

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE WASHINGTON COUNTY ZONING  
ORDINANCE TO ALLOW FOR RECREATIONAL VEHICLES TO BE USED AS  
TEMPORARY LIVING QUARTERS**

WHEREAS, Washington County currently permits people to use a recreational vehicle as temporary living quarters only during the summer months in Kolob;

WHEREAS, Washington County does not permit people to live in a recreation vehicle, even on a temporary basis, elsewhere in the county;

WHEREAS, many Washington County residents desire to stay on their undeveloped property in a recreational vehicle for a short period of time;

WHEREAS, some Washington County residents have a need to live on their property in a recreational vehicle while their home is being constructed;

WHEREAS, other Washington County residents have complained that their neighbors' use of a recreational vehicle as permanent living quarters disrupts the quality of life in their neighborhood and the pristine nature of the area in which they live;

WHEREAS, in order to protect the water supply, streams, and rivers, the State of Utah limits the number of septic tank permits Washington County can issue in given area;

WHEREAS, the unauthorized permanent dwelling in a recreational vehicle where septic is not hooked up or the number of persons on the property exceeds the septic tank's capacity, thereby threatening the safety of the water supply;

WHEREAS, the county has experienced problems previously with people living in recreational vehicles illegally dumping their septic and wastewater, threatening the pristine nature of Washington County and its water supply;

WHEREAS, permanent lodging in a recreational vehicle could circumvent zoning ordinances currently in existence for the safety, protection, and quality of life of Washington County residents dwelling in unincorporated areas;

WHEREAS, a recreational vehicle's use as temporary living quarters would fit in well with the aims of residential and agricultural zones but would violate the intent of manufacturing, industrial, and commercial zones;

WHEREAS, the proposed ordinance makes allowance for individuals who have a special need to live in a recreational vehicle on their property;

WHEREAS, the proposed ordinance balances these competing concerns by permitting a recreational vehicle to be used as a temporary living quarters on undeveloped land or permanent living quarters where there is an active building permit;

WHEREAS, it is in the best interests of the citizens of Washington County for the proposed ordinance to be passed.

NOW, THEREFORE, the County Legislative Body of Washington County ordains as follows:

**Amendment to Washington County Code Title 10, Chapter 2, Land Use Authority**

(Stricken language is removed. Underlined language is added in the appropriate alphabetical listing of defined terms.)

A. The planning staff shall be the land use authority to hear and act on the following land use applications:

1. Simple home occupations.
2. Conditional use permits for the following:
  - a. Farm or ranch buildings in the OSC open space conservation zone single-family dwellings.
  - b. Second dwellings for a hired hand or seasonal laborer, or member of owner's family in the OST open space transition zone, the A agricultural zone, the RA residential agricultural zone (in the RA-5 and RA-10 districts only).
  - c. Single-family dwellings used in connection with a permitted use in the OST open space transition zone, and the A agricultural zone.
  - d. Single-family dwellings in the RA residential agricultural zone (RA-10 district only).
  - e. Recreational vehicles as temporary living quarters where an active building permit to construct a permanent residence has been issued.

3. Reviews and approves minor variances:

- a. Building setbacks and distances from lot lines or other buildings.
- b. Building heights.

- c. Fence adjustments.
  - d. Other similar request.
4. Lot line adjustments between two (2) property owners or one owner on two (2) lots where no hearings are required.
  5. Permits regarding the transportation of mobile homes.
  6. Those uses specifically delegated to the planning staff by the Washington County commission.

**Amendment to Washington County Code Title 10, Chapter 4, Definitions** (Stricken

language is removed. Underlined language is added in the appropriate alphabetical listing of defined terms.)

Amending the definition of the following word:

**RECREATIONAL VEHICLE:** ~~A transportable factory built housing unit of eight feet (8') or less in body width and forty feet (40') or less in overall length, or when placed on site is three hundred ninety nine (399) or less square feet in size, and which is built on a permanent chassis and is designed to be used as a dwelling unit without a permanent foundation, or without being connected to required utilities.~~ Recreational vehicle, as used in this chapter, shall include any vehicle that (1) is self-propelled or designed be permanently towable, (2) is designed to include living quarters, (4) does not have a permanent foundation, (4) is less than 400 square feet, and (5) is built on a single chassis. This term includes but is not limited to motor homes, campers, trailers, and fifth wheels and any other vehicle or trailer that can reasonably be classified with such. A recreational vehicle may be used as temporary living quarters as outlined in Ordinance 10-13-23.

Adding the following words to the definition section:

**Recreational Vehicle Park:** Any property that has three (3) or more recreational vehicles on it that are used as temporary dwellings shall be considered a recreational vehicle park.

**Multiple-owner Property.** When a parcel of land is owned by two or more persons, the property is considered a multiple-owner property. This does not apply if the parcel is owned by two individuals who are married to each other.

**Amendment to Washington County Code Title 10, Chapter 6B, Section 3, Conditional Uses in an Open Space Transitional Zone**

Uses requiring a conditional use permit in this zone are as follows:

Airports.

Cemeteries.

Dog kennels on parcels of ten (10) acres or larger.

Exotic animals on parcels of twenty (20) acres or larger.

Fenced RV storage areas.

Fish farms.

Golf course.

Housing of weaner pigs.

Mining and mineral development.

Private recreation grounds and facilities.

Public utilities and transmission lines.

Recreation vehicle as a temporary dwelling

Riding stables and training arenas.

Second dwelling for hired hand or seasonal laborer, or member of owner's family.

Single-family dwellings used in connection with a permitted use, including household pets.

Trails and trail rides.

Recreational Vehicle as a temporary dwelling.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

**Amendment to Washington County Code Title 10, Chapter 7, Section 3, Conditional Uses in an Agricultural Zone**

Uses requiring a conditional use permit in this zone are as follows:

Agricultural businesses.

Exotic animals in the A-20 and A-40 districts.

Fish farms.

Fur farms.

Housing of weaner pigs.

Kennels.

Public riding stables.

Public utilities.

Recreation vehicle as a temporary dwelling

Second dwelling for hired hand or seasonal laborer, or member of owner's family.

Silo (vertical or horizontal).

Single-family dwellings used in connection with a permitted use.

Stands for sale of produce grown and sold on premises.

Veterinarian.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

**Amendment to Washington County Code Title 10, Chapter 8A, Section 3,  
Conditional Uses in a Forest Residential Zone**

Uses requiring a conditional use permit in this zone are as follows:

Bed and breakfast inn.

Lodges and dude ranches in any FR-5 or FR-10 district.

Overnight camping facilities.

Private recreation and facilities.

Public buildings.

Public utilities.

Recreation vehicle as a temporary dwelling.

Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

**Amendment to Washington County Code Title 10, Chapter 8B, Section 4,  
Conditional Uses in a Seasonal Forest Residential Zone**

Uses requiring a conditional use permit in this zone are as follows:

Commercial lodging.

Overnight group camping facilities in approved campgrounds.

Private lodges and/or private recreation facilities.

Public buildings.

Public utilities.

Recreation vehicle as a temporary dwelling.

Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the uses listed above. (Ord. 2011-1006-O, 2-15-2011)

**Amendment to Washington County Code Title 10, Chapter 8C, Section 3,  
Conditional Uses in a Residential Agricultural Zone**

Uses requiring a conditional use permit in this zone are as follows:

Church.

Dog kennels (RA-10 district only).

Park or playground.

Poultry coops.

Private recreation facilities.

Public buildings.

Public riding stables.

Public utilities.

Recreation vehicle as a temporary dwelling.

School.

Second dwelling for hired hand or seasonal laborer, or member of owner's family in the RA-5 and RA-10 districts only.

Single-family dwellings (RA-10 district).

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

**Amendment to Washington County Code Title 10, Chapter 8D, Section 3,  
Conditional Uses in a Residential Estate Zone**

Uses requiring a conditional use permit in this zone are as follows:

Bed and breakfast inn; located in a summer recreation area (Pine Valley and Kolob areas only, or as may be approved by the planning commission, but not intended for approval in most subdivision areas), subject to the following:

Must be an existing home. Homes may not be constructed for the purpose of creating a bed and breakfast inn. Inspection will be required to determine compliance with building code requirements, and a permit will be required for any changes in the existing building.

Church.

Housing of weaner pigs.

Park or playground.

Public utilities.

Recreation vehicle as a temporary dwelling.

School.

Any use similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

**Amendment to Washington County Code Title 10, Chapter 8E, Section 3,  
Conditional Uses in a Single-Family Residential Zone**

Uses requiring a conditional use permit in this zone are as follows:

"Child nursery", as defined in section 10-4-1 of this title.

Church.

Group homes.

Guesthouses on lots at least double the size regulated by the district.

"Home occupations", as defined in section 10-4-1 of this title.

Park or playground.

Public utilities.

Public buildings.

Recreation vehicle as a temporary dwelling.

School.

Other uses recommended by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

**Amendment to Washington County Code Title 10, Chapter 8F, Section 3,  
Conditional Uses in a Multiple-Family Residential Zone**

Uses requiring a conditional use permit in this zone are as follows:

Church.

Guesthouses or inns. The number of units not to exceed the density of the zone and shall not change the residential character of the area.

Park or playground.



Public utilities.

Recreation vehicle as a temporary dwelling.

School.

Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

**Amendment to the Name of Washington County Code Title 10, Chapter 13, Section 16.**

This section's name will be changed from "Moving Dwellings" to "Moving Permanent Dwellings"

**Creation of Washington County Code Title 10, Chapter 13, Section 23, Use of**

**Recreation Vehicles as Temporary Living Quarters** (Stricken language is removed.

Underlined language is added in the appropriate alphabetical listing of defined terms.)

**10-13-23 (A). PURPOSE**

The purpose of this section is to provide clear guidelines as to when and where recreational vehicles may be used as temporary living quarters.

**10-13-23 (B). PROHIBITED USES OF RECREATIONAL VEHICLES**

**Empty Lot Parking.** No recreational vehicle shall be parked on an empty lot unless the requirements of an active building permit as defined in 10-13-23 (C) have been met or if the vehicle is being used as temporary living quarters.

**Permanent Living Quarters.** No recreational vehicle may be used as permanent living quarters, as defined in 10-13-23 (C).

**10-13-23 (C). LIVING QUARTERS**

**Permanent Living Quarters.** A recreational vehicle is used as permanently living quarters if it is occupied for more than ten (10) consecutive nights or for twenty-one (21) nights in a forty-five (45) day period. Any night that any recreational vehicle is used for occupancy on the property shall count toward this number.

**Presumption of Occupancy.** Any night that a recreation vehicle is parked on a property that does not have a primary structure shall count as a night of occupancy.

**Multiple-owner Properties.** Where the parcel or lot is owned by multiple individuals, the time one owner stays overnight on the property shall be considered separately from another owner's overnight stay on the property.

**Temporary Living Quarters.** A recreational vehicle is used as temporary living quarters when it is used for living quarters, but the use does not qualify as permanent living quarters.

### **10-13-23 (D) RECREATIONAL VEHICLE USE FOR CERTAIN ZONES**

**Unpermitted Zones:** A recreational vehicle shall not be used as a place of dwelling within any commercial, industrial, manufacturing, planned development, or open space conservation zone, and no exception shall apply to these zones.

**Conditional Use Zones:** So long as the recreational vehicle meets the requirements of 10-13-23 (G), a recreational vehicle may be used as temporary living quarters in any residential, agricultural, or open space transitional zone.

**Recreational Vehicle Park Zone.** When a recreational vehicle is used as a dwelling within an area zoned as a manufactured housing park zone or recreational vehicle park zone, that use shall be governed by County Code 10-8G.

### **10-13-23 (E). ACTIVE BUILDING PERMIT**

**Conditional Use Permit.** Where an active building permit has been issued to construct a primary residence on the property, a recreational vehicle on the property may be used as a temporary living quarters if the following conditions are met:

1. A conditional use permit is obtained from the land use authority, and the application fee is paid. The conditional use permit shall be valid for six months. The conditional use will be reviewed, without any additional fee being paid by the applicant, every six months by the land use authority until the completion of the primary residence. Appeals from a land use authority's decision is set out in Ordinance 10-2-5.
2. If the building permit becomes inactive, the recreational vehicle must immediately be removed from the property.

### **10-13-23 (F) EXCEPTIONS TO THE ZONING REQUIREMENTS**

**Medical Caregiver Exception.** A recreational vehicle may be used as the dwelling of the primary caregiver for an ill, convalescent, or otherwise disabled occupant of the primary

residence. This exception shall be unavailable in any commercial, industrial, manufacturing, planned development, or open space conservation zone.

**Medical Care Recipient Exception.** A recreational vehicle may be used as the dwelling of a person needing care from the occupant of the primary residence. This exception shall be unavailable in any commercial, industrial, manufacturing, planned development, or open space conservation zone.

**Family Reunion Complex Exception.** Any family reunion complex, approved prior to March 1, 2014, shall be exempt from this ordinance provided the complex meets the requirements of 10-13-23 (E). This exception shall be unavailable in any commercial, industrial, manufacturing, planned development, or open space conservation zone.

**Unoccupied Recreational Vehicle.** An unoccupied recreational vehicle may at any time be lawfully parked next to a primary residence in a residential, agricultural, or open space transitional zone.

#### **10-13-23 (G) CONDITIONS OF USE**

Any recreation vehicle used as a temporary dwelling must meet the following conditions:

1. **Licensing.** The recreational vehicle must be legally registered by a state motor vehicle department.
2. **Operability.** The recreational vehicle must be capable of being transported off the premises. An inoperable vehicle shall have the rebuttable presumption of being a mobile home or manufactured home and subject to the mobile home or manufactured home provisions.
  - a. **Temporary Inoperability.** If the recreational vehicle is temporarily inoperable, it shall still be classified as operable. The standard for determining operability shall be whether it is reasonable to classify the vehicle as inoperable under all the circumstances with particular weight given to the nature of the repair needed and the duration of time since the vehicle was last operable.
3. **Septic and Wastewater Disposal.** The septic and wastewater tanks on the recreational vehicle must be disposed in a safe and legal manner. Failure to abide by this requirement shall be grounds for the county to immediately provide the owner with an order to vacate in accordance with the requirement of 10-13-23 (I).
4. **Parking.** The recreational vehicle shall not be parked in such a way that it interferes with any right-of-way or easement or another's possessory interest. The vehicle shall be parked in its entirety upon the owner's property and shall be reasonably setback on the property.

5. **Maintenance.** The premises around the recreational vehicle shall be reasonably maintained.

**10-13-23 (H). GRANDFATHERED USES**

Any use that started on or before May 1, 2014 and was legal under the prior ordinance shall be grandfathered in as a legal use under the current ordinance. Any use that was illegal under the prior ordinance shall not be grandfathered in as a legal use under the current ordinance.

**10-13-23 (I) SERVICE OF NOTICE**

If at any time, the use of the recreation vehicle qualifies as permanent living quarters, a county official may enter the property and serve the occupier with an order to vacate within fourteen (14) days.

**10-13-23 (J). PUNISHMENTS FOR FAILURE TO VACATE**

If the occupier fails to vacate within fourteen (14) days of service, the occupier shall be cited for an infraction and given an additional notice to vacate the property within fourteen (14) days of service. If the occupier again fails to vacate the premises, the occupier shall be charged with a Class C misdemeanor, and the County shall have the right to impound the recreational vehicle.

**Effective Date**

This ordinance shall take effect fifteen (15) days after its passage. Following its passage, but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

WASHINGTON COUNTY

\_\_\_\_\_  
JAMES EARDLEY, Chair

ATTEST:

\_\_\_\_\_

Kim M. Hafen  
Washington County Clerk-Auditor

Commissioner Eardley voted \_\_\_\_  
Commissioner Drake voted \_\_\_\_  
Commissioner Gardner voted \_\_\_\_

