



MEETING OF MAY 2, 2023

TO: Mayor Jordan and City Council
THRU:
FROM: Blake Pennington, Assistant City Attorney
DATE:
SUBJECT: Ordinance to Establish Definitions and Regulations for Camping as a Conditional Use

RECOMMENDATION:

On April 5, 2023, the Ordinance Review Committee voted 3-1 to recommend approval of an ordinance defining campgrounds and camping and establishing regulations for camping citywide as a conditional use.

BACKGROUND:

DISCUSSION:

BUDGET/STAFF IMPACT:

ATTACHMENTS: AGENDA REQUEST CAMPGROUNDS CONDITIONAL USE - Council Members Hertzberg and Berna, Memo - Possible Amendment to Campground CUP regulations, Ordinance Review Agenda Packet April 5, 2023, Ordinance Review Agenda Packet March 15, 2023



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan
City Council**

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **April 14, 2023**

RE: **Possible Amendment to Definition of Campground**

Following the Ordinance Review Committee's vote on the amendments to the City's campground regulations, we received some feedback from City Attorney Kit Williams and Parks & Recreation Director Alison Jumper that suggest an amendment to the definition of campground may be appropriate.

By including public land in the definition of campground it means that public land would be subject to regulation for camping activities just like private land. While this may be appropriate for City property, we cannot regulate such activities on either state or federal lands.

Additionally, § 97.068 *Camping Prohibited* within Chapter 97 **Parks and Recreation** contains some specific exceptions to allow limited camping within parks when authorized by the Parks and Recreation Director. That section states:

No person in a park shall set up or use tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like without a Camping Permit approved by the Parks and Recreation Director. Boy Scouts and other groups who

have served the Parks and Recreation Department through approved work programs in parks may be permitted to camp at designated park campsites with an approved Camping Permit authorized by the Parks and Recreation Director. Tournament directors of park related sanctioned tournaments may be permitted to camp at designated tournament facility sites with an approved Camping Permit authorized by the Parks and Recreation Director. Special event and/or Race Directors and event participants may be permitted to camp at designated campsites with an approved Camping Permit authorized by the Parks and Recreation Director.

The City Council might consider the following options during your discussions on these amendments:

- 1. Remove "and public" from the definition of campground so that it reads "Private property used for camping purposes."**

This amendment would then remove the conditional use permit requirement for camping on any public land. Since the City cannot regulate state or federal property, it would have no effect on those lands. It would allow the City Council or the Mayor to establish separate regulations for camping on City property and it would be consistent with the regulations the City Council has already enacted for limited camping in § 97.068.

While there is some support in the law for the City to regulate certain activities on county or school district land, it may be appropriate to allow their governing bodies to regulate this type of activity on their property.

- 2. Change "public" to "City" so that it reads "Private or City property used for camping purposes."**

The City Council could require campgrounds on City property to adhere to the conditional use permit requirement. This could also be amended to include county or school district property, which would then exempt only state and federal land. I would also suggest exempting the existing camping regulations in § 97.068.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2023-682

Ordinance to Establish Definitions and Regulations for Camping as a Conditional Use

AN ORDINANCE TO AMEND § 151.01 DEFINITIONS AND ENACT § 163.12 CAMPGROUNDS OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO ESTABLISH REGULATIONS FOR CAMPGROUNDS AS A CONDITIONAL USE IN THE CITY OF FAYETTEVILLE

WHEREAS, the Ordinance Review Committee recommends approval of amendments to the Unified Development Code to codify definitions of campgrounds and camping, and to enact regulations for campgrounds to be permitted citywide as a conditional use.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 **Definitions** of the Unified Development Code by enacting the following definitions:

“Campground: Private or public property used for camping purposes.

Camping: To reside or dwell temporarily in a place, with shelter, including one or more of the specified activities:

1. Erecting any tent, tarpaulin, shelter, or other structure or temporary structure that would permit one to sleep overnight;
2. Using a vehicle for the purpose of sleeping, including but not limited to all types of recreational vehicles.

Camping shall not include incidental napping, picnicking, or personal use by the owner or tenant of a permanent residential dwelling.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 163.12 **Campgrounds** as follows:

(A) Campgrounds may be permitted citywide as a conditional use subject to the following minimum conditions:

1. *Consent.* The owner of the property shall provide written consent.

2. *Contact.* The owner of the property shall ensure current contact information is provided to the City for the owner or a responsible party.
3. *Owner or agent accessibility.* The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the location within three hours of being contacted.
4. *Sanitation.* Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.
5. *Waste.* The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.
6. *Setbacks.* The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.
7. *Access by the City.* The City shall be authorized to enter the property to ensure compliance with the City's ordinances and any conditions of approval.

(B) In addition to the factors set forth in § 163.02(C)(3), campgrounds are further subject to approval, denial, or additional conditions based on the Planning Commission's findings on the following factors:

1. *Duration.* Where appropriate, conditions may be applied limiting the duration of the conditional use permit or the duration of stay by campground users;
2. *Natural Hazards.* Potential natural hazards, including flooding and slopes, shall be considered in siting of camping areas and may be a factor for denial of a conditional use permit;
3. *Separation and Screening.* The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.
4. *Occupancy Limits.* The Planning Commission should consider limits on the number of occupants on the property with consideration for factors including, but not limited to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.
5. *Campfires.* Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.
6. *Noise.* The Planning Commission may apply conditions limiting noise emissions from the campground.
7. *Storage.* Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.