

2. **ZOTA 2013-5: PARKING & STORAGE OF BUSINESS VEHICLES, TRAILERS, EQUIPMENT AND ASSOCIATED MATERIALS** – petition for a Zoning Ordinance text amendment to regulate the parking and storage of business vehicles, trailers, equipment and associated materials in residential zones.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Note: Underlined text below indicates an addition, while ~~text stricken through~~ indicates a deletion to the current Zoning Ordinance.

ARTICLE 1-11: Definitions

STORAGE - The keeping, either indoors or outdoors, of equipment, vehicles, materials or supplies used in the conduct of a trade, business, or profession. ~~Storage does not include the overnight parking in residential zones of a single vehicle with no more than two (2) axles weighing no more than three (3) tons which, although used primarily for business, trade or professional purposes, also provides daily transportation to and from work.~~

ARTICLE 3: GENERAL REGULATIONS

3-9 Parking and Storage of Business Vehicles, Trailers, Equipment and Materials in Residential Zones

- a. One business vehicle per dwelling is permitted, provided it has no more than two (2) axles and a GVWR (gross vehicle weight rating) of no greater than 14,000 lbs. and is used for daily transportation to and from work. Such a vehicle must be parked on a permitted paved surface or on a legal nonconforming (existed prior to December 5, 2002) gravel surface. Dump trucks, box trucks, cube vans, high-roof cargo vans (greater than 8' height, as measured from ground to top of roof), earth-moving machinery, tow trucks, transport wreckers, semi-trucks and tractor-trailers, concession trucks and vans, and flat bed trucks are specifically prohibited, even if they technically comply with the above limits.
- b. One single axle business trailer per dwelling (open or closed), used in conjunction with an allowed business vehicle, may be parked or stored on a permitted paved surface or legal nonconforming gravel surface. Any such trailer is limited to a length of no greater than twelve (12) feet. Concession trailers are specifically excluded from this category of allowable trailers, even if they technically comply with axle and length limitations.
- c. Trailers, equipment or materials shall not be parked or stored on any public or private street.
- d. Equipment can be stored on any open portion of a vehicle or open trailer only if such equipment is of a type customarily used by a homeowner for residential maintenance purposes (e.g., ladders, wheelbarrows, lawnmowers, weed eaters). Equipment of a type not customarily used by a homeowner for residential maintenance purposes (e.g., concrete mixers, bobcats) is prohibited.
- e. Construction materials (such as siding or brick) and salvaged items (such as used appliances or scrap metal) may not be stored.
- f. Business activities (e.g., selling of merchandise or customer visits) shall not take place on the premises, except as allowed by home office provisions or as authorized by a conditional use approved by the Board of Adjustment. Corollary business activities such as the storage of merchandise or having employees report to the property are also prohibited.

ARTICLE 8: SCHEDULE OF ZONES

8-1 Agricultural Rural (A-R) Zone

8-1(e) Prohibited Uses in the A-R Zone

13. Storage, except as permitted herein and by Article 3-9.

The Zoning Committee made no recommendation on this request.

The Staff Recommended: Approval, for the following reasons:

1. This is a needed amendment to the Zoning Ordinance that will improve Zoning Enforcement efforts related to business activities that are taking place in residential areas. By providing specific provisions for allowable activities, enforcement will be much more efficient and will be able to respond appropriately to diverse situations.
2. The proposed amendment will allow a very limited range of business activities to take place in residential zones, at a scale and of a type that is not anticipated to be disturbing to surrounding properties.

Staff Presentation: Mr. Marx presented the staff report, and stated that, following the Zoning Committee meeting, there had been some concerns about limiting business trailers in residential areas to a single axle. He said that the staff verified that

12-foot trailers frequently have twin axles, so they were now proposing to delete the phrase "single axle." The text would then allow 12-foot trailers with two axles.

Mr. Marx stated that, at the Zoning Committee meeting, there was a great deal of concern about the proposal to restrict the contents of business trailers in residential zones. He said that the intent had been to limit the contents of trailers to items that could typically be seen on residential properties. The staff reviewed some past cases, and then determined that that provision of the proposed text would not be very beneficial, and could make enforcement more difficult.

Mr. Marx displayed the following photographs: 1) a trailer, less than 12 feet in length, with a water storage tank on the back. He said that, under the current provision, that trailer would not be allowed in a residential zone, because a large water tank was not an item that would customarily be found on a residential property. The staff determined that, in this instance, it would be more appropriate for the Ordinance to be less detailed about what types of materials would be allowed, rather than debating the merits of different types of materials. Mr. Marx stated that the staff would recommend deleting item "d" from the proposed text, as listed in the staff report and on the agenda, and re-lettering the remaining subsections.

Commission Questions: Mr. Cravens asked if the 12' length specified in the proposed text took into account the full length of the trailer with the tongue. Mr. Marx answered that manufacturers measure trailer length by the deck or bed length. To be consistent with the industry standards, the staff would not include the tongue length in the measurement.

Ms. Blanton stated that, at the Zoning Committee meeting, there had been some discussion about whether some trailer materials would be more unsightly than others. The consensus at that meeting was that it should not matter what type of material was being hauled on a trailer.

Mr. Penn stated that he was in agreement with the staff's recommendation to delete "single axle" from the proposed text, since most new 12-foot trailers were dual-axle. He said that he agreed with Ms. Blanton's comments, and he believed that the staff had addressed the Commission's concerns very well.

Mr. Cravens asked how this issue was handled in the past. Mr. Marx responded that, in the past, this issue was addressed dependent on how "storage" was defined. He said that a strict interpretation could vary from not allowing trailers at all, to adhering very closely to weight and item limits. Mr. Marx said that discussion had arisen in the past as to whether an attached trailer was included as part of the vehicle or not, so there was a need to clarify what types of trailers were allowable.

Commission Questions: Mr. Drake asked if the proposed text amendment would prohibit the overnight parking of the vehicles listed in a residential zone. Mr. Marx stated that that was correct. Mr. Drake asked if those vehicles were currently prohibited from parking overnight in residential areas. Mr. Marx answered that they were currently restricted based on the definition of "storage."

Citizen Comment: There were no citizens present to comment in this request.

Motion: A motion was made by Mr. Penn, and seconded by Ms. Mundy, to approve ZOTA 2013-5, for the reasons provided by staff, eliminating item "d."

Legal Comment: Ms. Jones stated that it was her understanding that the staff's proposal was to delete the language "single-axle" and replace it with "one business trailer."

Motion: Mr. Penn amended his motion to change "single-axle" to "business trailer," as recommended by staff.

Action: Mr. Penn's motion carried, 10-0 (Brewer absent)