

STAFF REPORT

Town of Lovettsville

TOWN COUNCIL PUBLIC HEARING

JUNE 18, 2009

LVZA 2009-0003 Inoperable Vehicles (Zoning Ordinance Amendment)

Applicant: Town of Lovettsville

Location of Hearing: Town Office at 6 E. Pennsylvania Avenue

Time of Hearing: 8PM

Call for Information: Steve McGregor (540)-822-5788

Town Office Hours: 9AM-4:30PM (except holidays)

PURPOSE: To amend the Zoning Ordinance to make consistent and update the regulations controlling inoperable vehicles.

BACKGROUND: On December 18, 2008 the Town Council authorized a zoning ordinance amendment by the Town to amend Section 4-12 Storage of Dismantled and Inoperable Vehicles because the Zoning Administrator indicated that there is a contradiction in the regulation and that the regulation should apply to all property in the Town, not just residential districts. The regulation also contains a reference to junk yards, which are no longer allowed in the Town.

On April 22 the Planning Commission made a recommendation to the Town Council to approve text amending the ordinance for inoperable vehicles.

DISCUSSION: The current regulation states that inoperable vehicles are not permitted to be seen from public or private streets *and* must be enclosed in a building, which is contradictory, confusing and impossible to enforce effectively. The options for storing an inoperable vehicle on a property should be clear.

Another limitation of the current regulation is that inoperable vehicles pose the same visual nuisance on any property in the Town and the current regulation applies only to property zoned for residential use. The regulation should be expanded to include all property in the Town, except for property with light vehicle repair use, which has its own regulations for inoperable vehicles.

Another issue is that inoperable vehicles are not just an eyesore to people driving or walking streets but they are also a nuisance to adjacent property owners, who might have to look at them from their front or back yards.

The Town has an obligation to make clear in the ordinance what options a property owner has when it comes to inoperable vehicles (including antique vehicles). Do they have to house it in a building; screen it from the street, or screen it from streets and adjacent property? The issue should be resolved in order to protect the right of property owners to possess and store inoperable vehicles and to protect the visible environment of the public throughout the Town.

The revised definition of "light vehicle repair" use permits inoperable vehicles to be visible for up to two weeks. The proposed revised regulation would not supersede this restriction. The current regulation of inoperative and dismantled vehicles, Section 4-12, provides an exception to the rule for inoperable or dismantled if they are housed on junk yards. Junk yards have been removed from any zoning district in the ordinance; therefore, such use should be removed from the Section 4-12 regulation.

The Planning Commission discussed the issue and was concerned about an issue raised at their public hearing by a speaker: can a person store an antique vehicle on their property. The Commission decided to craft text that would allow any inoperable vehicle, including those that are antique, to be stored on property if it were screened by an opaque fence wall or building. No longer would an inoperable vehicle have to be stored in an enclosed building, except for light vehicle repair use, which has its own

regulation. They decided that the regulation should apply to all property in the Town, not just residentially zoned property. They decided to allow people to store inoperable vehicles outdoors without screening for a limited time if they are covered.

PLANNING COMMISSION RECOMMENDATION: On May 6 the Planning Commission Recommended that the text shown below be approved amending the Zoning Ordinance for Section 4-12.

MODIFY: Section 4-12 STORAGE OF DISMANTLED OR INOPERABLE VEHICLES to read:

“4-12 INOPERABLE VEHICLES No dismantled or inoperable vehicle shall be parked or stored outdoors for more than one (1) week on a lot of less than five (5) acres in area in any residential district. Not more than one (1) dismantled or inoperable vehicle at a time may be parked outdoors on any lot greater than five (5) acres in area in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by Virginia law shall be construed as an inoperable vehicle. Dismantled or inoperable vehicles may be kept on a lot or tract in any zoning district provided they are kept within enclosed building or within the confines of a licensed junk yard. No inoperable vehicle shall be so located on any lot in any residential district as to be visible from a Class I or II road on any privately owned property in the Town unless it is enclosed in a building or enclosed on four sides by opaque outdoor fencing or walls that are at least six feet in height for passenger cars in residential districts or eight feet in height for vehicles over 3.5 tons in commercial or industrial districts. An inoperable vehicle may be parked in view from any adjacent property or street for a period of time not exceeding thirty (30) days only if it is covered by a fitted vehicle cover, except as stated in the definition of light vehicle repair use.”

MODIFY: Page 13-6, Section 13-2 DEFINITIONS, INOPERATIVE VEHICLE to read:

~~INOPERATIVE VEHICLE~~ INOPERABLE VEHICLE: Any vehicle which does not display the following: (1) valid state license plate(s); (2) valid inspection certificate (if required) for the state in which the vehicle is licensed; and (3) a valid Town decal or other device, as required by Town ordinance. However, farm vehicles and other vehicles which are exempted from the requirements of displaying Virginia license plates, under the provisions of Articles 4, 5 and 6 of Chapter 6 of Title 46.2 of the Code of Virginia, 1950, as amended, are not included in this definition.

DRAFT MOTION:

“I move that the Town Council approve proposed Zoning Ordinance amendment LVZA 2009-0003 Inoperable Vehicles, as stated in this report.”