

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2013-8: AMEND THE DEFINITION OF “VEHICLE STORAGE YARD”**

REQUESTED BY: L. Roberts Properties, LLC

PROPOSED TEXT: (Note: Underlined text indicates an addition, ~~text dashed through~~ indicates a deletion to the current Zoning Ordinance.)

**ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS**

**1-11 DEFINITIONS**

**VEHICLE STORAGE YARD** – A place where vehicles which bear a current license plate in accordance with state law and not used in the conduct of a trade, business, or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 60 days, a parking lot, truck terminal, automobile wrecking, or junk yards.

**STAFF REVIEW:**

The appellant, L. Roberts Properties, LLC, has requested a text amendment to Article 1-11 of the Zoning Ordinance in order to modify the definition of “vehicle storage yard.” Vehicle storage yards are allowed in the Zoning Ordinance as a conditional use in the Light Industrial (I-1) zone, although if they were approved prior to 1985, they are a principal permitted use in that zone. In the Heavy Industrial (I-2) zone, vehicle storage yards are a principal permitted use without restriction. The proposed change will allow the petitioner to explore the possibility of relocating their current vehicle storage yard to a larger site, without the need to locate in a Heavy Industrial (I-2) zone, which are fairly limited throughout the community.

The current definition allows a place for temporary storage of vehicles. However, the definition does not permit storage of any inoperable vehicles, or the wrecking/dismantling of vehicles. This text amendment would allow vehicles, regardless of condition, to be temporary stored in a vehicle storage yard for up to 60 days as long as the vehicle has a current license plate. A vehicle storage yard has commonly included a tow yard or facility, as well as storage of repossessed vehicles.

The petitioner is proposing what appears to be a minor change to the definition of this use in order to address what the petitioner calls a “practical problem” with the definition. Vehicle storage yards receive vehicles which have been towed for a number of reasons, including: parking in a restricted location, excessive parking violations, repossession by a lender, or due to involvement in an accident. In this way, vehicle storage yards typically provide for the temporary storage of both operable and inoperable vehicles. The vehicles are stored temporarily in the yard, pending release to a responsible party. The petitioner has informed the staff that a majority of vehicles towed to these yards are retrieved within 3 business days, but that state law requires that vehicles be kept on the property for 45 days in order to allow adequate time for the owner to retrieve the vehicle, or for an insurance adjuster to examine the vehicle and make a decision as to whether or not the vehicle can be repaired. If the vehicle is not retrieved by the owner or an insurance company, the vehicle storage yard may dispose of the vehicle after the 45-day time period.

No significant work is allowed to be performed on vehicles within the storage yard, it is simply a place where decisions are made as to the future of a vehicle. Vehicles cannot be dismantled, nor can vehicles without current registration and/or license plates be stored on the premises.

A strict interpretation of the current definition would require that inoperable vehicles be taken to an automobile wrecking facility, a junk yard, or directly to an automobile repair facility, as those are the only commercial facilities that will permit inoperable vehicles to be stored for more than 24 hours. In many cases, these options are not appropriate for a vehicle that has sustained accident damage or the vehicle’s owner is not able to make an immediate decision as

to the best place to store an inoperable vehicle. Promptly clearing the roadways of these vehicles is necessary in order to maintain traffic safety, manage incidents and avoid undue congestion within the community.

In 1999, a Zoning Ordinance text amendment (ZOTA 99-9) was approved by the Planning Commission and Urban County Council to modify the definition of vehicle storage yard, as well as the terms “junk yard,” “parking lot, area or structure,” and “storage.” The ZOTA also created a new definition for “truck terminal.” At that time the language about inoperable vehicles was added, as were the requirements for a current license plate in accordance with state law and the minimum duration of 24 hours. Collectively, these changes were intended to clarify the differences between these land uses. The two phrases which were added in 1999, and that will continue to distinguish a vehicle storage yard from the other uses, are that vehicles bear a “current license plate” and a kept “for 24 hours or longer.”

In reviewing the requested text amendment, the staff was somewhat concerned about the petitioner’s original proposal to limit storage of inoperable vehicles to of a maximum of 75 days. The petitioner and the staff met to discuss this concern, and the petitioner subsequently agreed to modify the proposed text amendment to reduce the maximum length of stay of inoperable vehicles to 60 days. A 60-day time limit is also consistent with recently enacted regulations for “temporary structures” – they are permitted as accessory uses for up to 60-days, and conditional uses for 61 to 180 days. The staff believes that this change is consistent with current business practices within our community and others around the nation. The staff would suggest a minor alteration to the definition to further clarify that the intent is only permit vehicles with a current vehicle registration and license plate.

Staff Alternative Text

**VEHICLE STORAGE YARD** – A place where vehicles which **have a current vehicle registration and** bear a current license plate in accordance with state law and not used in the conduct of a trade, business, or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 60 days, a parking lot, truck terminal, automobile wrecking, or junk yards.

The Staff Recommends: **Approval of the staff alternative text**, for the following reason:

1. The proposed text amendment to modify the definition of “vehicle storage yards” to permit temporary storage of inoperable vehicles for a maximum of 60 days is logical and consistent with state law, as well as community and national business practices.

TLW/WLS

7/31/13

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