

Ordinance No. 12-001

AN ORDINANCE TO AMEND SECTION 15.19 "STORAGE", "ZONING", IN THE CODE OF ORDINANCES OF THE CITY OF BELLEVILLE TO REVISE THE REGULATIONS FOR RECREATIONAL VEHICLE AND TRAILER STORAGE IN RESIDENTIAL DISTRICTS.

The City of Belleville ordains:

SECTION 1. "Section 15.19 - STORAGE" in Chapter 106, "Zoning" in the Code of Ordinances of the City of Belleville is hereby amended to read as follows:

- (A) In all Business, Office and Industrial Districts, the open storage of any equipment, vehicles, and all materials including refuse and waste materials, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall which may, depending upon the land usage, be required to be eight (8) feet in height. In no instance shall said obscuring wall or fence be less than four feet, six inches (4'-6") measured from the surface of the adjacent building footing. Open storage of trailer coaches may be permitted upon review and approval of the Board of Appeals. In granting approval, the Board of Appeals shall require storage in the rear yard and shall prohibit connection of utilities to the stored trailer, and further, shall prohibit occupancy of the trailer. The Board of Appeals may establish specific conditions in approving storage to insure that public health, safety, and welfare is maintained.
- (B) In Business, Office and Industrial Districts, a lot which is being used exclusively for a non-conforming residential use may store vehicles, including recreational vehicles, in conformance with the provisions of sub-sections (C) and (D) below, as long as no storage is occurring pursuant to sub-section (A) above.
- (C) In all Residential Districts, the storage of dismantled vehicles shall be within completely enclosed accessory structures.
- (D) In all Residential Districts, and on all parcels in other Districts which are being used for a non-conforming residential occupancy, the storage of recreational vehicles and trailers shall be subject to the following provisions:
 - (1) **INTENT:** The intent of this sub-section is to provide for the convenience and safety of recreational vehicle owners, while considering adjacent property owners by adherence to the parking and storage provisions of this section. Residents of Mobile Home

Parks and Subdivisions with Association Regulations are also subject to those Regulations. In addition, renters of apartments, duplex units or homes must also comply with the Landlord's restrictions.

It is recognized that the provisions herein will not satisfy all situations with regard to parking and storage of recreational vehicles but they are intended to best serve the vast majority of our community without being overly restrictive.

- (2) **DEFINITION:** For the purposes of this sub-section, the term "recreational vehicle" shall include but not be limited to: boats, pontoon boats, personal water craft, snowmobiles, all-terrain vehicles, off road or other altered vehicles, (as well as their trailers for storage), pop-up campers, pickup truck campers and tops, travel trailers, fifth-wheel units, motor homes and utility trailers of all types.
- (3) **SHORT-TERM PARKING:** A recreational vehicle may be parked on a public street or in any driveway with the permission of the owner of such lot for the purpose of loading or unloading the vehicle or for general maintenance not to exceed seven (7) days in any thirty (30) day period provided that the owner has obtained a permit to do so from the Belleville Police Department. Parking for other purposes or for a longer time period shall be considered "STORAGE" under this section and be subject to the provisions which follow:
- (4) **STORAGE – GENERAL PROVISIONS:** All stored recreational vehicles shall be stored in compliance with the following provisions:
 - (a) Boats and portable recreational vehicles shall be on trailers and stored without the benefit of cradles or other artificial stationary supports; provided, that truck camper bodies may be stored on the supports provided if the supports are integral to the camper body. The area under and surrounding the stored units shall be kept free of debris, weeds and unsightly vegetation. Ragged, torn or flapping covers shall be repaired, replaced or removed.
 - (b) All recreational vehicles shall be fully operable, readily movable, kept in good repair, and display the current license plate and/or registration as may be appropriate under state law of the particular type of vehicle.
 - (c) No person shall remove or cause to be removed the wheels or tires from any stored recreational vehicle except for the

purpose of repair, which shall be limited to the time allowed under a permit issued pursuant to subsection (3) above.

- (d) No person shall spill or drain any wastewater or waste liquid of any kind from any recreational vehicle upon the ground or paved area.
 - (e) Recreational vehicles shall not be used for general storage, including explosive materials or flammable liquids in movable containers.
- (5) **STORAGE - LOCATION:** All stored recreational vehicles shall comply with one of the following three provisions:
- (a) To reduce visibility of the stored recreational vehicle to street traffic and neighbors, a recreational vehicle shall be allowed to be placed behind the front building line of the main structure on the lot, or behind that portion of the front building line of the main structure which is farthest from the front lot line if the front building line is not a continuous straight line. When located in the rear yard, storage shall meet the requirements of Section 15.11 ACCESSORY BUILDINGS in this Chapter. When located in the exterior side yard of a corner lot, screening of the visible side of the recreational vehicle shall be required. For all lots, including lakefront lots, the front of the lot shall be considered to be the side adjacent to the street as defined in Article II DEFINITIONS. The footprint of the recreational vehicle shall be considered as the rectangle created by the measurements of the length and the width of such vehicle.
 - (b) A recreational vehicle may be stored under a permit issued by the Building Official, subject to satisfying the conditions which follow: (Building Officials review will be completed within thirty (30) days of owner's written submission)
 - (1) The use shall be necessary because of the peculiar shape, exceptional narrowness or shallowness, topography or area of the lot, as shown on the site plan of the proposed storage location.
 - (2) The neighbors on adjacent parcels, including the parcel immediately across the street from the proposed storage location and on either side of that parcel, shall be requested by the Building Official to

indicate in writing their individual approval of the proposed storage location and screening; and if one or more of these neighbors declines to give approval, then a permit shall not be issued under this subsection (b).

- (3) Aesthetically acceptable screening shall be provided to the extent practical. Screening may shall include evergreen trees and bushes, or other natural material. A permit shall not be issued under this sub-section if the relocation or removal of existing fencing would allow use of part of the side and/or rear yards in compliance with this Chapter.
 - (4) No recreational vehicle in excess of twenty-eight (28) feet in length shall be stored under a permit issued pursuant to this subsection.
- (c) A recreational vehicle may be stored as a variance from the Zoning Board of Appeals, subject to satisfying the conditions which follow:
- (1) The use shall be necessary because of the peculiar shape, exceptional narrowness or shallowness, topography or area of the lot, as shown on the site plan of the proposed storage location.
 - (2) Aesthetically acceptable screening shall be provided to the extent practical. Screening shall include evergreen trees and bushes, or other natural material. Special approval shall not be granted if the relocation or removal of existing fencing would allow use of part of the side and/or rear yards in compliance with this Chapter.
 - (3) No recreational vehicle in excess of twenty-eight (28) feet in length shall be stored under a special use permit issued pursuant to this subsection.
 - (4) The neighbors on adjacent parcels, including the parcel immediately across the street from the proposed storage location and on either side of that parcel, shall be notified and given an opportunity to appear at the variance hearing.

- (6) **TEMPORARY OCCUPANCY:** When placed in an approved storage location, a travel trailer, fifth-wheel unit, pop-up camper, or motor home may be occupied subject to the following conditions:
- (a) The owner of the property where the vehicle will be stored shall obtain a permit from the Police Department which shall include the property owner's name and address, the description and license plate number of the vehicle to be stored, the name and address and number of persons who will occupy the vehicle, and the beginning and ending dates during which the vehicle will be occupied.
 - (b) The time period for such occupancy shall not exceed two (2) consecutive weeks, nor four (4) weeks in any twelve (12) month period.
 - (c) The occupant shall be an invited guest (not a rent-paying tenant) of the owner/occupant of the permanent residence on such lot.
 - (d) The invited guest shall have written consent signed by the owner/occupant of the permanent residence, and shall have reasonable access to the sanitary facilities of the residence.

SECTION 2. Section 4.2(f) in Chapter 106, "Zoning", in the Code of Ordinances of the City of Belleville is hereby repealed in its entirety.

SECTION 3. PENALTY.

Any person violating this ordinance is guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

SECTION 4. RIGHTS.

Rights and duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

SECTION 5. SEVERABILITY.

Should any section, clause or paragraph of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance, as a whole or part thereof other than the part declared invalid.

SECTION 6. REPEAL.

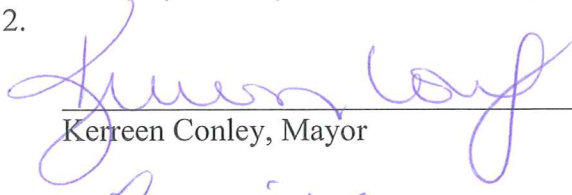
All other ordinances inconsistent with the provisions of this ordinance are to the extent of such inconsistencies hereby repealed.

SECTION 7. EFFECTIVE DATE.

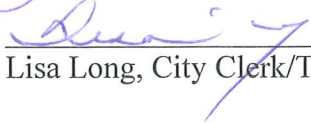
This Ordinance shall be effective on March 6, 2012 and after publication.

ORDINANCE NO. 12-001

ADOPTED, APPROVED AND PASSED by the City Council of the City of Belleville, this 21st day of February, 2012.



Kerreen Conley, Mayor



Lisa Long, City Clerk/Treasurer

Agenda Date: February 21, 2012

VERIFICATION OF PUBLICATION

I further certify that the foregoing was published in the Belleville Area Independent, a newspaper of general circulation in the City of Belleville, on the 1st day of March 2012.



Lisa Long, City Clerk/Treasurer

Within 20 days after publication of any ordinance duly passed by the Council, a petition may be presented to the Council protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by registered qualified electors of the City in numbers equal to 25% of the total votes for Mayor at the last regular City election prior to filing of the petition. Said ordinance shall thereupon and thereby be suspended from operation of the Council shall immediately reconsider such ordinance.

Ordinance No. 12-001

An Ordinance to amend Section 15.19 "STORAGE, "ZONING", in the code of ordinances of the City of Belleville to revise the regulations for recreational vehicle and trailer storage in residential districts.

CERTIFICATION

The foregoing Ordinance was duly adopted by the City Council of the City of Belleville at its regular meeting called and held on the 21st day of February 2012, and was ordered to be given publication in the manner required by law.



Lisa Long, City Clerk/Treasurer

PC Public Hearing: January 12, 2012

Adopted: February 21, 2012

Published: March 1, 2012

Effective: March 6, 2012