

ORDINANCE 424-A1

RECREATIONAL VEHICLE OCCUPANCY, STORAGE AND PARKING

AN ORDINANCE OF THE CITY OF MACKAY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING CITY OF MACKAY ORDINANCE 424 AND REPEALING ORDINANCE 448 ESTABLISHING STANDARDS FOR RECREATIONAL VEHICLE OCCUPANCY, STORAGE, AND PARKING, TO PROVIDE FOR A SAVINGS CLAUSE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, Chapters 3 and 9 provide authority for the City of Mackay to adopt Ordinances establishing land use standards, procedures, and uses; and,

WHEREAS, Idaho Code §67-6511 and §67-6518 authorizes the City to set standards for private and public development and zoning standards for buildings and structures; and,

WHEREAS, the City of Mackay City Council intends to create zoning standards for recreational vehicle occupancy, storage, and parking to address health, safety and welfare issues related to adequate housing and impacts to neighboring properties;

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Mackay, Custer County, Idaho as follows:

SECTION 1: City of Mackay Ordinance 448 and Resolution 19-03 are hereby repealed in their entirety.

SECTION 2: Chapter 20 of City of Mackay P&Z Ordinance 424 shall be repealed in its entirety and amended to read as follows:

SECTION 3: The title of Chapter 20 of City of Mackay P&Z Ordinance #424 shall be renamed RECREATIONAL VEHICLE OCCUPANCY, STORAGE AND PARKING;

SECTION 4: Chapter 20, 20-1 Definitions:

- A. DWELLING UNIT: One or more rooms designated for, or used as a residence for, not more than one family. The term does not imply or include such type of occupation as a lodging or boarding house, club, hotel, or group home, nor shall the term include recreational vehicles.
- B. RECREATIONAL VEHICLE (RV): A motor home, travel trailer, truck camper, fifth-wheel trailer, a park model recreational vehicle as defined by Idaho Code titles 39 and 49, converted bus, van or other vehicle, or camping trailer that is designed and used for temporary living quarters. The RV may be under its own power or be mounted or drawn by another vehicle. In no case shall a recreational vehicle be considered a dwelling unit.

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- C. RECREATIONAL VEHICLE LOT: A parcel of ground in a recreational vehicle park intended to be rented as a place to park a recreational vehicle for temporary dwelling purposes.
- D. RECREATIONAL VEHICLE PARK: A plot of land, zoned commercial, designed and engineered for occupancy and use by recreational vehicles.

SECTION 5: Chapter 20, 20-2 To protect the health and safety and welfare of persons occupying Recreational Vehicles (RVs) and to address the service and neighborhood impacts of such occupancy, the following standards shall apply in all zoning districts, but shall not apply to properly zoned and approved Recreational Vehicle Parks or the designated areas for temporary public use in Section F below:

- A. A Recreational Vehicle is not considered a dwelling or residence. Occupancy of a recreational vehicle (RV) on a private lot or parcel shall not exceed fourteen (14) days in any consecutive twelve (12) month period, unless located within a permitted recreational vehicle park or as subjected to Chapter 9. The number of occupied RV's is limited to one such vehicle per lot or parcel.
- B. Occupancy shall mean eating, sleeping, living, cooking, or other use of the unit for human habitation.
- C. To protect the property rights of adjoining neighbors from snow and rain shed, fire hazards, and to retain solar access, the RV shall meet the following minimum setbacks, whether stored or occupied:
 - 1. Twenty (20') feet from any City street including right of way;
 - 2. Ten (10') feet from an alley;
 - 3. Ten (10') feet from the property lines;

This shall include any expansion/extension of the RV.

- D. To prevent street congestion and potential hazards, an RV shall not be parked or left standing on any public street, alley, right of way, or public parking area. Exception: an RV may be parked temporarily (24 hrs.) in the above locations to conduct business, make store purchases, etc. provided the RV is parked thirty (30') feet from an intersection. Occupancy of the RV is prohibited.
- E. An RV may be used as a temporary dwelling unit while a residence is under construction provided:

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1. A City of Mackay building permit for a residence has been issued for the same site and parcel as the proposed RV temporary dwelling.
2. The building permit for the residence remains active.
3. The occupancy shall cease within one-hundred-eighty (180) days of the building permit issuance. The City may grant an occupancy extension when completion of the residence is delayed due to unforeseen circumstances such as weather, site development issues, or other events outside the control of the landowner. The extension shall not exceed one-hundred-eighty (180) days.
4. Approved temporary water and sewer provisions are available.

F. Designated RV use areas:

1. Mackay Tourist Park: RV parking and occupancy is permitted within the designated areas of the Mackay Tourist Park and shall be limited to a maximum number of days or nights as set by Resolution by the City Council as amended from time to time along with all other use rules and regulations governing the Mackay Tourist Park and facilities.
2. Centennial Park on Salmon Street: Use and Occupancy shall be limited to hours of use as set by Resolution of the City Council as amended from time to time along with all other rules and regulations governing the use of the Centennial Park and facilities.

G. Grandfathering of Parking Permits. The recreation vehicles granted a permit to park by the City shall continue to be recognized as valid until the current permit expires.

H. Non-Conforming Uses for RVs: Chapter 9 of this Ordinance shall apply. Chapter 9, paragraph 9-2, C states, "For purposes of this section "designed purpose" means the use for which the structure or use were originally intended, designed, and approved pursuant to any applicable planning and zoning ordinances in effect at the time." The "designed purpose" or the originally intended purpose of an RV is for recreational use only and not for a dwelling.

SECTION 6: Chapter 20, 20-3 In case any provision in this Ordinance shall be held invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

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SECTION 7: Chapter 20, 20-4 This Ordinance shall be in full force and in effect immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 14th DAY OF MAY, 2019.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By Wayne Olsen
Wayne C. Olsen, Mayor

ATTEST: Jamie Lish
Jamie Lish, City Clerk

