

# VIRGIN TOWN

## ORDINANCE # 2016-072716-2

AN ORDINANCE AMENDING AND RESTATING CHAPTER 13 OF THE VIRGIN UNIFORM LAND USE ORDINANCE REGARDING THE USE OF RECREATIONAL VEHICLES AND TRAVEL TRAILERS WITHIN THE TOWN.

### RECITALS

WHEREAS, Virgin Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Virgin Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10-9a-101 *et seq.*

WHEREAS, Virgin Town Council recently created a new zoning district within the Town known as the Camping Resort Zone (CRZ) to be codified as Chapter 29 of the Virgin Uniform Land Use Ordinance (“VULU”).

WHEREAS, The Camping Resort Zone specifically allows recreational vehicle (“RV”) camping and tent camping as conditional uses within that zone.

WHEREAS, The Camping Resort Zone regulates RV parks and RV camping by adopting a substantial portion of VULU Chapter 13 as it related to RV and travel trailer parks.

WHEREAS, Because the Camp Resort Zone is the only zoning district within the Town that allows RV/travel trailer camping and RV/travel trailer park uses, maintaining identical regulations in both Chapter 29 and Chapter 13 Chapter 29 would be duplicative and unnecessary.

WHEREAS, the Town Council has determined that it is in the best interest of health safety and general welfare of the Town and its residents that all duplicative or inapplicable references to RV/travel trailer park uses should be eliminated from Chapter 13 and reside solely in Chapter 29 as it will reduce confusion and possible ambiguity that may result from maintaining essentially the regulations in two different chapters within VULU.

### ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Virgin, Washington County, State of Utah, as follows:

1. Amended & Restated Chapter 13 (Recreational Vehicles and Travel Trailers): Chapter 13 of VULU is hereby amended and restated in its entirety as follows:

*CHAPTER 13 RECREATIONAL VEHICLES AND TRAVEL TRAILERS*

13.1. PURPOSE.

*The purpose of this Chapter is to permit development of facilities for recreational vehicles and travel trailers in appropriate districts and to require that recreational vehicle and travel trailer accommodations be of such character as to promote the objectives and purpose of this Ordinance, to protect the integrity and characteristics of the districts contiguous to those in which recreational vehicle and travel trailer parks are located, and to protect other use values contiguous to or near recreational vehicle and travel trailer park uses.*

13.2. STANDARDS FOR PERMITTING RVS OUTSIDE OF CAMPING RESORT ZONE.

*13.2.1. COMMERCIAL ZONES. The purpose of this section is to establish a permitting process, standards for temporary occupancy of Recreational Vehicles (RVs) in commercial zones, and penalties for noncompliance. This ordinance replaces and supersedes any previous ordinance or resolution regarding temporary occupancy of RVs in commercial zones. The Resort Zone is hereby excepted from the provisions of this section. It is the intent of the town to allow for temporary occupancy of RVs in commercial zones based on the following: All rules of the underlying zone must be met.*

*13.2.2. ON-STREET PARKING OF RVS IS PROHIBITED. Owner-builders of a commercial development are prohibited from living in an RV on their building lot during construction unless an exception is granted by the Land Use Authority (LUA). Those seeking an exception must submit a written request for consideration according to existing rules for such. The LUA shall review the request during public meetings and make a determination that an exception is prudent because it helps promote town goals and will not undermine the intent of the zone or harm the public health, safety, or welfare. RV shall not be on site more than five days prior to the beginning of construction for which a valid building permit has been issued and shall be removed within five days of completion, granting of certificate of occupancy, or expiration of building permit, whichever occurs first.*

*13.2.3. When occupying an RV under the provisions of this chapter, approved power cords and water hoses are allowed for utility hook-ups. Occupants are expressly prohibited from tying in to the septic system anytime during occupancy unless connecting via an approved hook-up on site. If connecting to an approved hook-up, applicant shall show that the impact will not exceed 1-ERU capacity on the septic system.*

*13.2.4. The area surrounding an RV shall be kept tidy and free from trash and debris.*

*13.2.5. RV shall be in good repair and free from substantial defects or unsightliness.*

*13.2.6. A maximum of one permit for one limited living quarters may be granted on a Commercial lot.*

*13.2.7. Maximum occupancy of an RV under the provisions of this chapter is limited to two (2).*

13.2.8. *Violations of this ordinance are subject to provisions outlined in VULU Chapter Ordinance 1.14., Penalties.*

13.2.9. *Only the owner, proprietor or operator of an approved business can apply for a permit to occupy an RV in a commercial zone. Applicant must demonstrate to the satisfaction of the Land Use Authority that occupancy is complementary to the primary use and not for rental purposes AND that a presence is necessary to ensure the safety and security of an established business OR the nature of the business requires an off-hours presence on the premises.*

13.2.10. *Applications for a permit allowing occupancy of an RV in a commercial zone shall be made in writing to the Land Use Authority and include, at a minimum, the following details:*

13.2.10.A. *Description of need purpose for a residential presence;*

13.2.10.B. *The dates of occupancy. Temporary occupancy shall not last longer than six (6) months without an exception from the LUA;*

13.2.10.C. *Hours of operation; and*

13.2.10.D. *Nature of work to be performed by the RV occupant. Additionally, applications shall include a copy of a valid building permit if applicable, photos of the RV to be occupied and how it will be situated on the lot and a signed statement indicating applicant has read and understands the provisions of this chapter and associated penalties for violations of such. Land Use Authority may require a change in RV placement or the installation of screening to mitigate offsite visual impact.*

13.2.10.E. *Except as expressly outlined herein, there are no exceptions to the rules established by this Chapter.*

### 13.3. TEMPORARY USE OF RECREATIONAL VEHICLE IN RESIDENTIAL ZONES.

13.3.1. *PURPOSE. To establish procedure and standards regarding temporary occupancy of Recreational Vehicles (RVs) or travel trailers in residential zones and penalties for noncompliance. This ordinance replaces and supersedes any previous ordinance or resolution regarding temporary occupancy of RVs in residential zones. In the best interests of public health and safety, and in an effort to maintain the integrity of individual septic systems, using an RV as a permanent residence or satellite bedroom for a primary residence, is expressly prohibited by this ordinance.*

13.3.2. *A RECREATIONAL VEHICLE, AS DEFINED BY THIS ORDINANCE. A vehicle designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow-able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*

13.3.3. *INTENT. It is the intent of the Town to allow for temporary occupancy of RVs in Residential zones based on the following:*

13.3.3.A. *All rules of the underlying zone must be met.*

13.3.3.B. *On-street parking of RVs is prohibited.*

13.3.3.C. *Residential owner-builders are prohibited from living in an RV on their building lot during construction unless an exception is granted by the Town Council. Those requesting an exception must submit a written request for consideration according to existing rules for such. The Town Council shall review the request during public meetings and make a determination that an exception is prudent because it helps promote owner-builder goals contained in town policies and will not harm the public health, safety, or welfare. The Town Council may impose conditions to mitigate any anticipated nuisance.*

13.3.3.D. *When occupying an RV under the provisions of this chapter, power cords and water hoses are allowed for utility hook-ups. Occupants are expressly prohibited from tying in to the septic system anytime during the visit unless connecting via an approved hook-up at the host's residence.*

13.3.3.E. *Whether occupied or not, the area surrounding an RV parked in a residential zone must be kept tidy and free from trash and debris.*

13.3.3.F. *Residents may host RV guests on their privately owned residential lots for up to thirty (30) days with no encumbrances.*

13.3.3.G. *No visit shall exceed thirty (30) days without a permit issued by the Virgin Town Zoning Administrator. Permit applications must be made by the host resident and require a \$25.00 administrative fee. Applications shall contain a proposal for mitigation of health and safety concerns related to an extended visit and show the impact will not exceed 1-ERU capacities on the septic system.*

13.3.3.H. *Unless an exception is granted by the Land Use Authority under provisions outlined in Section 13.3.3.G. above, no stay shall exceed thirty (30) days in a 180-day period.*

13.3.3.I. *Except as expressly outlined herein, there are no exceptions to the rules established by this chapter.*

13.3.3.J. *Violations of this ordinance are subject to provisions outlined in VULU Chapter 1.14., Penalties.*

#### 13.4. LOCATION AND USE.

13.4.1. *No recreational vehicle or travel trailer shall be located, placed, used or occupied for residential purposes in any district except within the Camping Resort Zone*

or as otherwise provided herein.

13.4.2. thru .4 [Reserved].

13.4.5. *Recreational vehicles and travel trailers may be stored, displayed, sold and/or serviced in a sales lot in a commercial district, when such use is a permitted or a conditional use, but shall not be used for living quarters.*

13.4.6. [Reserved].

13.5. thru 13.8 [Reserved].

2. Repealer: This Ordinance supersedes or repeals the provisions of any ordinance, resolution that are inconsistent with the provisions of this Ordinance.

3. Savings Clause: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. Effective Date: This Ordinance shall become effective immediately upon adoption by the Virgin Town Council.

ADOPTED AND ORDAINED BY THE VIRGIN TOWN COUNCIL this \_\_\_\_ day of June, 2016 based upon the following vote:

Council Member:

Dan Snyder	AYE ___	NAE ___
Jean Krause	AYE ___	NAE ___
Jay Lee	AYE ___	NAE ___
Matthew Spendlove	AYE ___	NAE ___
Bruce Densley, Mayor	AYE ___	NAE ___

VIRGIN TOWN  
a Utah municipal corporation

\_\_\_\_\_  
Bruce Densley, Mayor

ATTEST:

\_\_\_\_\_  
Monica Bowcutt, Town Clerk