MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf, AICP
Zoning Administrator

DATE: March 19, 2012

SUBJECT: Unified Development Code Amendment; Sections 15-02, 15-04, 15-14
Residential Uses, commercial vehicles exceeding 1-ton capacity **P12-001**

Currently, commercial vehicles associated with a home occupation may not be parked on residential property if they exceed one-ton capacity. (See attached memo to the Commission dated February 13, 2012.)

This amendment to the Unified Development Code would allow homeowners to park such a vehicle on their residential property under two circumstances; 1) the vehicle could be parked or stored completely within an enclosed, permitted building, or 2) with an approved Conditional Use Permit.

The provisions outlined below reflect the proposed changes and are based upon feedback received during the first public hearing on this item held on February 13, 2012.

15-02-004(C)

3. Commercial vehicles larger than Light Duty Trucks.

a. Commercial vehicles larger than Light Duty Trucks may be parked, stored or maintained in an enclosed structure. Such structure must be authorized by this Code and permitted under the Town's applicable building code.

b. Pursuant to a Conditional Use Permit, commercial vehicles larger than Light Duty Trucks may be parked, stored or maintained outside a structure in a residential district.

c. Except as provided in subsections a and b above, the parking, storage, or maintenance of commercial vehicles larger than a Light Duty Truck in any residential district, except for service or repair visits, is prohibited.

15-04-002

E. Reserved

15-14-006(E)(2)

b. Commercial vehicles larger than Light Duty Trucks are subject to the provisions of 15-02-004(C).

15-14-006(E)(2)

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NEW DEFINITIONS:

Commercial Vehicle - A vehicle registered to or used in the operation of a business, home occupation, non-profit entity, or other similar entity or enterprise.

Light Duty Truck - A truck, van, bus, box truck, or similar vehicle having a GVWR no greater than 13,500 lbs; and a payload capacity no greater than 7500 lbs. These vehicles are traditionally called ‘one ton’ or less vehicles.

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Background

The existing Unified Development Code (UDC) provisions currently do not allow individuals who are operating home-based businesses to park a commercial vehicle at their residence if the vehicle exceeds one ton capacity.

Analysis

The proposed amendments would allow homeowners to park a commercial vehicle associated with their home occupation on their residential property so long as the vehicle could be parked or stored completely within an enclosed building, such as a garage or outbuilding. The following provisions outline current standards and proposed changes:

CURRENT STANDARDS

UDC §15-02-004C. Residential District Uses

3. No commercial vehicles exceeding one-ton rated capacity may be parked, stored or maintained in any residential district, except for service or repair visits.

UDC §15-04-002 Off-Street Parking and Loading; General Requirements

E. The parking of a commercial vehicle of more than one ton capacity, on any lot in any residential district shall be considered a commercial use and is prohibited, except for service vehicles during necessary routine visits.

UDC §15-14-006 Level One-Minor Home Occupation

E.2.b Vehicles associated with the Home Occupation and parked on site shall not be larger than one ton type vehicles

UDC §15-14-007 Level Two-Intermediate Home Occupation

E.2.b Vehicles associated with the Home Occupation and parked on site shall not be larger than one ton type vehicles

PROPOSED STANDARDS

UDC § 15-02-004C. Residential District Uses

3. No commercial vehicles exceeding one-ton rated capacity may be parked, stored or maintained in any residential district, except for service or repair visits, unless such vehicle is parked, stored or maintained completely within an enclosed structure not exempt from the current Building Code.

UDC § 15-04-002 Off-Street Parking and Loading; General Requirements

E. Reserved

UDC §15-14-006 Level One-Minor Home Occupation

E.2.b Vehicles associated with the Home Occupation and parked on site shall not be larger than one ton type vehicles, unless stored or maintained completely within an enclosed structure not exempt from the current Building Code.

UDC §15-14-007 Level Two-Intermediate Home Occupation

E.2.b Vehicles associated with the Home Occupation and parked on site shall not be larger than one ton type vehicles, unless stored or maintained completely within an enclosed structure not exempt from the current Building Code.

Motion

If the Commission supports the proposed revisions, an acceptable motion could be:

"I move the Planning and Zoning Commission recommend to the Town Council approval of P12-001, an amendment to the Unified Development Code Provisions concerning parking of commercial vehicles exceeding one ton capacity on residential property as outlined in the staff report."