

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2013-5: PARKING AND STORAGE OF BUSINESS VEHICLES, TRAILERS, EQUIPMENT AND MATERIALS IN RESIDENTIAL ZONES

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: See attachment

STAFF REVIEW:

This is one of four text amendments initiated by the Planning Commission as part of an effort to improve the effectiveness of the Division of Planning's Zoning Enforcement program. That program, which has historically responded primarily to citizen complaints, was transferred from the Division of Building Inspection to the Division of Planning on January 1, 2012. In residential zones, complaints received often relate to the parking and storage of vehicles and various other items associated with some type of business. While the Zoning Ordinance is generally clear about prohibiting most business activities in residential zones, there are some lingering areas of uncertainty and confusion that need clarification in order to improve enforcement effectiveness.

The current Zoning Ordinance prohibits storage, as that term is defined in Article 1-11, in all residential zones. The term "storage" is defined in a manner that specifically references equipment, vehicles or supplies used in the conduct of a trade, business or profession. The only exception to this broad prohibition is that a single vehicle, with no more than two axles and weighing no more than three tons, can be parked on an overnight basis in residential zones, if such vehicle provides daily transportation to and from work. The weight limit used to be enforced by a quick check of the vehicle's license plate, since there was a 6,000 lb. plate issued for many trucks in Kentucky for decades. Now, there are only 10,000 lb. plates issued. There is also no indication in the Ordinance as to whether or not the 3-ton limit is the unloaded weight of the vehicle or the Gross Vehicle Weight Rating (GVWR). These issues have resulted in enforcement difficulties on many occasions. In addition, there is no specific reference to parking on the street - just a reference to parking in "residential zones," which has also added an element of uncertainty to enforcement challenges. Finally, there are questions about what items can be stored in the single vehicle that may be allowed, and questions about trailers that are commonly attached to those vehicles. Overall, it is the staff's conclusion that it is difficult for a fairly complicated issue to be adequately addressed by the definition of a single term. It is therefore recommended that a new section with detailed criteria be added to Article 3 (in addition to the new section to address vehicle repairs).

This proposed amendment will create a new section in Article 3 of the Zoning Ordinance with specific provisions that outline what can and can't be done in terms of business-related parking and storage. Considerable detail has been included with regard to the single vehicle that can be parked on an overnight basis, with the recommendation that such a vehicle have a GVWR of no greater than 14,000 pounds, which is the equivalent of a Class 3 (light duty) commercial truck. It is also recommended that a number of vehicle types be excluded, even if they comply with axle and weight limitations, such as tow trucks and concession trucks and vans. With regard to trailers, the proposed guidelines allow a single trailer (open or closed) of no greater than 12' in length. That length limit was chosen because it is generally considered as reasonable for a small business (with no employees) and also not out of character with the type of trailer that many homeowners store on their property and use for private purposes.

In addition to vehicles and trailers, issues frequently arise regarding associated business equipment, materials and supplies. For example, over this past year a number of complaints were received about the storage of materials at residential properties that were part of small-scale recycling businesses. Complaints are also commonly received about contractors' equipment, such as for a roofing business, being stored either in the back of a pick-up or in the yard of a residential property. The proposed guidelines have attempted to address these issues, with the general approach of allowing only the type of equipment and materials that, even if for a business, are generally not out of character with what a typical homeowner customarily would have on their property.

The staff is hopeful that the proposed provisions will provide a meaningful framework for reasonably accommodating at least some small business needs but, at the same time, minimizing the potential for disturbing surrounding

properties. Although it could be interpreted as being a loosening of restrictions in some areas, on the balance the details and clarification provided will ultimately strengthen the regulations and improve the ability of enforcement staff to resolve compliance issues fairly and in a timely manner.

The Staff Recommends: **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.

JMM/TLW/BJR/WLS

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