

Village of Lancaster Local Law \_\_\_\_\_ of the year 2022

A Local Law to amend the Village Code as to the storage and off street parking of trailers and recreational vehicles

Whereas the Village Board of the Village of Lancaster wishes to amend the Village Code to establish unambiguous standards and regulations as to the storage and off street parking of trailers and recreational vehicles within the Village and the process whereby, in cases presenting hardships, exceptions to the application of such standards and regulations may be granted;

Now;

Be it enacted by the Village Board of the Village of Lancaster, New York as follows:

**1. Chapter 329 “Vehicles, Recreational” of the Village Code shall be amended to read as follows:**

Chapter 329. Vehicles: Storage and Parking of Recreational Vehicles and Trailers

§ 329-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**PARKING, PARKED**

The temporary placement of a recreational vehicle or trailer for a continuous period of time not exceeding 72 hours. Continuity of a single period shall not be considered broken or terminated unless the recreational vehicle or trailer involved shall have been removed from the property owner's premises for a period of at least 24 consecutive hours.

**RECREATIONAL VEHICLE**

A motorized or non-motorized vehicle which as manufactured or as modified contains sleeping facilities for habitation, including but not limited to camper vans, mobile homes and pickup campers.

**STORAGE, STORE, STORED**

The placement of a recreational vehicle or trailer at a given location within the Village for a continuous period of time exceeding 72 hours.

**TRAILER**

A vehicle which as manufactured or as modified is to be towed by another vehicle, including but not limited to a boat trailer, a travel trailer, a recreational vehicle commonly referred to as a fifth wheel and a utility trailer.

§ 329-2. Parking and storage regulations.

A. There shall be no restriction on the parking or storage of a recreational vehicle or a trailer if the entire vehicle is parked or stored within an enclosed garage.

B. On street parking of a recreational vehicle or a trailer upon a Village street shall be as restricted by state and local law including but not limited to Village Code §§325-20.A., 325-20.D., 325-20.F., and 325-20.G.: "No Parking any time".

C. Subject to §329-3, the following prohibitions shall apply to the storage and off street parking of recreational vehicles and trailers:

(1) There shall be no outdoor storage of a recreational vehicle or trailer.

(2) Recreational vehicles and trailers over 30 feet in length may not be parked outdoors.

(3) Recreational vehicles and trailers 30 feet in length or less may be parked off street under the following restrictions:

(a) Recreational vehicles or trailers parked within a C or M-1 district may be parked in compliance with §350-32 of the Village Code "Location of open off street parking".

(b) Recreational vehicles or trailers parked off street in Village zoning districts other than a C or M-1 district must be parked:

[1] In such a manner so as not to encroach upon any required front yard or side yard setback areas as set forth in §§ 350-28 and 350-29 of the Village Code or within five feet of any rear lot line

[2] In such a manner so as not to restrict visibility of traffic using any adjacent public street.

[3] In such a manner so that its wheels are at all times blocked or otherwise rendered immobile so as to prevent any movement while it is in a stopped position.

[4] If the recreational vehicle or trailer is parked between the front building line and the street it must be parked upon an area which is used for access to a garage or other permitted off-street parking area. For example, there shall be no parking on a front lawn.

### § 329-3. Exceptions.

A. Pursuant to paragraphs B through G of this section, upon application of a property owner for permission to park or store a recreational vehicle or trailer owned by the property owner or resident of the property upon the property owner's property, exceptions to the regulations promulgated at §329-2 relating to outdoor storage or parking of a recreational vehicle or trailer may be granted by the Village Board.

B. All applications for an exception pursuant to this section shall be submitted in writing to the Village Clerk, who shall promptly forward the application to the Chair of the Planning Commission.

C. The application shall include an appropriate diagram or surveyor's plan of the property involved clearly delineating why the vehicle cannot be stored within an enclosed garage or parked in compliance with § 329-2 and further delineating where the recreational vehicle or trailer would be parked or stored if the application were granted.

D. Upon receipt of a complete application from the Village Clerk, the Planning Commission shall set a time as soon as reasonably possible to hear the application, but not sooner than 14 days in advance of written notice of the date of the hearing which the Planning Commission shall arrange to be provided to the applicant. The Planning Commission shall also arrange to be provided to the applicant at the time written notice of hearing is provided, a form affidavit of mailing to be completed by the applicant or resident of the property and returned to the Village Clerk not later than one day before the hearing verifying that the applicant or resident of the property, at least seven days before the hearing, mailed a copy of the hearing notice and complete application to the owners of all bordering properties, including bordering properties with a different street name address, i.e. corner and back yard neighbors, as shown by the records of the Town Assessor. A property separated by a Village roadway, i.e. across the street, shall not be considered a bordering property.

E. At the time of the hearing, when considering whether the application should be granted by the Village Board, the Planning Commission shall take into consideration the following:

(1) Whether the application of storage or parking restrictions set forth at §329-2 would impose unnecessary, unavoidable and unreasonable hardship upon the applicant.

(2) Whether the proposed location is hazardous including, but not limited to, the obstruction of necessary sight lines for traffic, for the residents of the property, for the neighbors, and/or for the general public.

(3) Conditions and restrictions to be imposed to mitigate any hazardous condition or safety issue.

(4) The detriment to nearby properties, including aesthetics, resulting from the visibility of the recreational vehicle or trailer at the proposed storage or parking site.

(5) Mitigating conditions and restrictions such as required screening which might be imposed.

(6) Possible restrictions as to the permitted hours, days, or duration of permitted storage or parking.

(7) Alternative storage or parking locations which may address the applicant's hardship and ameliorate hazardous conditions, safety issues and/or the detriment to nearby properties.

F. For good cause a hearing may be adjourned to or continued upon subsequent dates. Upon conclusion of the hearing before the Planning Commission, the Planning Commission shall promptly provide an advisory report to the Village Board of its recommended resolution of the application, together with the manner in which the Planning Commission applied criteria set forth in subparagraph E in reaching its recommendation. If approval of the application is recommended, the Planning Commission may include recommended conditions and/or restrictions including restrictions as to the permitted hours, days or duration of permitted storage or parking in accord with its authority as set forth above.

G. Upon receipt of the advisory report of the Planning Commission, the Village Board may deny or grant the application with or without conditions, and/or restrictions including restrictions as to the permitted hours, days or duration of permitted storage or parking. The Village Clerk shall provide the applicant at least 1 day advance verbal or written notice of the meeting during which the Village Board will consider the recommendation of the

Planning Commission. The Village Clerk shall arrange to provide written notice of the Village Board's determination to the applicant and the Village Code Enforcement Officer.

H. If an exception is granted, it shall be limited in its application to the particular property owner, resident and recreational vehicle or trailer for which the application was submitted.

I. The 72 hour restriction on parking set forth within the above definition of "parking" shall be stayed while an application for an exception is pending.

#### § 329-4. Prohibitions.

A. No recreational vehicle shall be used for purposes of habitation while parked or stored on an owner's property within the Village of Lancaster.

B. Other than recreational vehicles and trailers parked or stored in an enclosed garage, no more than one recreational vehicle or trailer may be parked or stored on the same parcel of private property within the Village of Lancaster. For purposes of this section a trailer hitched to a recreational vehicle shall be considered a single recreational vehicle.

#### § 329-5. Conflicting regulations.

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or the higher standard shall govern.

#### § 329-6. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, Penalties for Offenses, of the Code of the Village of Lancaster.

### **2. Section 325-18.B(6) of Chapter 350 "Zoning" shall be amended to read as follows:**

(6) Storage of recreational vehicles, trailers and boats stored on trailers owned by the occupant of the premises for his personal use, but only in a manner consistent with the terms of Chapter 329 "Vehicles: Storage and Parking of Recreational Vehicles and Trailers" of the Code of the Village of Lancaster.

### **3. This local law shall become effective the 20th day following its enactment.**