

**STAFF REPORT**

**Town of Lovettsville**

**PLANNING COMMISSION PUBLIC HEARING**

**OCTOBER 7, 2009**

**LVZA 2009-0006 Model Home; Construction and/or Sales  
Trailer**

(Zoning Ordinance Amendment)

**Applicant:** Town of Lovettsville

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

**Time of Hearing:** 7:30PM

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

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**Town Office Hours:** 9AM-3:00PM (except holidays)

**PURPOSE:** To provide a rationale for adding the Model Home use that includes a model home with office use to all zoning districts with a residential component; to provide standards and a definition for the use; for adding Construction and/or Sales Trailer use to zoning districts where it is not already a permitted use; for amending the related standards for the use and adding a definition for the use. The staff report discusses the issues related to the two uses and provides a proposal to amend the Zoning Ordinance text to address the issues.

**BACKGROUND:** After it came to the attention of the staff and Zoning Administrator that the Ordinance does not provide for a model homes and model homes with sales office use for residential development. The issue also involves the Construction and/or Sales Trailer use, which is permitted in residential ("R") zoning districts but not other zoning districts where such use would be needed as part of the construction and sales process. The issue was brought to the Town Council and discussed. On September 17 the Council directed the Planning Commission, staff and Zoning Administrator to develop a staff report with recommended text changes and schedule a public hearing before the Planning Commission, hopefully at its October meeting. The Planning Commission was informed about the staff plans for this item before it went to the Council for authorization.

**DISCUSSION:** In recent discussions with Elm Street Development about establishing a model home with sales office in the Lovettsville Town Center for the residential portion of the development, staff and the Zoning Administrator observed that there is no temporary office use for sales of the development permitted in the Town Center Planned Development T-C zoning district, for the specific Town Core, Residential Areas or the Fringe Areas. This is a basic necessity for any developer when a residential project is approved by the Town and the building process starts. It is a use that is most efficient for the developer when it is on-site. This is the case throughout the region and the country.

Some of the zoning districts with a residential component allow a temporary construction and/or sales trailers use. In addition, the type of sales structure has evolved so that sales trailers are not the only structural form used by developers to sell their product on-site. The model home with office has become an attractive alternative. Some projects need model homes without sales offices to potential home buyers. This should also be allowed as a means to facilitate sales.

In their request for a model home with sales office Elm Street Development raises an issue that should be considered on a Town-wide basis because the Ordinance is limited in its allowance of this temporary use. It is reasonable that all, not just some, zoning districts with a residential component should provide for temporary sales activity in the types of structures that are most commonly used

by builders and developers. It serves the Town's economic development planning objectives to provide uses on residential sites that facilitate sales in that project.

Not all zoning districts permit Construction and/or Sales Trailer use as a temporary use, only the residential ("R") districts. The other districts with residential use, (Town Center Planned Development T-C, Planned Infill District, and Retirement Community R-C) also need the opportunity to install this use on a temporary basis, as do the developments in commercial and industrial districts. There are some standards for the Construction and/or Sales Trailer use that should be updated. Text wording from the ordinances of other jurisdictions have been used for this purpose when applicable. The standard for the time limit needs to be simplified, tied directly to the issuance of the last occupancy permit. Standards for handicapped parking for office uses have to be added as requirements for both Model Home use and Construction and/or Sales Trailer use. The setback for trailers now mandated is thirty feet. The most common front yard setback for permanent structures in residential zoning districts is twenty feet. This seems to be reasonable for a temporary use, as well as permanent structures. Renewal permits for the use are not needed when the text is changed so that the permit is valid until the last occupancy permit is issued.

**CONCLUSION:** Through an unintentional oversight the Town Center Planned Development T-C zoning district, and other zoning districts with a residential component, does not allow a temporary on-site model home with or without sales office use, which is a basic tool for selling residential development when a subdivision is under construction. As a related issue, the Zoning Ordinance does not allow a temporary construction and/or sales trailer use for all zoning districts. The existing standards do not adequately reflect the sales needs of builders and developers. Therefore, the Town should consider updating the Zoning Ordinance to 1) allow Model Home use with or without sales office use in zoning districts with a residential component; 2) provide standards for Model Home use with or without sales office use; 3) provide a definition for Model Home use; 4) amend related standards for Construction and/or Sales Trailer use; 5) add Construction and/or Sales Trailer use to those zoning districts that do not permit it currently; and 6) update and make editorial changes to the name and standards for Construction and/or Sales Trailer use.

**RECOMMENDATION:** It is recommended that the Planning Commission recommend approval of the following proposed text amending the Zoning Ordinance:

**ADD:** To Article 3, District Regulations, Sec. 3-2 (b), CR-1 district, Permitted Uses, a new sub-paragraph (xix),  
To Article 3, District Regulations, Sec. 3-3 (b), R-1 district, Permitted Uses, a new sub-paragraph (vi),

To Article 3, District Regulations, Sec. 3-4 (b), R-2 district, Permitted Uses, a new sub-paragraph (vi),  
To Article 3, District Regulations, Sec. 3-5 (b), R-3 district, Permitted Uses, a new sub-paragraph (vi),  
To Article 3, District Regulations, Sec. 3-6, Retirement Community R-C district, a new sub-paragraph (r),  
To Article 3, District Regulations, Sec. 3-7, Town Center Planned Development T-C district, (i “eye”), Permitted Uses, Town Center; Town Center Residential Area, (i) (ii), a new sub-paragraph (E),  
To Article 3, District Regulations, Sec. 3-8 (f), Planned Infill Development district, Permitted Uses, a new sub-paragraph (vi),  
all of the above to read:

“Model Home.”

**ADD:** To Article 3, District Regulations, Sec. 3-7 (i “eye”) (ii “two”), Town Center Planned Development T-C district, Permitted Uses, Town Center, Town Center Core, (i) (i) a new sub-paragraph (G); Town Center Fringe, (i) (iii), a new sub-paragraph (E),

all of the above to read:

“Construction and/or Sales Trailer.”

**ADD:** To Article 13, Definitions, Sec. 3-2, in alphabetical order, to read:

“MODEL HOME: A building having the physical characteristics of a residential dwelling, which exists for the purpose of display or advertising in connection with the sale of units in a residential development on a temporary basis. It may incorporate an office use that is directly related to the sales function of the building. The ultimate intended use of such a building is as a dwelling.”

**ADD:** To Article 13, Definitions, Sec. 3-2, , in alphabetical order, to read:

“CONSTRUCTION AND/OR SALES TRAILERS: A structure standing on wheels, towed or hauled by another vehicle and used temporarily for sales of the units in the subdivision, or subdivision section, in which the trailer is located; and in which sales and construction of units is planned or underway.”

**ADD:** To Article 3, District Regulations, Sec. 3-1, a new sub-paragraph (xx), to read:

“MODEL HOME: The use is permitted subject to the following provisions:

(A) The use may be located in any zoning district that includes a residential use, provided such use is located within the recorded subdivision it serves. It may incorporate a sales office.

- (B) The use must conform with all applicable requirements of the Zoning Ordinance.
- (C) The use is permitted until the issuance of the last occupancy permit within the subdivision it serves.
- (D) The Town may require a bond as appropriate to ensure that the atypical features, including, but not limited to, utilization of the garage for a sales office, will be removed or brought into conformance with residential building code requirements prior to conversion of the unit for residential occupancy.
- (E) Two (2) off-street parking spaces shall be provided on the lot where the use is located for the public and these spaces include the required handicapped space. The use must comply with any requirements that apply for handicapped parking for commercial office use.
- (F) All signs must comply with applicable Zoning Ordinance provisions.

**MODIFY:** Article 3, District Regulations, Sec. (b) (vii), CONSTRUCTION AND/OR SALES TRAILERS, to read:

**“CONSTRUCTION AND/OR SALES TRAILERS:** ~~The use is~~ Construction and/or sales trailers are permitted subject to the following provisions:

- (A) ~~The trailer use shall be located on a lot parcel or site that is within a recorded subdivision or on a parcel with an approved site plan that is directly related to its purpose. Its location is subject to any applicable approved proffers.~~
- (B) ~~The maximum period allowable for the use is permitted until the issuance of the last occupancy permit is approved for the development and until the completion of any bonded public improvements. placement of a temporary construction and/or sale trailer shall be six (6) months or until completion of the project, whichever is shorter. Requests for renewal for a successive six (6) month period may be submitted if additional time is required to complete the project. Renewal requests shall be filed at least thirty (30) days prior to the expiration date of the original permit.~~
- (C) ~~The use~~ Each construction or sales trailer shall have a minimum of provide two (2) off-street parking spaces on the lot or land on which the use is located. These parking spaces shall include the required handicapped space. The use must comply with any requirements that apply for handicapped parking for office use. Parking spaces may have a gravel surface.
- (D) ~~A minimum lot area of two thousand (2,000) square feet shall be provided for this use. each temporary trailer space~~

- (E) The use Trailers shall not be located closer than twenty (20) feet from the property line of the lot upon which it is located. within any required front yard or required side or rear yard.
- (F) A zoning permit shall be obtained for the use at least ten (10) business days prior to the time it is placed on the property. construction and/or sales trailer.
- (G) The use Construction and/or sales trailers shall be considered a minor improvement providing no site grading is required for the placement of the trailer; and if it is considered a major improvement and subject to the applicable regulations for major improvements.
- (H) A building permit is required from the County and a copy has to be filed with the Town within ten (10) business days of the placement of the use on the site.
- (I) ~~The Zoning Administrator shall review and approve or deny applications all requests for temporary construction and/or sales trailer permits. In assessing a request for a temporary trailer permit, The Zoning Administrator shall determine the appropriate number of trailers for the site, the need for and design of landscaping on the trailer site, and any other amenity that they shall deem in the interest of protecting adjacent residential property (zoned, planned or in use). consider the necessity for such a temporary construction and/or sales trailer, its location and its effects on the surrounding neighborhoods and/or adjoining property owners and may require terms and conditions on the location and placement, type and number of trailers, screening and other reasonable conditions~~

**DRAFT MOTION:** "I move that the Planning Commission recommend approval of the proposed text in item LVZA 2009-0006 Model Home; Construction and/or Sales Trailer, presented in the October 7, 2009 public hearing staff report."