing at a given point in time and intend to remain, and not a place of temporary sojourn or transient visit.
4. For the purposes of this Chapter, a ‘temporary’ CLF means any building or portion thereof housing a CLF that is intended to house occupants on a transient basis or as a place of temporary sojourn.
5. For the purposes of this Chapter, a ‘commercial’ CLF is one that has profit as one of its goals and applies business methods in the conduct of its activities.
6. For the purposes of this ordinance, a ‘non-commercial’ CLF is one that, although it may charge residents for food or for actual and necessary costs of operation and maintenance of the home, does not generate a profit or apply business methods in the conduct of its activities.

### 8.21.2 Placement

A family-type Residential Facility for the Disabled or a Residential Facility for the Elderly is a permitted use in any zone where similar dwellings that are not residential facilities for the disabled or elderly are permitted CLF occupancy shall be limited by local health and fire safety codes but in no case greater than five (5) occupants in these zones. Because it is the goal of State and Federal laws protecting the disabled and elderly to encourage the “deinstitutionalization” and the “mainstreaming” of these classes into “normalized” residential neighborhoods, and because ‘closed’ facilities do not contribute to harmonious neighborhood character or integration into residential communities, only ‘open’ CLF’s are permitted in these zones. Because the continuity and stability of a residential neighborhood is disrupted by the transitory nature of temporary residents, only ‘permanent’ residential facilities are permitted in these zones. Because the Town has determined commercial activity as being disruptive to the character and chosen lifestyle of the community, only ‘non-commercial’ CLF’s are permitted in these zones. No CLF that would likely create a fundamental change in the character of a residential neighborhood shall be permitted in these areas.

1. Rural Residential Zones (RR): Because it is a purpose of Rockville’s residential zones to provide and protect areas for low-density, exclusively single-family residences.

2. Residential Agricultural (RA): Because it is the purpose of Rockville's Residential-Agricultural District to provide and protect areas for low-density exclusively single-family residences on large lots in agricultural areas while maintaining conditions favorable to agriculture.
3. Open Space (OS): Because it is the intention of Rockville's Open Space Zone to accommodate low-density, exclusively single-family residences.

### 8.21.3 Requirements

#### 8.21.3.1 General

A CLF shall comply with all standards, provisions, and rules of the applicable sections of Utah Administrative Code and all applicable State and Town statutes, ordinances and regulations including the standards contained herein. The Planning Commission shall consider the General Plan, protection of neighborhood character and permitted uses in underlying zones as well as the aesthetics of any proposed building in making recommendations and/or granting approval to any Congregate Living Facility. Discrimination against the elderly or the disabled, or against facilities housing the elderly or disabled, is prohibited, and decisions regarding qualified facilities of these kinds shall be based on land use criteria, such as that described in Sections 15-1 and 15-2 above, and elsewhere in the Rockville Land Use Code. Before denying an application for a CLF, the Planning Commission shall review the exceptions in Section 8.3.4 and consider current applicable law. The following site development and parking standards shall apply:

1. A CLF shall comply with all building, safety, health, and land use regulations applicable to similar structures. As part of this requirement, the following standards shall be applicable:
  - a. A CLF in a residential zone shall be subject to minimum site development standards applicable to a single-family dwelling or other similar dwellings in the zone in which the CLF is located.
  - b. A CLF shall provide sufficient off-street parking to service the number of vehicles likely to be used by the maximum allowed number of residents in addition to adequate off-street parking spaces for all users of the CLF as determined by the Planning Commission. The Planning Commission may amend the parking requirement as part of the permit and/or license approval process upon finding that either more or fewer parking spaces will meet the needs of the public and the proposed program.
  - c. The facility must be on a street that meets Town standards and fire code width requirements.
  - d. A CLF in a residential zone shall not have any structural or landscaping alterations that would change the residential character of the structure or the surrounding area. The architectural style and physical size of the structure shall be in harmony with the residential character of the Town of Rockville.
  - e. Any conversion of an existing building or use to a CLF or any new construction of a CLF outside of Zone Rural Residential ½ acre shall provide at least 30% of the area as open green space or recreation area.
  - f. Entrances to all bedrooms must be on the interior of the structure. Secondary, exterior entrances to guest rooms shall be permitted only for access to patios, verandas, or balconies.

- g. Any conversion of a building, new construction, or change of ownership of a CLF shall require that the development standards of the Rockville Land Use Code and the Rockville Town General Plan be met.
  - h. A CLF shall not create a demand for municipal or utility services in excess of those usually and customarily provided for residential uses.
  - i. All signs are subject to the provisions of Chapter 9.2 Signs.
  - j. The CLF shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
2. The number of residents in a CLF shall not increase above five unless an exception is made to comply with State or Federal law.
  3. No CLF that would likely create a fundamental change in the character of a residential neighborhood shall be permitted in a residential area of the Town.
  4. A CLF shall not unreasonably disturb the peace and quiet, including media reception, of the neighborhood.
  5. All recipients of facility services shall reside onsite.
  6. Any CLF that charges residents a fee shall maintain a Rockville Business License and, if applicable, active current business entity status with the Utah Department of Commerce unless an exception is made to comply with State or Federal law.
  7. Prior to the occupancy of any CLF requiring state licensure or certification, the person or entity to be licensed or certified shall:
    - a. Provide a copy of such license or certification to the Town; and
    - b. Certify in a sworn affidavit to the Town that no person will reside or remain in the facility whose tenancy would likely:
      - i. Constitute a direct threat to the health or safety of other individuals, or
      - ii. Result in substantial physical damage to the property of others.
  8. Any CLF that is granted an exception, variance, or accommodation to locate within the Town shall comply with the specific requirements of the underlying zone.
  9. A Community Impact Study shall be provided by the applicant as part of the application for a CLF permit. If the proposed use can reasonably be anticipated to have an overall impact on the Town greater than that of a single family dwelling, this study shall be commissioned by the Town at the applicant's expense, and shall be conducted by an appropriately qualified firm or individual. Any impact of the proposed use which can reasonably be anticipated to exceed that of a single-family dwelling within the Town shall be measured in the study by inclusion of the appropriate element listed below. Elements measuring impacts deemed unlikely to exceed that of a single-family dwelling shall be waived by the Planning Commission. The Community Impact Study shall, at a minimum, describe and evaluate any programs provided at the facility. Other elements include:
    - a. a groundwater protection study;
    - b. impact of the CLF on local schools;
    - c. impact on Town's economy, including economic resources and the tax revenue;
    - d. infrastructure elements including:

- i. water hookups/usage,
- ii. sewer, septic and floodplain concerns, and
- iii. public safety and law enforcement; increases in traffic or changes to traffic patterns;
- e. aesthetics;
- f. effects on any other uses within or proposed within the same building to be used as a CLF, as well as on neighboring properties, and
- g. impact on property values.

### **8.21.3.2 Business License Required**

Once the CLF Permit has been approved, the applicant shall apply for a business license by completing the appropriate form. Having determined that the application is complete, the Town Clerk will issue the business license.

1. The owner or provider of a CLF which charges its residents a fee shall be required to maintain a valid Rockville License with the Town of Rockville and, if applicable, active, current business entity status with the Utah Department of Commerce:
2. The CLF shall notify the Town immediately if a required State or County license, permit or certification status changes (for instance, if the facility is placed under a conditional license by the licensing division of the State). The Town shall then review the reasons for the change in status and may, after a hearing, and at the discretion of the Planning Commission, revoke the facility's Town license or place additional conditions on the facility's permit.
3. Permission to operate a CLF as regulated by this section shall be subject to a non-transferable Town license which shall be revoked at any time if it is demonstrated to the Planning Commission that:
  - a. The structure is devoted to a use other than the Town approved use; or
  - b. The structure or program fails to comply with the requirements of this ordinance; or
  - c. The applicant has not obtained and maintained all licenses from the state and/or county required to operate and provided the Town with proof of such licenses. If the license issued by the State of Utah expires, the Town of Rockville Business License will automatically become void and the CLF must close; or
    - i. Material false information has been provided by the applicant during the process of obtaining a license or permit; or
    - ii. Ownership of the CLF or the property upon which it sits has changed, and no application has been made for a new or amended permit and license.
    - iii. Town Business Licenses granted to CLFs shall expire upon the expiration, revocation, or surrender of any state or county license or permit or other regulatory license of the facility.
    - iv. A Business License to operate any CLF, as authorized by this ordinance, is specific to the facility's location and is non-transferable; the business license shall only be valid to the owner or provider identified on the approved Business License

authorizing the operation of such facility and identified as the owner or provider licensed or certified by the appropriate Department of the State of Utah.

- v. A permit for a CLF is not a business license. The granting of a permit shall not relieve the permit holder of any other license requirements of the Town or that of any other public agency.
- vi. If the proposed CLF is in a rental/leased property, the owner's notarized and signed written permission for the use is required as part of the application process.

#### **8.21.4 Exceptions**

1. No CLF shall be made available to an individual whose tendency would:
  - a. Constitute a direct threat to the health or safety of other individuals; or
  - b. Result in substantial physical damage to the property of others. (It is not the intention of this subsection to establish any legal basis for tort liability on the part of the facility operator.)
2. Pursuant to U.C.A. 10-9a-103, 516-519, a CLF which is a qualified Residential Facility for the Elderly housing as determined by health and fire officials in any residential area other than one zoned specifically for single-family dwellings, is a permitted use and shall be exempt from business license requirements. In exclusively single-family residential zones, a business license is required for any facility which charges a fee and houses residents.

#### **8.21.5 Fees and Financial Capability**

1. The applicant for a permit or license to operate a CLF shall pay the applicable license and permit fees as set by the Town Council.
2. Any costs to the Town for police, emergency, search, fire, or rescue services arising as a result of acts of CLF occupants, staff or management shall be the responsibility of the permit holder(s).

#### **8.21.6 Procedure**

1. Application Form: Anyone desiring to procure and obtain a Rockville Town permit to operate a CLF shall begin the process by completing the appropriate Congregate Living Facility Permit Application Form, consulting with the Town Clerk if necessary. When the form has been reviewed and deemed complete by the Town Clerk, the applicant may be placed on the agenda of the next appropriate meeting date of the Rockville Planning Commission.
2. The Planning Commission will review the application and all required documentation, and determine whether or not it is in harmony with the Rockville Town General Plan and in compliance with the Rockville Land Use Code and Federal, State and Town standards for granting a CLF Permit. The Planning Commission will act upon the application and, if approved, a CLF Permit will be issued.
  - a. The CLF Permit shall not be issued unless the applicant has met, and agreed in writing, to comply with all of the conditions outlined herein as well as any additional conditions the Planning Commission deems necessary to carry out the intent of this Chapter.

- b. A Permit to operate any CLF, as authorized by this ordinance, is specific to the facility's location and is nontransferable; it shall only be valid to the owner or provider identified on the approved permit authorizing the operation of such facility and identified as the owner or provider licensed or certified by the appropriate Department of the State of Utah, if applicable. A CLF Permit does not run with the land.
3. Reasonable Accommodation: None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow equal opportunity for the disabled or elderly in the establishment or occupancy of a residential facility. If the Town has objective reason to believe an applicant is in need of reasonable accommodation, the applicant shall be reminded or informed of the Town policy to reasonably accommodate the disabled/elderly, and inquire as to whether he or she would like to be considered for such an accommodation. Should the applicant respond in the affirmative, the official shall offer the Information Submission Form to the applicant to fill out and return to the Town, offering assistance if such is needed.
  - a. Any applicant for a project which will provide housing for a meaningful proportion of disabled persons may apply to the Planning Commission for reasonable accommodation. The applicant shall articulate on the application form the basis for the requested accommodation.
  - b. Any and all legally protected medical information provided by the applicant will be considered confidential and shall be exempt from disclosure by the Town.
  - c. Each completed application for a reasonable accommodation shall be decided within not more than thirty (30) days from the first date of consideration by the Planning Commission.
  - d. If a request for a reasonable accommodation is denied, specific reasons for denial shall be made in writing or in the approved minutes of a meeting by the Planning Commission. Where appropriate, the Planning Commission shall adequately explain why the application was denied, with the understanding that the applicant is free to request a new accommodation.
  - e. The Town of Rockville shall make available to all CLF applicants Reasonable Accommodation Information Submission Forms (See Attachment A of the application). In review of any application for reasonable accommodation, the Planning Commission shall consider whether the use proposed will fill a demonstrated community need and shall analyze the anticipated impact of the proposal on the surrounding, existing or intended uses, and shall document their findings. Where appropriate and reasonable, ADA required accommodation may take the form of granting a variance. Consideration and analysis may include but are not limited to field trips to the site, commissioned studies, expert opinions, and so forth. Before granting any application for reasonable accommodation, the Planning Commission shall find that:
    - i. The applicant is eligible for a reasonable accommodation because the facility will house a meaningful proportion of the legally disabled.
    - ii. The accommodation will affirmatively enhance the quality of life of the disabled by ameliorating the effects of their disabilities.
    - iii. The accommodation will impose no undue financial or administrative hardship on the Town.
    - iv. The accommodation proposed is required by State or Federal law and is necessary to provide an equal opportunity for housing to the disabled.

- v. The accommodation will not adversely impact the harmony or intended character of the zone.
- vi. The proposed accommodation will not adversely impact legislative goals of the variance being granted, including those designed to protect sensitive lands and the aquifer and will comply with the bylaws of the Rockville Pipeline Company.
  - 1. Disputes. In the event of a dispute, every effort shall be made to explore all reasonable alternative dispute resolution methods, such as requesting a variance, applying for reasonable accommodation, or participating in mediation or arbitration by mutual agreement between all affected parties. If the applicant still feels aggrieved, he/she has the right to appeal the Planning Commission's decision to the appropriate Appeal Authority.

### **8.21.7 Severability**

If any portion of this ordinance is held to be unconstitutional, invalid, or unenforceable, the remainder of this ordinance shall be deemed severable and shall not be affected, and this ordinance shall remain valid.

### **8.21.8 Conflict**

The terms, standards, and requirements specified by this ordinance shall, wherever there is a conflict, supersede those of all previous ordinances and regulations of the Town of Rockville. Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

*Amended by Rockville Town Ordinance 20-1112-02*

*Amended by Rockville Town Ordinance 11-0914-1*

*Amended by Rockville Town Ordinance 11-0511-1*

*Amended by Rockville Town Ordinance 03-0219-2*



## **8.22 Planned Development**

### **8.22.1 Purpose and Objectives**

The purpose of the Planned Development is to allow diversification in the relationship of various uses and structures to their sites, to permit flexibility in the use of such sites, and to assure that any such development will conform to the Rockville General Plan. The application of Planned Development concepts is intended to promote the existing quiet, rural, residential, and agricultural nature of Rockville; to encourage the general health, safety and welfare of the Town's residents, property owners and visitors; to secure the advantages to the community and to property owners of large scale site planning for development of lands within the Town; to encourage innovative site planning which emphasizes and encourages the maintenance of the Town's agricultural lands and open space to; acknowledge the Town's unique geographic location, including its views and its important drainages and washes; to respect the historic patterns of land use which were established by the Plat for the city of Zion; and to encourage the clustering of houses and to consider the use of density transfers.

This Chapter should be considered an enhancement to the regulations of Chapter 7, Subdivision, as contained in this Code. These enhancements are negotiable between the developer and the Town. The effective and innovative application of these standards may result in bonuses to the density and structural placement regulations found in the chapters defining use, density, setbacks, etc. (zoning) and elsewhere in this Code. All Planned Development proposals must demonstrate that they can meet the minimum requirements or conditions of any underlying zone or other regulations contained in this Code.

The Planning Commission may accept or reject a Planned Development proposal on the basis of the quality of materials used in the project, as well as the architectural design and serviceability of the project. All Planned Developments shall be designed to "fit in" and protect the character of the neighborhood and rural, small town atmosphere of the Town. In considering Planned Development applications, every effort will be made to see that the neighborhood and Town is enhanced by the project.

Any proposed subdivision project involving more than five (5) acres, or having more than four (4) residential units or lots divided, must be submitted as a Planned Development, unless specifically exempted by an appeal to the Variance/Appeal Hearing Officer. Subdivisions containing three (3) or fewer units or lots (minor subdivisions) may be exempt from this requirement, unless the applicant wishes to be reviewed as a minor Planned Development as per this Chapter.

Complete planning of the entire project in all of its phases is critical in the proper application of the Planned Development process. All Planned Development regulations are in addition to the subdivision regulations of Chapter 7 and the Planned Development may be processed concurrently with the subdivision approval if the applicant wishes. Also, refer to Chapter 1 of this Code for Planning Commission Planned Development approval procedures and issues as well as those of this Chapter.

### **8.22.2 Scope**

An application for a Planned Development will be considered by the Planning Commission in all residential and agricultural zones as designated herein. Application for and approval of Planned Development is required prior to development of subdivisions and residential projects on contiguously owned property larger than five (5) acres and/or with four (4) or more units and/or lots. Residential projects for three (3) units/lots or less are exempt from this requirement. The requirement may be waived by the Planning Commission with the finding that the proposed development would preserve development options and allow efficient installation of public improvements for the balance of the property. The Planned Development plan shall become

supplementary to the provisions of the zones in which the Planned Development is located, and the Town shall not be required to enforce any of the private restrictive covenants recorded pursuant to this Chapter.

Unless expressly provided in this Chapter, there shall be no density increase or height increase in the number of dwelling units which can be constructed under the applicable basic zone regulations. However, there may be density transfer between zoning districts provided the proposed Planned Development cluster is found to be compatible in terms of building types and character with the surrounding area and would not alter the essential character of the district.

### **8.22.3 Land Use Density and Intensity Allowance**

The base density in lots and/or units per net acre as defined in this Section of this Chapter for a Planned Development are established within each of the zoning district's sections.

#### **8.22.3.1 Base Density Exclusions**

In determining the maximum base density of the project, the following areas shall not be included within the boundaries of any lot laid out or counted in determining the maximum base density, except as provided herein:

1. One-half (1/2) of the area of slopes greater than fifteen percent (15%) but less than twenty-five percent (25%).
2. One-quarter (1/4) of the area of slopes greater than twenty-five percent (25%) but less than thirty percent (30%).
3. All acreage having a slope of thirty percent (30%) or greater.
4. All acreage covered by natural streams, lakes, or ponds.
5. All areas where native soils are classified by the United States Department of Agriculture, Soil Conservation Service, as having severe limitations as foundations for low buildings and all native soils having no interpretations. If the developer submits with his application an engineering report that defines the soil's limitations and detailed engineering plans that will reduce the possible hazard to an acceptable standard to the Town, the Planning Commission may consider this area for inclusion in the maximum base density. These soils include areas with a high-water table, areas with high shrink-swell potential, areas subject to flooding, and areas having a high degree of slope.

#### **8.22.3.2 Density Bonuses**

The Planning Commission may grant an amenity density bonus, which may allow the developer of a Planned Development to exceed the maximum base density for the zone district.

##### **8.22.3.2.1 Amenity Density Bonus**

An amenity density bonus shall be defined as an increase over the maximum base density for amenities included in a Planned Development. Amenities for a particular project may vary from those of another project because of project type and market for which the project is being built. Types of amenities may include dense landscapes, trails, recreation areas and parks, permanent open space, common usable agricultural or farming open spaces or other similar features. Such features may be an amenity for one project, but a liability for another. The Town shall consider the total project and the proposed amenities and determine the amount of amenity density bonus a project may receive. An amenity density bonus may be based on any of the following:

1. **Building and Project Design.** Design considerations shall give comprehensive and critical attention to architectural design and style including unit types, architectural theme, building materials and colors, fence and wall treatment, solar considerations, project entrances, orientation of buildings to amenities within the development, and visual appearance of the development from outside the project.
2. **Provision and Protection of Open Space.** This shall mean the provision and protection of permanent common open space or agricultural open space which is distinguishable from a standard subdivision by its quantity or quality and which is readily accessible to the residents of the development. Credit may be given for innovative clustering designs that maximize open space and preserve the scenic views and beauty of the community. Open space placed in conservation or agricultural easements in perpetuity will be valued highly in the Planned Development process.
3. **Innovative Site Plan.** An innovative site plan shall mean a site plan which features a street and land use pattern which achieves the goals of the General Plan and is in harmony with the topography and other natural features. An innovative site plan could also include a variety of lot sizes, setbacks, and dwelling unit types emulating the current town layout. the Plat for the City of Zion and the periphery areas of that plat.
4. **Substantial Public Benefit.** Substantial public benefit shall mean the provision of public facilities that are both unusual in character and serve the needs of an area greater than the immediate development. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the required street improvements, utilities, and drainage facilities.

#### **8.22.3.2.2 Total Density**

In no case shall the total density be greater than twenty percent (20%) above that density which is allowable in the underlying zone.

#### **8.22.4 Planned Development (Planned Development) Permit**

No Planned Development Permit shall be granted unless the Planning Commission determines the proposed development meets the standards, requirements and use limitations of the zoning district in which it is to be located. Compliance with the regulations of this Code in no sense excuses the developer from the applicable requirements of Chapter 7 of this Code, except as modifications thereof are specifically authorized in the approval of the application for the Planned Development.

#### **8.22.5 Required Conditions**

1. No Planned Development shall have an area less than that approved by the Town as adequate for the proposed development.
2. A Planned Development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a Planned Development which allows residential uses and shall be governed by density, design, and other requirements of the Planned Development Permit.
3. The development shall be a single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

4. The Town shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected:
  - a. Density of land use intensity shall in no case be more than twenty percent (20%) higher than allowed in the zoning district.
  - b. Where feasible, least height and intensity of buildings and uses shall be arranged around the boundaries of the development.
  - c. All height limits shall be consistent with the Land Use Code.
  - d. Lot area, width, yard, height, density, and coverage regulations shall be determined by the approval of the site development plan.
5. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by:
  - a. dedication of land as a public park or parkway system; or
  - b. granting to the Town of Rockville a permanent, conservation or agriculture easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational and/or agricultural use, with ownership and maintenance being the responsibility of an Owners' Association established with articles of association and by-laws which are satisfactory to the Town; or
  - c. complying with the provisions of [the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953](#), as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.
6. Landscaping, fencing, and screening related to the uses within the site may be a means of integrating the proposed development into its surroundings and shall be planned and presented to the Town for approval, together with other required plans for the development.
7. The size, location, design, and nature of signs shall comply with the provisions of Chapter 8 of this Code.
8. A grading and drainage plan (2' topographical map) are required and shall be submitted to the Planning Commission with the application.
9. A landscape plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.
10. The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
11. The applicant shall show that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the Planned Development and the Town of Rockville.

#### **8.22.6 Uses Allowed**

Subject to the review and approval of the Town, uses allowed in a Planned Development shall be those uses allowed in the underlying zoning district in which the Planned Development is to be located.

### **8.22.7 Process**

Applications for Planned Developments shall include a development design plan that provides for historic land use, density transfers and concentrations within the site. These review processes are described as follows:

1. Pre-Application Conference (optional).
2. Preliminary Development Plan.
3. Final Development Plan.

If a Planned Development is located within the Sensitive Area Overlay Zone, additional requirements and regulations may apply. See the Sensitive Lands Provisions, Chapter 8.8.

The Planned Development shall be subject to a public hearing and shall be either approved, denied, or modified by the Planning Commission as outlined in Chapter 1.

The owners of the property may file an application for approval of a Planned Development. The application shall be made on a form provided by the Town and must include written consent by the owners of all property to be included in the Planned Development. The procedure for review is described herein.

#### **8.22.7.1 Pre-application Conference**

A pre-application conference may be held with the zoning administrator and/or Planning Commission in order for the applicant:

1. to become acquainted with the Planned Development procedures and related Town requirements;
2. to obtain from the department a written list of what the formal application should include; and
3. to learn about the goals and objectives of Rockville outlined in the General Plan.

#### **8.22.7.2 Preliminary Development Plan**

##### **1. Development Review Application**

The applicant of a proposed Planned Development shall submit a Plan Development Review Application, with a fee as established by Town Council Resolution, and a preliminary development plan to the Town. The Planned Development application must be submitted with a completed application form on a form supplied by the Town. Additional application requirements may apply for projects within the Sensitive Area Overlay Zone. The application shall be supported by the following (six sets required) and includes a Written Statement (Part 1.) Map of the Existing Site (Part 2.) and Site Plan (Part 3).

##### **Part 1. Written Statement**

The written statement to be submitted with the Planned Development application must contain the following information (only two sets required):

1. A statement of the present and future ownership (accompanied by a title report less than thirty [30] days old) and tenancy and a legal description of the land included in the Planned Development application, including identification of all mortgages, easements, covenants or restrictions on land use, liens, and judgments which may affect the site.
2. A development schedule indicating the approximate date when construction of the Planned Development, or stages of the development, can be expected to begin and be completed.

3. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the Planned Development and any of its common areas.
4. An explanation of the objectives to be achieved by the Planned Development, including building descriptions, variations in building setbacks, parking, height or other requirements that are being sought; sketches of elevations, or other information as may be required to describe objectives.
5. A phasing plan which addresses the proposed timing of all improvements and construction consistent with Chapter 7.

## **Part 2. Map of Existing Site**

A map of existing site conditions shall show the following information for the site prior to demolition of any existing improvements or alterations to natural vegetation and terrain:

1. Vicinity map (not less than 1" = 100').
2. Scale and north arrow.
3. Site boundaries and dimensions.
4. Existing drainages, washes, steep slopes, and rockfall hazards, if any.
5. Topography with contours at no greater than two-foot intervals.
6. Vegetation, location, and type.
7. Soil type and quality.
8. 100-year floodplain and high-water areas.
9. Existing structures and their current uses.
10. Existing roads and other improvements.
11. Adjacent structures use and zones.
12. Property lines and ownership.
13. Location of all utilities and easements.
14. Other data may be required.

## **Part 3. The Site Plan**

The site plan portion of the application shall consist of a plan showing the major details of the proposed Planned Development prepared at a scale of not less than 1" = 100' (or 1" = 50' for sites of less than one [1] acre). The plan shall contain sufficient detail to evaluate the land planning, building design, and other features of the Planned Development proposal. The site plan shall contain, as applicable, the following minimum information:

1. Scale and north arrow.
2. Proposed name of the development.
3. Identity of a Subdivision Development Plan of which the site may be a part.
4. Topography with finished contours at no greater than two foot (2') intervals.
5. The location and size of all existing and proposed buildings, structures, and improvements.

6. Natural and proposed vegetation and landscaping, streets, walkways, and easements to be reserved for public use.
7. Location and general dimension of all impervious paved areas such as streets, walks, parking lots, etc.
8. Proposed open spaces with an indication as to use and ultimate ownership, if applicable.
9. Proposed drainage system.
10. Proposed changes to drainages, washes, and steep slopes.
11. Proposed utility distribution.
12. Proposed traffic circulation with anticipated average daily traffic volume, and access to the existing street system.
13. Perspective sketches showing general architectural concepts of all new or remodeled buildings.
14. Maximum height of all buildings, dimensions, and square footage of all lots or parcels proposed within the project.
15. Preliminary limit of disturbance/vegetation protection and temporary erosion control plan showing the maximum limits of disturbance for all construction activities including utilities and public improvements.
16. A general landscape plan at the time of initial submission to be followed by a landscaping plan, once the site plan has been approved, showing the spacing, sizes, and types of landscaping material.

#### **8.22.7.3 Final Development Plan Requirements**

The final plan shall be presented in permanent mylar final sheets; all drawings showing proposed site development shall have a scale of no less than 1" = 100' (1" = 50' for sites less than one acre), with one (1) sheet showing the entire project, its vicinity within the Town, and a key to the detailed drawings. The final plan shall include all information required by the Planned Development application, plus the following:

1. Accurate dimensions for all lines, angles, and curves used to describe streets and other rights-of-way sufficient to satisfy final plat requirements of Subdivision, Chapter 7.
2. Detailed sizes and dimensions for the utility and drainage systems with specific locations of fire hydrants.
3. Detailed dimensions and treatment of all common open space, including lighting.
4. Architectural drawings of proposed new or remodeled structures with floor plans and elevations at a scale no less than one-eighth inch (1/8") to one foot (1'). Drawings shall indicate all exterior materials and colors.
5. Final limits of disturbance or building pads, and vegetation protection and erosion control plan.
6. Location of utilities and connections.

#### **8.22.7.4 General Criteria for Review**

A Planned Development shall implement the goals, objectives and policies of the General Plan and the purposes of this Code and of this Section. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and

regulations as outlined in the Sensitive Area Overlay Zone Regulation, and shall meet the following standards and requirements:

1. **Uses Permitted.** The uses in a Planned Development must be shown as permitted in the zoning district in which the Planned Development is located.
2. **Relationship to the Purpose and Policies of the General Plan.** The Planned Development must be consistent with the purposes and policies of the General Plan as set forth therein.
3. **Relationship to Surroundings.** The Planned Development's relationship to its surroundings shall be considered in order to avoid adverse impacts caused by traffic circulation, building height or bulk, lack of screening, ridgeline and view corridor intrusion, wetland encroachment, or intrusions on privacy.
4. **Maximum Density Requirements.** The requirements of the zoning district sections regarding maximum densities shall apply to all Planned Developments except where density increases are entertained within this Code.
5. **Open Space.** A minimum of twenty-five percent (25%) open space shall be required for all Planned Developments. In approving a Planned Development, the Planning Commission shall designate the type and mix of open space to be provided (natural agricultural, recreational, common, or private).
6. **Off-street Parking.** The number of off-street parking spaces in each Planned Development may not be less than the requirements stated in Chapter 9.3, Off-street Parking.
7. **Variations in Setbacks.** The setback requirements of the individual zoning districts shall apply to Planned Developments except that the reviewing agency may reduce setbacks in consideration of site planning issues addressed in this Chapter. Variations in setbacks, if requested, shall be addressed in the written statement and shall be specifically called out on the Planned Development site plan, or shall be handled through a Planned Development control document to be submitted as part of the written statement. Minimum setbacks along the boundaries of the site must be observed.
8. **Variations in Height Requirements.** The height requirements of the individual zoning districts shall apply to Planned Developments.
9. **Site Planning.** The Planning Commission must be satisfied that the site plan for the Planned Development has met each of the following criteria or can demonstrate that one or more of them is not applicable, and that a practical solution consistent with the public interest has been achieved for each of these elements:
  - a. The relationship of these areas to other areas, structures, and uses within the Planned Development.
  - b. The degree to which these areas contribute to the quality, livability, and aesthetics of the Planned Development.
  - c. Protect ridges from development which would be visible on the skyline from identified vantage points in Rockville.
  - d. Units/lots should be clustered in the most developable and least visually sensitive portions of the site with common open space



corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases, should be left in the natural state. Open space areas will be the maintenance responsibility of the homeowners and/or association. Any areas not left in a natural state should be designed for water conservation.

- e. Roads and utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized.
- f. Existing natural drainage ways should be maintained and designed around.
- g. Consideration must be given to soil conditions and ground water existence.
- h. A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.
- i. Common open space is encouraged and may be counted as part of the required open space within a Planned Development provided they are to be used, and are suitable for, scenic landscaping or recreational purposes, and they are on land which is accessible and available to persons for whose use the common park area is intended, and ownership is vested in a way that preserves the open space.
- j. Common open spaces in a Planned Development site shall be preserved and maintained as provided for in an irrevocable dedication declaration, conservation or agricultural easement, or restrictive covenants approved by the Planning Commission and filed and recorded in the office of the County Recorder, or other mechanisms acceptable to the approving agency. The irrevocable dedication, covenant, and declaration shall take place as mutually agreed upon by the Planning Commission and the applicant, provided, however, no building permit shall be issued for the Planned Development until the dedications, covenants, and declarations have been filed and recorded. The areas designated in the covenants as common open space shall be maintained, repaired, preserved, and retained as open spaces by the owners in common of the property and/or the developer.
- k. Circulation in terms of an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control shall be considered. Private internal streets may be permitted if they can be used by police and fire department vehicles for emergency purposes. Width and cul-de-sac design must accommodate emergency apparatus. Bicycle traffic shall be considered and provided for and, where appropriate, connection of the bike and pedestrian system to other town systems shall be addressed. Proper circulation in parking areas in terms of safety, convenience, separation, and screening shall also be considered.
- l. Utilities shall be addressed in terms of adequacy, availability, and locations of services.

- m. Variety shall be addressed in terms of housing types, densities, facilities, and open space.
- n. Privacy shall be addressed in terms of the needs of individuals, families and neighbors, and adjoining landowners.
- o. Pedestrian traffic shall be addressed in terms of safety, separation, convenience, access to points of destination, and attractiveness.
- p. Building type shall be addressed in terms of appropriateness to density, site relationship, and bulk.
- q. Building design shall be addressed in terms of orientation, spacing, materials, color and texture, storage, signs and lighting, and compliance with the architectural criteria contained in the Land Use Code.
- r. Landscaping of the total site shall be addressed in terms of purpose of planting such as screening or ornamentation; hard surface materials used, if any; maintenance, water needs, suitability; and effect on the neighborhood.

### 8.22.8 Approvals

Approvals of Planned Developments shall be granted in the following manner:

1. **Plan Approval.** The approval for a Planned Development shall be given in a form that states the density allocated to the property as a number of units/lots unless otherwise provided by conditions of approval.
2. **Project Site Plan.** Approval of the site plan for the project shall be granted by the Planning Commission for all improvements within the Planned Development.
3. **Form or Approval.** Once the Planning Commission has approved a density and preliminary plan, a development agreement shall be entered into by the Town and the developer.
4. **Construction.** Construction within two (2) years is required to preserve a Planned Development approval within the time limits set by Chapter 1.
5. **Transferability.** Approved Planned Developments are transferable with the title to the property to which the approval pertains, but no portion of the density allocation within any approval may be transferred off site.
6. **Expiration and Extension.** A Planned Development approval will be reviewed four (4) years from the original date of approval or as otherwise specified in the phasing plan regardless of the progress to date. The approval will be extended pursuant to this Code unless:
  - a. new information is available which differs from assumptions of the original approvals which would result in significant impacts on the neighborhood not considered in the original approval; or
  - b. evidence of significant adverse environmental impact can be documented resulting from the Planned Development as originally approved.
  - c. In the event that either of these situations occur, the Planning Commission will attempt to mitigate the impacts without significantly altering the overall concept or densities.

- d. At any point, changes in the plans requested by the developer which constitute a change in concept, density, unit type or configuration on any portion or phase of the Planned Development will justify review of the entire plan by the Planning Commission.

## **8.22.9 Development Standards and Requirements**

### **8.22.9.1 Neighborhood Meeting**

The applicant for any Planned Development shall conduct at least one (1) neighborhood meeting for the residents in the area of the proposed Planned Development to explain the proposed development and to address all neighborhood concerns. Such a meeting(s) shall be accomplished prior to the preliminary development plan being scheduled for review by the Planning Commission. The area of notice for the meeting will be determined by the Planning Commission.

### **8.22.9.2 Compliance with Rockville Town Codes**

Planned Developments shall comply with the requirements of this Chapter and the stipulations and requirements of the entire Land Use Code, as well as any requirements and conditions of the Planning Commission. The requirements and standards set forth herein shall apply to any Planned Development, and are in addition to any other regulations, required by a conventional development not submitted as a Planned Development. All development must comply with any of the applicable Subdivision Standards contained in the Land Use Code.

### **8.22.9.3 Structure Setbacks**

1. No structure shall be set back less than twenty feet (20') from the right-of-way line of a dedicated street.
2. Building setbacks along the main peripheral property lines of a Planned Development shall be the same as that required in the zone for any abutting residential properties.

### **8.22.9.4 Land Ownership Designation**

All land within a development shall be either common area, open space, limited common area, dedicated to public use, privately owned as a buildable lot or a combination of the above.

### **8.22.9.5 Slopes**

Any slope greater than twenty percent (20%) may be used as parks and may be included in open space calculation requirements.

### **8.22.9.6 Utilities**

All dwelling units shall be served by an approved water system and Southwest Utah Health Department approved septic system or Town of Springdale sewer system. All utilities shall be placed underground. Each dwelling unit shall be individually metered for natural gas, electricity, and water.

### **8.22.9.7 Landscaping**

1. The required front setbacks and side setbacks adjacent to a roadway shall be landscaped except for permitted driveways and shall not be used for parking.
2. All common areas shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice, unless the area is to be designated as natural open space.

### **8.22.9.8 Parking**

Dwelling units shall be provided with not less than two (2) parking spaces each. In addition, one half (1/2) parking space for each dwelling unit shall be developed for guest parking within the development unless the streets provided within the development are constructed to a width which will accommodate travel lanes as well as parking lanes. Guest parking shall be located within one hundred fifty feet (150') of the dwellings served. All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained. Drainage shall not be allowed or caused to flow across pedestrian walkways or trails.

### **8.22.9.9 Streets**

1. All streets within a Planned Development shall have a paving width of thirty feet (30'). However, a minimum width of twenty-two feet (22') of paving may be approved in certain instances where, in the opinion of the Planning Commission, such factors as the number of dwelling units served by the street, anticipated traffic volumes, and controlled on-street parking may tolerate a lesser standard.
2. All streets which are shown on the Town of Rockville Master Street Plan if adopted or the Land Use/Zoning Maps, shall be developed according to the size and general location shown on the Street Plan. Other streets developed in a Planned Development are encouraged to be dedicated to the Town as public streets; however, private streets may be permitted within Planned Development provided that:
  - a. a private street will not extend to or provide service to another property or parcel not included in the Planned Development;
  - b. the street will not provide access or travel between, or otherwise connect with two (2) public streets. The Planning Commission may waive this requirement if circumstances warrant;
  - c. the street is designed by a qualified civil engineer to Town standards;
  - d. the minimum width standards may be increased when, in the judgment of the Town, a greater standard is warranted to adequately serve the development;
  - e. all private streets shall be designated on the final plat as a perpetual public utility's easement.

### **8.22.9.10 Common Areas**

Common areas of a development shall be developed according to the plan approved by the Town Council and maintained in accordance with the provisions of this Chapter. Common or privately held open spaces must be perpetually dedicated as such through appropriate deed restrictions or conservation easements, as determined by the Town.

### **8.22.9.11 Storage Areas and Solid Waste Receptacles**

All storage and solid waste receptacles which are not located within a building shall be enclosed within a sight obscuring structure or fence compatible with the design of the development.

### **8.22.9.12 Declaration of Covenants, Conditions, and Restrictions**

Where covenants, conditions, and restrictions are imposed upon a Planned Development, two copies of the Declaration of Covenants, Conditions, and Restrictions shall be submitted to the Town signed and prepared for recording at the Washington County Recorder's office, prior to approval of a final plat.

### **8.22.9.13 Development Bond**

Prior to the recording of any documents concerning an approved Planned Development or plat maps and prior to the issuance of any building permit on ground covered by a Planned Development, a bond sufficient in amount to cover the cost of all off-site and on-site improvements required by this Chapter and all stipulations and requirements of the Planning Commission shall be required. The bond shall be a guarantee that the proper installation of all required improvements, including amenities, shall be completed within one (1) year of recordation of the approved final plat. This guarantee bond shall also assure that the improvements shall remain free from defects for six (6) months or until April 15 of the following year, whichever is longer, and shall not be released until the improvements are accepted by the Town. Said bond shall be in the form prescribed by the Subdivision Ordinance of the Town, and in an amount as reasonably set forth by the Town.

### **8.22.9.14 Final Plat Recordation**

The final plat shall be recorded after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the Town and/or Building Official.

### **8.22.9.15 Sensitive Lands**

Any lands deemed as sensitive lands by this Code, or the Town must be protected as designated in the Sensitive Lands Overlay Zone.

### **8.22.9.16 Concurrency**

All on-site and off-site infrastructure required for the impacts of the entire Planned Development in all of its phases must be installed concurrently and be operational by the time the first phase is completed and certificates of occupancy are issued. All guarantees on the improvements begin when the certificates of occupancy are issued and must last one (1) year from that point in time. Bonds required in this Chapter, as well as the Subdivision Regulations and Ordinance of this Code, must cover completion of all improvements. These improvements include, but are not limited to: water and sewer plants, power lines, storage tanks and other facilities; storm drainage and irrigation facilities; streets and roads, all utilities, fire protection systems, public safety systems and improvements; school and educational facilities; and any other improvements deemed necessary in this Code.

## 8.23 Conditional Uses

### 8.23.1 Purpose of Conditional Use Provisions

Although each zoning district is an attempt to segregate predominant land uses within identified residential districts, there will be proposals that are generally compatible with other permitted uses in the zone. If properly and carefully planned, these uses, although different or more intensive than permitted uses in the same zone, may become compatible and appropriate for the zone in question.

The Conditional Use Permit (CUP) procedure is intended to provide greater flexibility in land uses while at the same time preserving Town characteristics and assuring compatibility between conditional uses, uses on adjoining properties and the Town at large.

### 8.23.2 Conditional Uses Allowed

1. Conditional Use Permits for Bed and Breakfast facilities will be considered by the Planning Commission and, if approved, issued to permit a dwelling unit in a residential zone to be used for such purposes, provided the use meets all of the requirements and conditions as outlined in this chapter and Chapter 4.
2. The Planning Commission may impose additional conditions to preserve the character of the zoning district and mitigate any potential adverse effects of a particular Home Occupation.
3. When the Town and the applicant cannot devise conditions that satisfactorily mitigate the adverse effects of the conditional use, the Home Occupation Permit shall be denied.
4. The Home Occupation permit application and review process is found in Chapter Four (4): Home Occupations.

### 8.23.3 Prohibited Uses

Land use that is not clearly identified as permitted is deemed prohibited. All use must be consistent with the General Plan and the Land Use Code. Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

*Amended by Rockville Town Ordinance 20-1112-02*

*Amended by Rockville Town Ordinance 10-0811-1*

*Amended by Rockville Town Ordinance 02-1016-1*

*Amended by Rockville Town Ordinance 00-0216-1*

## 8.24 Manufactured Housing

1. The minimum width dimension for a manufactured dwelling unit shall be twenty-four feet (24') which shall not include any attachments or accessory use structures such as a garage, carport, or storage building. The minimum stated above shall apply to not less than eighty percent (80%) of the length of the unit.
2. The required covered parking space shall be attached to the dwelling unit in such a manner that it becomes an integral part of the structure in design and appearance.
3. Typical elevations of the dwelling unit and required or proposed attachments shall be submitted for approval by the Planning Commission at the time the development plan is submitted.

4. The minimum square footage of the dwelling shall comply with the dwelling area of the zone in which the development is located.
5. If the manufactured housing unit consists of multiple sections, then the minimum dimensions for a section of living area shall be twelve feet by thirty-eight feet (12' x 38').
6. The roof of a manufactured housing unit shall be composed of conventional roofing material and shall have a pitch of not less than three feet (3') in twelve feet (12') and shall meet or exceed the snow load requirements for the area.
7. The exterior building materials shall be made of lapped steel, vinyl, aluminum, wood, brick, or other non-reflective siding material.
8. The dwelling units in a manufactured housing Planned Development shall be set on a permanent foundation of approved foundation materials.
9. Each manufactured housing unit shall meet the United States Department of Housing and Urban Development requirements for Manufactured Housing and shall bear the required certification of inspection by authorized Utah State inspectors.
10. The required front yard setback may be required to be a common area and shall be irrigated and maintained in accordance with the provisions of this Chapter.

## **8.25 Violations**

Violation(s) of this Chapter are subject to enforcement as outlined in Section 1.19 of the Rockville Town Land Use Code.

## 8.26 INTERIOR ACCESSORY DWELLING UNITS

1. Interior Accessory Dwelling Units Defined: An interior accessory dwelling unit (IADU) is a habitable second dwelling unit in an owner-occupied single-family property, rented for periods of thirty (30) consecutive days or longer, located entirely within the footprint of a single-family residence on a residentially zoned property. Internal ADUs must meet the standards in section 10-9a-530 of the Utah Code.
2. Primary Dwelling Unit Defined: A Primary dwelling means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.
3. Allowed Zones: IADUs are allowed in all residential zones including Open Space 20.
4. General Standards: All IADUs must conform to the following standards:
  - a. IADUs must meet all applicable Fire and Building Codes.
  - b. Rental of a IADU is prohibited if the unit is located in a dwelling that is not occupied as the owner's primary residence.
  - c. One (1) additional off-street parking space must be provided for the IADU, in addition to parking required for the primary dwelling on the property.
  - d. IADUs should be compatible in design and appearance with the main residence on the property.
  - e. Only one IADU per property is permitted.
  - f. The minimum rental period for an IADU is no less than thirty (30) consecutive days.
  - g. If an attached garage or carport is converted to an IADU, the property owner must replace any parking spaces contained in the garage or carport which are required by code with an equal number of parking spaces elsewhere on the property in a manner that complies with all land use standards.
  - h. An IADU may not be developed in a mobile home.
  - i. A property owner may not install power or culinary water utility meters that serve only the IADU. The IADU must be served by the same power and culinary water utility meters as the primary dwelling on the property.
  - j. Primary dwelling units served by septic tank must provide certification that the septic tank can serve the additional living space and is in working order.
5. Permit Required: Prior to renting or offering to rent an IADU, a property owner must obtain an Internal Accessory Dwelling Unit Permit from the Town.
  - a. The IADU permit application is reviewed and approved by the Planning Commission. The Planning Commission shall issue the IADU permit, only after finding all of the standards in this section and all other applicable land use standards have been met.
  - b. The Town shall record a notice of the permit with the Washington County Recorder and deliver a copy of the notice to the owner of the IADU, as detailed in Utah Code 10-9a-530(6).
6. Violations and Liens: In addition to other remedies available to the Town, and in accordance with Utah Code 10-9a-530, the Town may impose and hold a lien against a property that contains an IADU if the property owner violates any provision of this section 8.25 or Utah Code 10-9a-530. The amount, notice and procedure for the lien shall be in accordance with Utah Code 10-9a-503(5) as may be amended.



## 8.27 IADU Schedule of Violations and Bail Amounts

In addition to the liens rights set forth in Section 8.25 of this Chapter and Utah Code 10-9a-530, the following schedule sets forth the fine and bail amounts for violations of Section 8.25.

Offense Code Violation	Description	Default Severity Class	Suggested Fine / Bail Amount	Mandatory Court Appearance ?
Rockville Ordinance 8.25 (5)	Renting an IADU without obtaining a permit from the Town of Rockville.	Infraction.	\$100 per day.	No.
Rockville Ordinance 8.25 (4)(b)	Owner of property not in residence.	Infraction.	\$100 per day.	No.
Rockville Ordinance 8.25 (4)(e)	More than one IADU rented on a property.	Infraction.	\$100 per day.	No.
Rockville Ordinance 8.25 (4)(f)	IADU is rented for less than 30 consecutive days.	Infraction.	\$100 per day.	No.
Rockville Ordinance 8.25(4)(i)	Separate utility meters from the primary residence installed or used for IADU.	Infraction.	\$100 per day.	No.
Rockville Ordinance 8.25(1)	IADU in use not within the footprint of the primary dwelling.	Infraction.	\$100 per day.	No.

*Amended by Rockville Town Ordinance 22-0112-01*