

Trailer and RV Parking in Residential Districts

AN ORDINANCE TO AMEND CITY CODE ARTICLES 30-4.D and 16-311 TO ALLOW PARKING OF RECREATIONAL VEHICLES, CAMPERS AND SINGLE AXLE BOAT AND UTILITY TRAILERS UNDER CERTAIN CONDITIONS IN RESIDENTIAL DISTRICTS

WHEREAS, the City of Fayetteville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on December 13, 2010, and is codified in Chapter 30 of the Fayetteville City Code (herein "Unified Development Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on July 25, 2011, and are on file and maintained in the offices of the Fayetteville Development Services Department (herein "Official Zoning Maps"); and

WHEREAS, the Fayetteville City Council held a public hearing on August 24, 2015, to consider amending certain provisions of the Unified Development Ordinance in Chapter 30-5 regarding the

WHEREAS, following the public hearing, the Fayetteville City Council determined that the proposed amendment is in the interest of the public health, safety and welfare; it is supported by adopted plans; and it meets the criteria for amendments to the Unified Development Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE THAT:

Section 1. Modify City Code Chapter 30-4.D Accessory Use Standards, Section 3. Specific Standards for Certain Accessory Uses, Item t. Storage or Parking of Heavy Trucks, Trailers or Major Recreational Equipment, to allow parking of trailers, campers and RVs in residential districts under certain circumstances, as follows:

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:
 - i. The vehicle or trailer must be in operable condition and have a current license for use on public roadways;
 - ii. 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
 - iii. 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 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.

Section 2. In Sec. 16-311, Parking of Vehicles in Residential Districts, correct the references to the single-family zoning districts from the old code to the district names in the new Chapter 30 Unified Development Code (SF-15, SF-10, SF-6 and MR-5).

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. The City Clerk and/or City Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the material terms of this Development Ordinance.

Section 6. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and become effectively immediately.

Adopted this the 14th day of September, 2015.

City of Fayetteville, NC

Nat Robertson, Mayor

ATTEST:

Pamela J. Megill, City Clerk