

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

**ZOTA 2013-4: VEHICLE REPAIRS ACCESSORY TO A RESIDENTIAL USE**

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: See attachment

**STAFF REVIEW:**

This is one of four text amendments initiated by the Planning Commission in an effort to improve the effectiveness of the Zoning Enforcement program that was transferred from the Division of Building Inspection to the Division of Planning on January 1, 2012. Zoning Enforcement has historically been a complaint-driven process, and over the years a significant portion of the complaints received have related to vehicle repairs taking place in residential areas. There is a need for specific criteria to be established for this activity so that provisions are clarified and strengthened.

The current Zoning Ordinance prohibits both minor and major automobile and truck repair in all of the residential and agricultural zones. There is no distinction in that prohibition with regard to repairs taking place as a business and repairs taking place by residents that are working on their own vehicles. This has resulted in frequent uncertainty as to how aggressive enforcement efforts should be in some situations, and has also raised questions about the true intent of the current Zoning Ordinance. For example, when investigating a complaint enforcement staff are commonly told by a resident that they are simply repairing their own car, and in many cases the repairs being undertaken are very minor, such as changing tires or replacing brake linings. In those situations, staff has been very reluctant to proceed with enforcement actions because the activity appears to be reasonable, justified and necessary. Additionally, minor repairs are likely to be completed before the enforcement process is initiated and/or completed.

At the other end of the spectrum, investigating staff are frequently told by a resident that they are repairing a relative's or a friend's vehicle, when it is suspected that a business activity is actually underway. While certain indicators, such as a high turnover of vehicles being repaired, may support that a vehicle repair business is operating, it is difficult to prove. As a result, despite fairly aggressive enforcement efforts, the success rate for closing vehicle repair businesses in a reasonable time period is not at an acceptable level.

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 as an accessory use. Most importantly, major vehicle repairs would be permitted only if confined to the interior of a building, and minor repairs (including routine maintenance) would be permitted outside only for a limited duration of time. Also, vehicles under repair would be limited to just those that are registered to an occupant of the dwelling on the subject property. Repairs of a business nature would not be permitted at all, as is the current situation. With these provisions it is anticipated that residents will have a reasonable opportunity to repair their own vehicles, with minimal, if any, disturbance to surrounding properties. It is also anticipated that enforcement of business activities will be greatly facilitated by having provisions in place that do not unreasonably burden staff with having to document that exchange of currency has occurred for such services.

The Staff Recommends: **Approval**, for the following reasons:

1. This is a timely amendment to the Zoning Ordinance that is needed in order to improve Zoning Enforcement efforts related to disturbances from vehicle repairs that are taking place in residential areas. By providing specific provisions relating to allowable non-commercial vehicle repairs, enforcement will be much more efficient, and staff will be able to respond appropriately to diverse situations.
2. The proposed amendment will establish, for the first time, specific criteria that clarify what type of vehicle repairs can be conducted for private purposes at residential properties. This will accommodate a reasonable need and, at the same time, allow enforcement to focus on more disturbing activities that often involve repairs of a business nature.