

How Real Estate Law Views Zoning and Parking Limitations

by Isaac Benmergui, Esq on June 25, 2014



That's always been one of the major points of examining whether or not a rental or home is viable: parking. Can you park your car right by your abode? Yes or no? If yes, great. If no, move on. It never did seem fair that a local government could pretty much state that you can or can't park here or there. What say you, reader? Let's visit North Carolina to review the real estate law there, though, for a more in-depth look at the answer to that.

Here's the thing about zoning and parking. In response to the most recent case involving Chapel Hill and their zoning laws with regard to parking, the arguments laid out by the plaintiffs, the landlords, stated this – enforcement of the apparent zoning law violates the due process as to *why* cars would be parked in any specified lot. That is to say, cars won't be allowed to park there just for *any reason*. This would allow parking for those under property residing and therefore shouldn't be penalized. The court, however, didn't buy that argument at all as the zoning law doesn't even address anything about "private property" in regards to residential, but it does focus on "privately owned public vehicular areas."

That's like saying a person's house, while next to a privately owned area for parking, has parking available due to that privately owned area just by default. The zoning real estate law then becomes a "parking law," which is nothing more than a fallacy.

This, however, raises a great question: should we talk about zoning then? Should property owners have a right to park *somewhere*? Should there be some rezoning measures taken? Or are we at an impasse at this point? So many questions, not many answers right now!

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