



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development  
Applicant's Agent: N/A  
Zoning Ordinance: Morgan County Zoning Ordinance Chapter 7.43 Recreational Vehicles

#### Summary

The Board of Commissioners requested that language be added to the ordinance for Recreational Vehicles that will outline parameters to allow people to live in an RV on their property during construction of their house. The following is the ordinance that was approved this past summer for recreational Vehicles (not to be confused with language for Recreational Vehicle Parks) with added language for Recreational Vehicle Temporary Housing.

#### Proposed Language

### Chapter 7.43 Recreational Vehicles

#### Section 7.43.1 Purpose and Intent

The purpose of this Chapter is to detail Morgan County's Individual Recreational Vehicle regulations, which are separate from regulations described in this Ordinance for Recreational Vehicle Parks. It is Morgan County's policy that Recreational Vehicles shall not be considered equivalent to, nor be permitted as, nor be occupied as, a permanent residential structure.

#### Section 7.43.2 Prohibitions

No Recreational Vehicle shall be stored on property that does not contain a principal residence.

Recreation Vehicles shall not be permitted or occupied as a permanent residence in any zoning district.

No Recreational Vehicle shall be connected to a well, public water source, septic tank, sewer system or to an electrical power Exception:

1. When a Recreation Vehicle is in a legally approved Recreational Vehicle Park or Campground, or otherwise approved in Section 7.43.4; or
2. When a Recreational Vehicle is part of an established hunting camp that has these amenities pre-existing to the adoption of this ordinance.

Sanitary waste or grey water from Recreational Vehicles shall not be discharged, buried, or otherwise disposed of on the ground.

No Recreational Vehicle that is wrecked, dismantled, inoperative, dilapidated, or unregistered shall be parked or stored in any zoning district. Any Recreational Vehicle meeting these criteria, shall be deemed a public nuisance.

Except for the purpose and time frame provided for in Section 7.43.4, no electrical cords or generators may be used to provide power to any Recreational Vehicle, nor may any water line be connected. In addition to the presence of water, septic or electrical connections, the following factors may constitute acts to be considered indicative of residential use:

1. Evidence of persons entering or exiting the vehicle
2. Illumination of the vehicle
3. Accessory structures about the vehicle
4. Window masking
5. Slide-outs extended

### Section 7.43.3 Storage of Recreational Vehicles

No Recreational Vehicle ~~may~~ shall be stored on property that does not contain a residence.

Legally stored Recreational Vehicles shall not be used for living, sleeping or housekeeping purposes, nor shall they be used as storage sheds.

No more than one Recreational Vehicle may be stored on property in any zoning district, unless approved as a Recreational Vehicle Park or Campground.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle.

Recreational Vehicles shall be parked in the side or rear yard of the principal residence. Recreational Vehicles may be parked inside an enclosed accessory building located in the front yard, if permitted.

No Recreational Vehicles shall be parked or stored within any designated setback for the district.

### Section 7.43.4 Recreational Vehicles as Temporary Housing

#### Section 7.43.4.1 – Traveling Guest Accommodations

Recreational Vehicles may be used as temporary guest housing in zoning districts where single family dwellings are permitted. Recreational Vehicles that are owned by non-Morgan County residents, guests or visitors and are registered and tagged from outside the county may be parked or occupied by guests or visitors on property on which a permanent occupied dwelling is located for a total cumulative period not to exceed 30 days per calendar year while visiting the resident of such property. This cumulative total period may include visits by a single guest or multiple guests over the period, but no more than one recreational vehicle at a time.

If guests are staying for more than nine (9) consecutive days at any one time, the property owner must obtain a Recreational Vehicle Temporary Guest permit. Recreational Vehicle Temporary Guest permit shall not be valid for more than thirty (30) days in a calendar year.

Recreational Vehicles shall not be parked on a street, sidewalk, right-of-way or within a required setback.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. The Recreational Vehicle must be road worthy and maintained in good condition. Waste disposal shall be limited only to the Recreational Vehicle's holding tank or to an above ground holding tank that is regularly pumped by a waste disposal company. A Recreational Vehicle shall not be connected directly to a septic tank or sewer connection.

#### Section 7.43.4.2 – Special Circumstance Accommodations

A Recreational Vehicle may be approved as temporary housing for a limited time up to ~~six (6)~~ **twelve (12)** months under special circumstances. Those special circumstances include temporary accommodation **during the construction of a new home**, the reconstruction of the principal residence on the subject property after a natural disaster, such as a tornado, or due to fire or water damage, or for temporary medical care of a family member.

Applicant must obtain a Recreational Vehicle Temporary Housing permit, which shall not be valid for more than ~~six (6)~~ **twelve (12)** months. To renew this permit, the applicant must receive approval from the Morgan County Board of Commissioners.

The Recreational Vehicle Temporary Housing permit application must be accompanied by the following:

- “Letter of Need”, explaining the circumstances requiring the need for temporary housing.
- Fire damage: Copy of fire report with pictures.
- Tornado and water damage: Copy of insurance report with pictures.
- Medical care: Letter from the medical care provider, identifying the level of home care and approximate time.

**Those obtaining a Recreational Vehicle Temporary Housing permit application to occupy a recreational vehicle while constructing a new home must submit the following:**

- **Evidence of a valid building permit.**
- **A deposit of \$6,000.00.**

**The deposit is refundable under the following conditions:**

- **Compliance with this Section – Special Circumstance Accommodations.**

- Continuous active construction during the twelve (12) months from the issuance of the Recreational Vehicle Temporary Housing permit.
- Must obtain a Certificate of Occupancy prior to the expiration of the Recreational Vehicle Temporary Housing permit.

Additional restrictions for a Recreational Vehicle Temporary Housing permit to occupy a recreational vehicle while constructing a new home:

- No property within a common development shall qualify for a Recreational Vehicle Temporary Housing permit.
- No property less than 5 acres shall qualify for a Recreational Vehicle Temporary Housing permit.
- A Recreational Vehicle Temporary Housing permit shall only be issued once, per property and per applicant, and shall not be extended.
- Building activity must start immediately upon issuance of a residential building permit and the first legitimate building inspection must occur within the first 45 days. Driveway inspections shall not be considered a first inspection. Failure to meet this threshold will result in forfeiture of deposit, immediate removal of the recreational vehicle and potential citations.
- Building activity must be continuous. Any cessation of activity for 120 days will result in forfeiture of deposit, immediate removal of the recreational vehicle and potential citations.

The application and supporting documentation will be evaluated to determine if administrative approval may be granted for using a Recreational Vehicle as temporary housing.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. The Recreational Vehicle must be road worthy and maintained in good condition. Waste disposal shall be limited only to the Recreational Vehicle's holding tank or to an above ground holding tank that is regularly pumped by a waste disposal company. A Recreational Vehicle shall not be connected directly to a septic tank or sewer connection. No structures such as porches, storage space, additional rooms, permanent stairs, or the like, may be attached to the recreational vehicle.

#### Section 7.43.4.3 – Hunting Lease Accommodations

A Recreational Vehicle may be approved as temporary housing for seasonal hunting accommodations. Applicants shall obtain a yearly Seasonal Hunting Accommodation permit to occupy a Recreational Vehicle on any leased property in Morgan County during hunting season.

The Seasonal Hunting Accommodation permit application must be accompanied by the following:

- Copy of Hunting Lease with property owner.
- Map of leased property indicating location of Recreational Vehicle.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. The Recreational Vehicle must be road worthy and maintained in good condition. Waste disposal shall be limited only to the Recreational Vehicle's holding tank; to an above ground holding tank or portable toilet that is regularly pumped by a waste disposal company. A Recreational Vehicle shall not be connected directly to a septic tank or sewer connection unless connections are pre-existing. No permanent or temporary electrical poles shall be allowed unless the electrical poles are pre-existing. No structures such as porches, storage space, additional rooms, permanent stairs, or the like, may be attached to the recreational vehicle.

Recreational Vehicles must be removed from leased property at end of said hunting season.

#### Section 7.43.5 Recreational Vehicle Registration

When required by this Chapter, individuals will be required to file an application with supporting documentation to obtain a permit. Applications can be obtained from Morgan County Planning and Development to register Recreational Vehicle. A copy of the registration certificate must be attached to a window, visible from the exterior of the Recreational Vehicle. A registration fee may be required as approved, from time to time, by the Morgan County Board of Commissioners.

#### Section 7.43.6 Penalties

Failure to follow the requirements of this Chapter may result in the revocation of the use permit, denial of future use permits, or citations per day that the violation exists. Penalties for Violation is further described in Chapter 2.17 of this Ordinance.

#### Staff Comments

The ordinance already contained language to allow the use of an RV for temporary housing in special circumstances for 6 months. With the addition of language for temporary housing during residential construction, the time frame was changed to 12 months because that is the length of time a building permit is valid. The BOC suggested the possibility of a deposit during discussions at their planning retreat. The proposed deposit amount is equal to the amount of rent that would be charged for 12 months at Country Boys RV Park on Highway 441. Staff was concerned that if the amount was less, it would encourage RV owners to attempt skirting rules because the "rent" would be less. This is not an unfounded concern as the Planning office previously had two property owners who would purchase a yearly building permit and considered the permit fee to be a yearly rent to live in their RV. This is also the reason for the language regarding building activity and inspections. The majority of complaints regarding RVs come from smaller properties with close neighbors, particularly in subdivisions, hence the language requiring acreage and the prohibition of RVs in common developments. The suggested language also limits the temporary housing permit to be issued once per property and also per applicant. This is to dissuade people from living in an RV during construction, selling the house, and doing it again.

## **Chapter 7.43 Recreational Vehicles**

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The deposit is refundable under the following conditions:

- Compliance with this Section – Special Circumstance Accommodations.
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