

City Council Agenda Item Request

Date of Request: 22 March 2024 Requester: Derrick Williams

Agenda Item Title: Code of Ordinances

Estimated Cost: _____ Anticipated Funding Source: TRFD

City Department(s) Support Requested: City Attorney

Estimated Staff Time Required: _____

Anticipated Date for Future Council Work Session Discussion: 1 April 2024

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

IV City of Fayetteville will be a safer, desirable place to live, work and recreate

What do you envision accomplishing with this agenda item request?

Seeking support to change the Code of Ordinances Chapter 30
Storage or Parking of heavy trucks, trailers and recreation equipment.

Chapter 16-363
Removal of Vehicles from private property, Junked, public nuisance, or abandoned

Additional Comments:

This is an effort to get large vehicles (buses) off private property that creates property value decreasing, and a nuisance for the community. It will take the city attorney and code enforcement to draft an amendment. I will schedule the draft for a future work session for your consideration.

PART II - CODE OF ORDINANCES

CHAPTER 16 - MOTOR VEHICLES AND TRAFFIC

Article XI - Abandoned, Junked and Nuisance Vehicles

Sec. 16-363. Conditions on Removal of Vehicles from Private Property.

As a general policy, the city will not remove a motor vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the city from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a public nuisance motor vehicle or is a junked motor vehicle which has been ordered removed by the enforcement officer. The city may require any person requesting the removal of an abandoned, public nuisance, or junked motor vehicle from private property to indemnify the city against any loss, expense or liability incurred because of the removal, storage or sale thereof.

(Ord. No. S2002-014, § 1, 8-5-2002)

Effective on: 11/18/2013

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-4: Use Standards

30-4.D. Accessory Use Standards

30-4.D.3. Specific standards for certain accessory uses

t. Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment

1. *Intent*

It is the intent of this subsection to prohibit the customary or continual parking of commercial or other vehicles engaged in activity exceeding personal transport on streets and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited. Certain trailers, campers and RVs are permitted under specific conditions, as noted below. Sections 16-311 Parking of Vehicles in Residential Districts and Sections 27-1, 27-7, and 27-11 in Trailers, Manufactured Homes and Manufactured Home Parks may also be applicable.

2. *Applicability*

The standards in this subsection apply to trucks with more than two axles or that exceed 13,000 pounds of gross vehicle weight rating, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

3. *Standards*

- a. Heavy trucks and trailers with a rated capacity exceeding two and one-half tons, or major recreational equipment, shall not be parked or stored on public right-of-way in a residential zoning district except for the purposes of active loading or unloading.
- b. No heavy truck or multi-axle trailer shall be parked or stored in any front yard, corner side yard, or in any location where it is closer to a street right-of-way than the principal structure within a residential or mixed-use zoning district.
- c. Major recreational equipment may be stored in the rear yard within a residential district provided the equipment is at least six feet from all lot lines.
- d. Major recreational equipment may be exempted from the occupancy standards in this subsection following approval of a Temporary Use Permit for a maximum period of ten days during a calendar year.
- e. RVs, campers and single axle boat and single axle utility trailers may be parked or stored in front or corner side yards in residential districts in areas meeting the district parking standards (see 30-5.A.5 Parking Standards for Residential Development) and provided they are not used for overnight occupancy at any time except as provided under a Temporary Use Permit (also see Sec. 16-311 and Chapter 27), and when meeting the following conditions:

1. The vehicle or trailer must be in operable condition and have a current license for use on public roadways;
 2. Items such as motorcycles or boats may be stored on the trailer but any item on a trailer shall be secured and ready for travel on public roadways and kept in neat, attractive condition at all times; and
 3. Items over eight feet in height must be kept at least six feet from all property lines.
- f. Approval to park or store multi-axle trailers in front or corner side yards in residential districts may be requested through the Neighborhood Compatibility Permit process (see Sec. 30-2.C.21. Neighborhood Compatibility Permit). Approval will require the applicant to demonstrate such storage would be compatible with the neighborhood and there would be no negative impact on the surrounding residential properties; conditions may be imposed on the approval.

30-4.D.3. Specific standards for certain accessory uses

t. Storage or Parking of Heavy Trucks, Heavy Trailers, Light Trailers, Buses, RV's, Campers, Boats, Major Recreational Equipment, Construction Equipment and Farming Equipment in Residential or Mixed-use districts.

1. Intent

It is the intent of this subsection to regulate the customary or continual parking or storage of heavy trucks, heavy trailers, light trailers, buses, major recreational equipment, construction equipment, farming equipment or other such vehicles on the streets and within the yards located in residential districts since their presence impacts the intended residential character of the city's neighborhoods.

It is not the intent of these standards to prevent the occasional, temporary or exempt parking of such vehicles or equipment as necessary for the purposes of loading, unloading or conducting permitted activities; however, the continual or customary parking or storage of such vehicles, trailers or equipment for any period greater than two hours shall be enforced. Certain Light trailers, Campers, RV's, Major Recreational Equipment and Boats are permitted under specific conditions, as noted below.

Sections 16-311 Parking of Vehicles in Residential Districts and Sections 27-1, 27-7, and 27-11 in Trailers, Manufactured Homes and Manufactured Home Parks may also be applicable.

2. Applicability

The standards in this section apply to Heavy trucks, Heavy trailers, Light trailers, Buses, RV's, Campers, Boats, Major recreational equipment, Construction equipment and Farming equipment parked in residential or mixed-use zoned districts for any period greater than two hours unless exempted.

3. Definitions

The following definitions will be applied when enforcing this section of the code:

- a. *Heavy trucks* – Trucks or vehicles designed for commercial applications and the truck or vehicle has a Gross Vehicle Weight Rating as listed by the manufacturer of greater than 19,500 pounds.
- b. *Heavy trailers* – Trailers designed for commercial applications where any of the following conditions exist:
 - i. The trailer is registered with for hire license plates.
 - ii. The trailer is longer than 24 feet.
 - iii. The trailer is capable of hauling multiple cars, trucks, suv's or vans.
 - iv. The trailer has a Gross Vehicle Weight Rating exceeding 14,000 pounds.
 - v. The trailer was originally equipped with three or more axles.
- c. *Light trailers* – Trailers originally equipped with two or less axles designed for personal use, recreational use and light non-for hire commercial applications. Examples include small utility and cargo trailers, trailers for hauling canoes, kayaks, all-terrain vehicles, off-road utility vehicles, golf carts and motorcycles, trailers used to haul landscaping mowers and equipment, trailers utilized for tool and material hauling by homeowners and contractors.
- d. *Buses* – any vehicle originally designed or used to transport more than 13 passengers (driver plus all occupants) on public roads.

- e. *RV's* – Recreational Vehicles originally designed to be used on public roads and/or for off-road recreation.
- f. *Campers* – Equipment towed or hauled by another vehicle with the original designed use for recreational sleeping and living
- g. *Boats* – any watercraft requiring registration to operate on the waterways of North Carolina (example: fishing boats, pleasure boats, pontoon boats, ski boats, jet skis, sail boats, etc.)
- h. *Major Recreational Equipment* – See 30-9.D
- i. *Construction Equipment* – any self propelled equipment, towed equipment or the like used in construction or production to include but not limited to: cranes, lifts, equipment trailers, aerial platforms, excavators, skid steers, backhoes, dozers, loaders, dump trucks, dump trailers, pumps, compressed air machines, power generators, lighting towers, camera platform trailers, mobile stages, mobile radio antennas, boring machines, trenchers, concrete pumping equipment, concrete finishing equipment, etc.
- j. *Farming Equipment* – any self propelled equipment, towed equipment or the like used in farming, land clearing, site work or forestry operations to include but not limited to: tractors, plows, combines, planters, grain haulers, bailers, harvesters, fertilizers, cutting decks, log haulers, equipment trailers, excavators, skid steers, backhoes, dozers, loaders, dump trucks, graders, earth haulers, compactors, dump trailers, pumps, compressed air machines, power generators, lighting, produce haulers, produce trailers, turkey or chicken trucks and trailers, horse trailers, hog haulers, byproduct haulers, etc.

4. Standards

- a. Except where exempt, the following vehicles are prohibited from being parked or stored in the public right-of-way:
 - i. Heavy trucks
 - ii. Heavy trailers
 - iii. Light trailers
 - iv. Buses
 - v. RV's, Motorhomes, Campers or Boats
 - vi. Major recreational equipment
 - vii. Construction equipment
 - viii. Farming equipment.

- b. Except where exempt, the following vehicles shall not be parked or stored on private property outside of a fully enclosed building constructed in accordance with the State of North Carolina Building Code.
 - i. Heavy trucks
 - ii. Heavy trailers
 - iii. Buses
 - iv. Construction equipment
 - v. Farming equipment

- c. The following may be parked or stored in rear yards or side yards provided the vehicle or equipment is at least six feet from all property lines, fences or other structures.
 - i. Light trailers
 - ii. RV's, Motorhomes, Campers or Boats

iii. Major recreational equipment

d. The following may be parked or stored in the front or corner side yards in areas meeting the district parking standards (see 30-5.A.5 Parking Standards for Residential Development) and provided they are not used for overnight occupancy at any time except as provided under a Temporary Use Permit (also see Sec. 16-311 and Chapter 27), and when meeting the following conditions are met: 1. The vehicle or trailer must be in complete operational condition and when required must display a valid license plate for use on public roadways; 2. Items such as motorcycles or boats may be stored on a Light trailer but any item on a Light trailer shall be secured and ready for travel on public roadways and kept in neat, attractive condition at all times; and 3. Items must be kept at least six feet from all property lines.

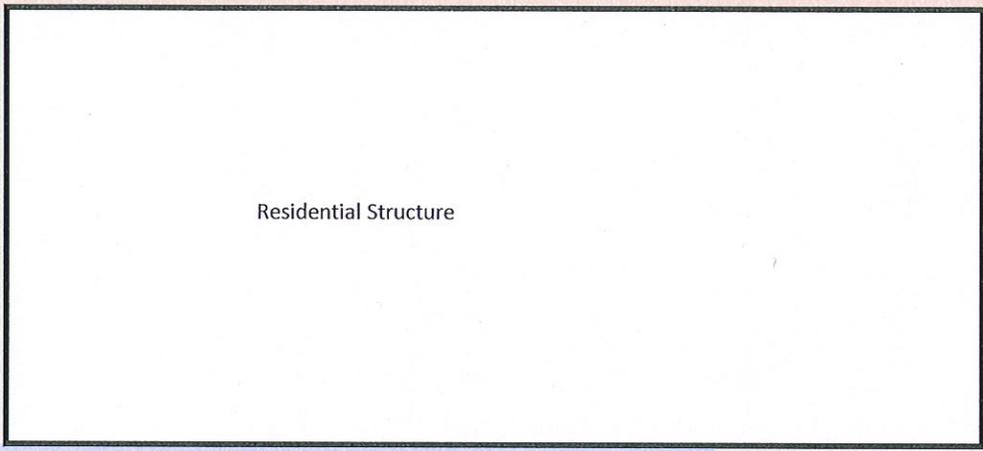
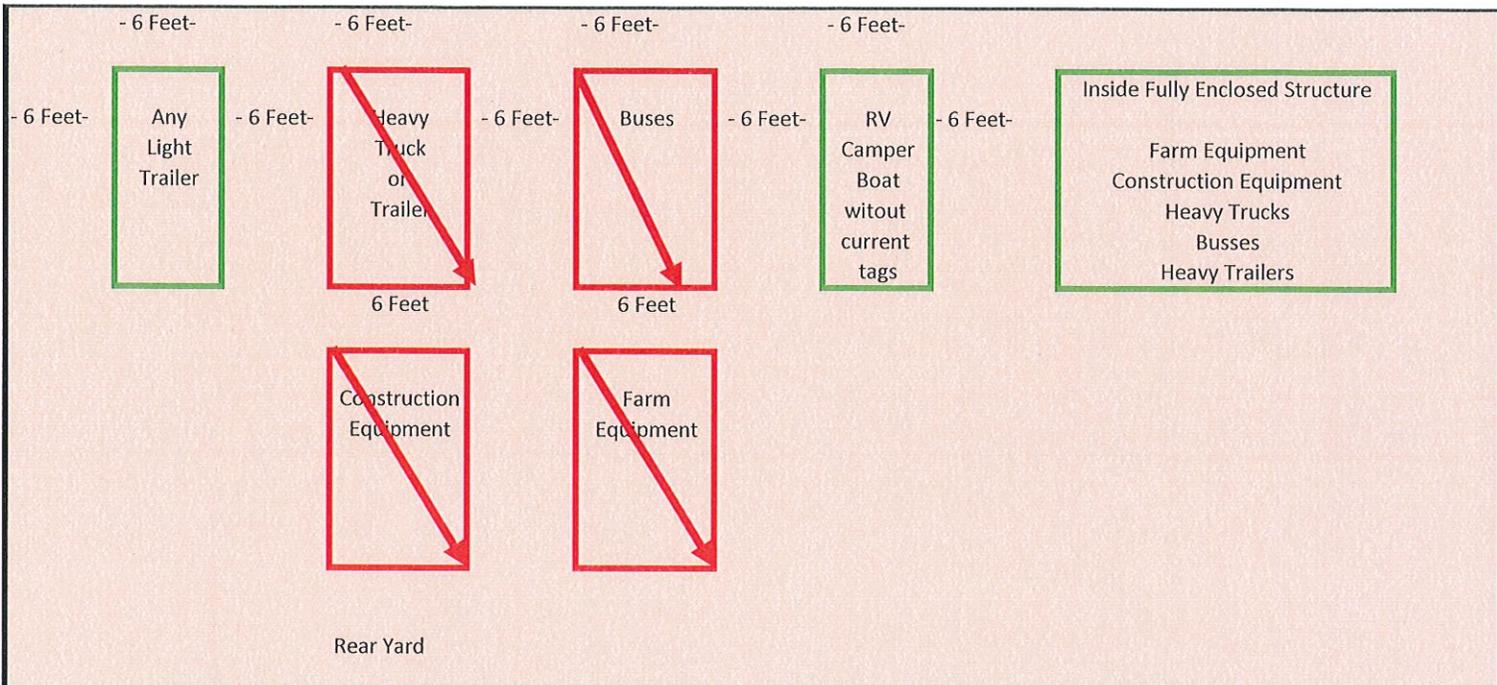
i. Light trailers

ii. RV's, Motorhomes, Campers or Boats

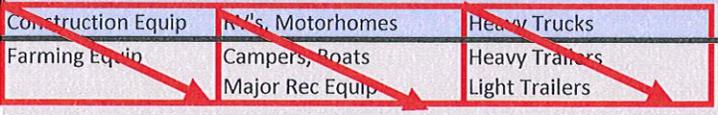
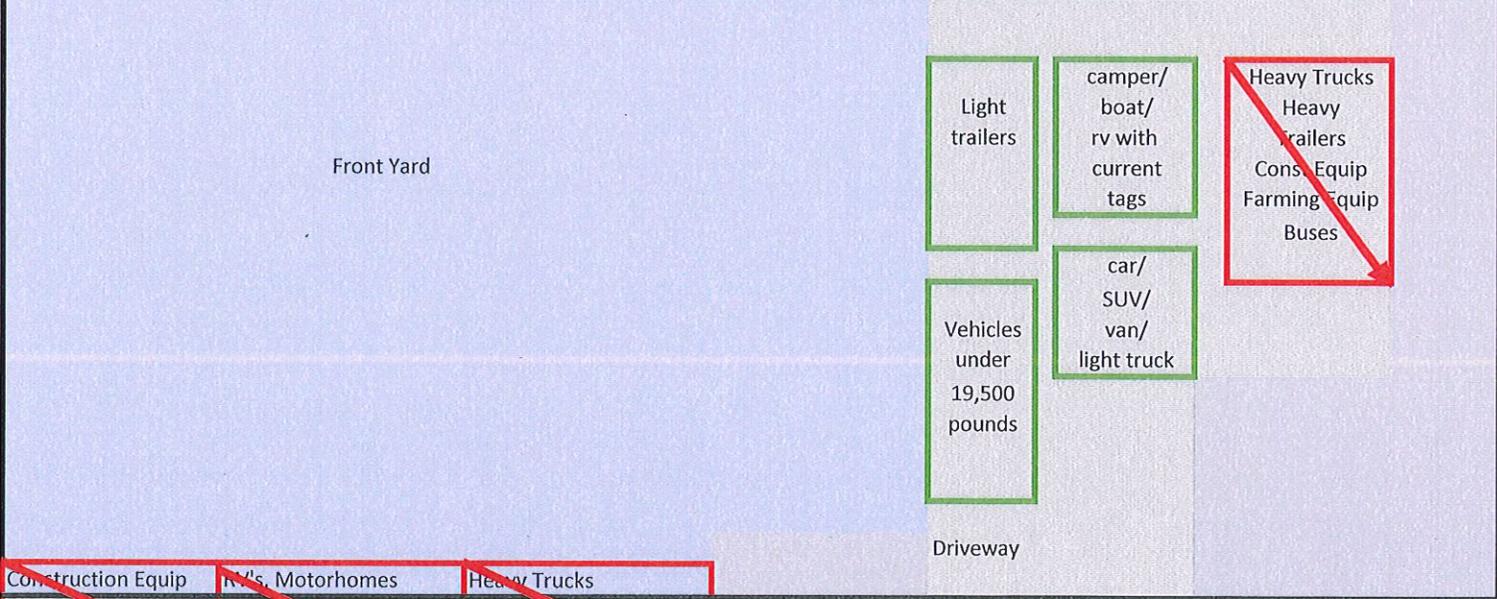
iii. Major recreational equipment

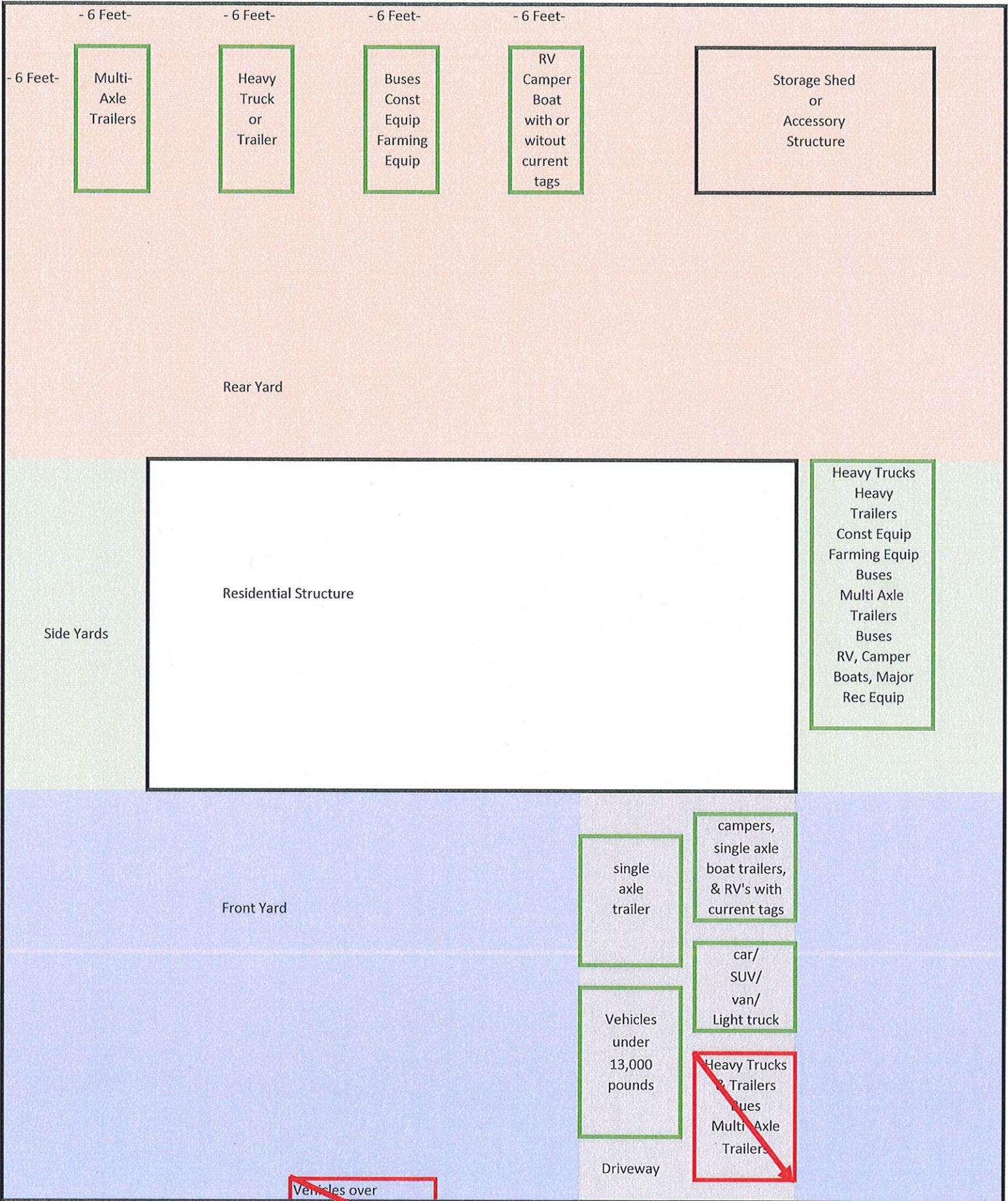
e. RV's, Campers and Major recreational equipment may be exempted from the occupancy standards in this subsection following approval of a Temporary Use Permit for a maximum period of ten days during a calendar year.

f. Heavy trucks, Heavy trailers, Light Trailers, Construction equipment and Farming equipment being used to perform lot clearing, tree removal or construction related activities related to new construction, renovation, repairs, improvements, development of streets, public infrastructure work, utility work or projects on private property shall be exempt to parking restrictions on privately owned property only during the duration of the project. Use of the rights-of-way during such projects shall be subject to standards found in Chapter 24 Section 5 (Right-of-way Encroachment Agreement) of the city code.



Side Yards





- 6 Feet-

Multi-Axle Trailers

Heavy Truck or Trailer

Buses Const Equip Farming Equip

RV Camper Boat with or without current tags

Storage Shed or Accessory Structure

Rear Yard

Residential Structure

Side Yards

Heavy Trucks Heavy Trailers Const Equip Farming Equip Buses Multi Axle Trailers Buses RV, Camper Boats, Major Rec Equip

Front Yard

single axle trailer

campers, single axle boat trailers, & RV's with current tags

car/ SUV/ van/ Light truck

Vehicles under 13,000 pounds

~~Heavy Trucks ? Trailers Buses Multi Axle Trailers~~

Driveway

~~Vehicles over 5,000 lbs~~