

## MEMORANDUM

To: North Ogden City Council

From: Craig C. Barker, Community Development Director

Subject: Planning Commission's recommendation regarding the parking of recreational vehicles for loading and unloading

The present regulation allows a homeowner to park a recreational vehicle on the public street for two consecutive days and not more than 10 days in one month for loading or unloading. The City Council asked the Planning Commission to review this portion of the ordinance as well as another portion which allows the RV to extend 10 feet in front of the front plane of the dwelling.

The Planning Commission reviewed this on February 15, 2012 (see minutes) and recommended that a statement for clarity of the ordinance be made which includes the use of the private driveway to loading and unloading as long as the street right of way, including the sidewalk is not blocked.

They also reviewed the proposed extension of the distance from 10 feet from the front plane of the dwelling to a closer measurement to the front property line. There was quite a discussion (see minutes) about this with the following recommendation; the 10 foot from the front plane of the dwelling remains and not be changed.

# NORTH OGDEN PLANNING COMMISSION

## MEETING MINUTES

February 15, 2012

### 4. DISCUSSION REGARDING NORTH OGDEN CITY'S RV PARKING ORDINANCE.

Commissioner Kiser mentioned the article in the Standard Examiner on the discussion the City Council had at their meeting regarding the City's recreational vehicle (RV) parking ordinance. Craig Barker said he wasn't at the meeting but he read the minutes. He said there were citizens who approached the City Council requesting the RV ordinance allow parking in the driveway for a time period to load and unload. He said the present ordinance only allows RV parking in the street for a maximum of two day to load and unload.

Mr. Barker discussed where an individual can park an RV on a residential lot. He referred the Planning Commission to Chapter 11-17-3C7. He explained this chapter refers to RE-20 and single-family zones, they are not talking about multi-family or commercial zones. He said they have a required front yard and side yards and these cannot be used for parking. He said currently the City requires two side-by-side parking stalls. He explained the parking cannot be located in the required front yard. He gave the example of the Blackhawk Townhomes that include a single garage and a parking pad next to it.

Craig Barker said parking in the rear yard is allowed. He said the minimum side yard area is usually six to 10 feet on each side depending on the zone. He said there is exclusion to the side yard requirement and referred the Planning Commission to Chapter 11-17-3A4. He said if additional parking of RVs takes place beyond two including the RV parking pad there are additional standards. He said the dwelling unit must have the minimum required off-street parking. He said the ordinance requires a slab to be eight feet wide and on corner lots a maximum of 12 feet wide and is sufficient to accommodate the length of the vehicle. The vehicle cannot be 10 feet past the front face of the home. He said that was one of the issues brought up at the City Council.

Commissioner Residori said he doesn't think many people are following the regulation. Craig Barker explained the City has enforcement issues because it does not have a Code Enforcement Officer.

Craig Barker drew a picture on the board to show the required side yards and where RVs are allowed to be parked. He said when someone comes in for a building permit staff looks at the required yard space. The front yard requirement is usually 30 feet and they measure that one foot inside the sidewalk.

Commissioner Kiser asked where that measurement begins if there is no sidewalk. Craig Barker said from the back of curb to the back of curb. The distance is normally 41 feet plus nine and a half feet on each side. So they would measure 9 ½ feet back from the curb if there is no

sidewalk. He said some streets are as small as 22 feet wide, but the right-of-way is 60 and 80 feet wide. They have to examine what that is. The law states the City owns the right-of-way for asphalt surface and a reasonable shoulder. Most judge a reasonable shoulder of five feet.

Craig Barker explained how yard spaces are defined. He said most required rear yards are 20 feet. He explained that most people tend to park in the driveway, although the ordinance doesn't allow it. He said they make an exception for trailers in the side yard if they are on a pad at least eight feet wide that does not extend 10 feet past the front plane of the home.

Craig Barker said they don't define the different trailers allowed. He said on a corner lot there is a required 40 foot site triangle. Nothing over two and a half feet tall can be in that area. He said there is a 20 foot side yard requirement on a corner lot.

Commissioner Brown asked if there is permanent parking, is a driveway approach required. Commissioner Thomas said the ordinance states the trailer has to sit on a slab, but a driveway approach is not required.

Craig Barker said when the ordinance was written there was an assumption the parking pad would be on the same side as the driveway. He said it doesn't always happen that way.

Commissioner Thomas asked if a person can have two curb cuts. Craig Barker replied two curb cuts are allowed. Craig Barker said they have debated whether a driveway to the RV parking pad is required; at this point it is not.

Craig Barker said the City Council requested the Planning Commission to consider allowing a person to park in the driveway for loading and unloading purposes. He said the Building Official is not necessarily issuing citations for trailers parked in the driveway for that purpose. The City Council has requested the Planning Commission clarify the ordinance to allow loading and unloading in the driveway. He said they can examine whether two days is sufficient or if that should be changed as well.

Craig Barker said the other issue City Council requested is to have the Planning Commission consider allowing the vehicle to extend more than 10 feet past the front plane of the house as it is regulated in the current ordinance. He said it was suggested to allow no closer than 10 feet from the front property line or 20 feet from the front face of the property line. He brought up an issue with RVs extending past the sidewalk. He said it can also be a hazard for someone backing out of a driveway because you cannot see past it.

Craig Barker said in his opinion, a person shouldn't impose on a neighbor and his view with an RV. He said they have to think about why they have the yard spaces and what do they want to maintain. He spoke about Mason's Cove subdivision and said the developers requested a reduction in the front yard setback to because of the hills. He said they approached the City Manager, Mayor, City Engineer, and himself. He said Mayor Harris said North Ogden is a city where they have the wide streets and yard spaces, and that is part of our identity. He said they need to consider the aesthetic and public safety. There was discussion on how the setbacks are measured if there is a slope.

Commissioner Residori said there are two issues; one is aesthetes and one is safety. The safety is the amount of time it can be parked in the driveway to load and unload. He said he cannot imagine loading and unload a trailer in two days. He said he would think it would take much more time.

Commissioner Blake said on the safety issue, the longest is a Ford Excursion which is around 19 feet. He said the problem he has is allowing an RV to be parked 20 feet past the front of the house. He said if the RV is 20 feet past the front plane of the house the driver cannot see past the RV when backing up. He said he could live with 15 feet, but there is no way he feels good about 20 feet. It becomes a safety issue. He said one suggestion made by a Council Member was to allow 10 feet from the front property line. Commissioner Knight said if you go past 15 feet there are some safety issues. Commissioner Kiser said he isn't crazy about the 15 feet. Commissioner Residori agreed.

Commissioner Brown said they are all assuming that it is an average home. She said she has seen fifth –wheels and motor homes sticking out there. Commissioner Knight said people will push the envelope. Commissioner Brown said if you keep giving people more the trailer will be sticking out past the driveway.

Commissioner Knight said he is a firm believer in property owner rights. If you do nothing there will be issues, if you do something there will be issues. Commissioner Kiser said a property owner's rights extend to the neighbors' rights. He said if you have something in there that is blocking their view of Ben Lomond's peak that is a right he is giving up.

Commissioner Residori said in a cul-de-sac a person has a three car garage on one side and their trailer is on the other side. He said it doesn't stick out to the sidewalk but his neighbor grumbles about it because he shouldn't be parking there and he complains about the aesthetics. He said there has to be some reasonable things people do.

Commissioner Residori said he is not a camper, but there are a lot of other places to park RVs. Commissioner Brown said there is an obligation that comes with ownership of an RV.

Craig Barker said in 1978 they addressed the issue of parking trailers. He said they didn't allow parking trailers in side yards. He said when they changed the ordinance to allow them the homeowner had to put up an eight foot high fence on the side yard. He said that is no longer the requirement.

Commissioner Kiser said he doesn't have a problem with parking a trailer in the driveway to load and unload. Craig Barker said the Building Official is not ticketing people for doing that, but the City Council wants to specify that in the ordinance. Commissioner Kiser agreed with clarifying the ordinance.

Commissioner Brown asked if they should put a time frame on what temporary is, because to some people it may be two weeks. Craig Barker agreed and stated right now the time frame is

two days. Commissioner Kiser said he does his own maintenance and repairs on his RV and two days is pretty tight for him.

Commissioner Knight asked for clarification on Section three and four of Chapter 11-10-22. He said there is a statement that the occupancy is prohibited. Craig Barker replied a person cannot live in the trailer. Commissioner Residori asked if an RV is parked in the driveway for two days can someone live in it. Craig Barker replied no. He said people occasionally do that, it happens. Commissioner Kiser said that might be hard to enforce. Commissioner Residori said they may want to specify that.

Commissioner Thomas said the ordinance Commissioner Knight is referring to is 11-10-22 and was included in the packet. Craig Barker said that section in the ordinance applies to more than one zone. Commissioner Kiser said they would need to make the changes in both sections of the ordinance.

Commissioner Quinney asked if Craig Barker was at the City Council meeting when they discussed this. Craig Barker said no. Commissioner Quinney asked what they want us to do. Craig Barker said the Mayor sent him an email asking the Planning Commission to address the use of the driveway and how far the trailer can extend.

Commissioner Residori said the discussion began with a person requesting to park on the driveway because it is much safer than parking it in the street. Commissioner Thomas said the resident was complaining because the trailer is not allowed in the driveway but can be parked in the street.

Craig Barker read Section 11-10-22 in the City Zoning Ordinance. Commissioner Residori said in the City Council minutes they requested the Planning Commission to look at the two day restriction and the loading and unloading in the driveway. He said Council Member Bigler requested they add something to not block the sidewalk. Craig Barker said it is obvious that they cannot block the sidewalk because it is a public safety hazard. Commissioner Knight said it stands to reason when Commissioner Kiser is working on his trailer it may be over the sidewalk but as long as it is not unattended then that shouldn't be an issue. The problem is when people leave it there. Craig Barker said sometimes the tow tongue is sticking out onto the sidewalk.

Commissioner Knight said the City Council mentioned 20 feet and he is real nervous about that. He said anything beyond 15 feet would be pushing it and he would be happy with leaving it as is. Craig Barker said the City Council looks to the Planning Commission for guidance. He said the City Council will want to know the rationale they used for their decision.

Commissioner Knight said if you are in a Suburban, Excursion, or a long-bed crew cab if you go beyond the 10 to 15 feet the hitch is beyond the sidewalk before you can even see the sidewalk or any kids coming down the street. Commissioner Kiser said their rationale is it's a safety issue as well as an aesthetics issue.

Commissioner Quinney said anyone who has access to their side yard has to back over their sidewalk. He said some places you cannot hook up the trailer without being on the sidewalk. He

added that they would be parked on the driveway and the sidewalk for a considerable amount of time. Craig Barker said that person should park the trailer in the street and not leave it extending over the sidewalk. Commissioner Knight said if they are hooking a trailer up to a vehicle that is not a big deal.

Commissioner Knight said if the 10 foot plane does not change then they have at least 20 feet of clearance. Commissioner Thomas said if you pull in your driveway and you're loading and unloading you're not on the side of the house you are right in front. Commissioner Kiser said that is a good point, they could leave it sitting there for two days with the tow vehicle attached to it.

Commissioner Knight suggesting letting them park it in the driveway for two days; they just can't impede the sidewalk. Commissioner Thomas said Utah State Laws overrules the Planning Commission. He said by State law you cannot block it, so they do not need to address the sidewalk.

Commissioner Kiser said they are all in agreement on keeping the current 10 feet regulation the same. He said he is ok if they are loading and unloading, but the ordinance shouldn't allow the sidewalk to be block with an unattended vehicle.

Commissioner Knight said not everyone will be happy with what we decide or what City Council decides. He said they need to consider having the ordinance in place so North Ogden City is not liable. If people follow it, it is their choice.

Commissioner Brown said they constantly get into an issue that takes enforcement, but they do not have an enforcement person. She asked is that even on the horizon. Craig Barker replied no.

Commissioner Knight said it will be up to the citizens, if someone is perturbed by their neighbor who is not following the ordinance then they would make a call and it is addressed.

Commissioner Thomas said they have two things to address; first is the ability to park the trailer in the driveway and if they want to leave the two day time frame the same. He said a separate issue is the distance for permanent parking.

Commissioner Knight said he is fine with the two days. He said the caveat they need to add is they cannot impede onto the sidewalk. He said you could pull out and load the trailer. He said if you are loading the RV or are present, then it is alright to impede the sidewalk.

Craig Barker said they could put in the ordinance a statement saying if you, because of the nature of the driveway and the vehicles you would have to park over the public right-of-way, it shall remain attended at all times.

Commissioner Quinney said if they allow parking on the sidewalk and something happens then the City will be liable.

Commissioner Knight said he suggested they add the caveat you cannot leave you vehicle impeding the sidewalk. Commissioner Brown asked if they want to include the word “unattended”. Commissioner Knight said he doesn’t think you have to say that. He said you have to keep it simple.

Craig Barker said they will draft a recommendation based on the discussion tonight. Commissioner Quinney said they do not want to allow the parking of the vehicle and not allow parking on the sidewalk at any time. Commissioner Knight said they should allow the parking in the driveway for two days to load and unload, but not allow the impeding of the sidewalk. He said they don’t want to allow parking over the sidewalk. Commissioner Quinney said they don’t want to allow the parking, you can’t say you can do that any time. Commissioner Residori asked if they want to specify the distance it can be parked from the sidewalk. The Planning Commission agreed with the time period.