



DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING TEXT AMENDMENT: Case # ZCR-1045

Staff Report

Planning Board Hearing: July 13, 2009 6:00pm

Board of Commissioners Public Hearing: August 16, 2009 6:00pm
(tentative)

Applicant: Surry County Planning and Development Department

Proposed: The Surry County Planning and Development Department requests to amend the Surry County Zoning Ordinance text to clarify intent, and to adjust requirements for storage of motor vehicles in the Rural Agricultural, Residential, Conservation, and Mixed Use Districts.

Overview of the Request:

The Planning and Development Department proposes the amendments presented below to preserve health, safety and aesthetic standards for properties in the rural and residential areas of the County, while maintaining respect for private property rights.

Zoning Code Analysis:

- A. Article 4 of the Surry County Zoning Ordinance establishes a process to initiate changes and amendments to that code. The proposed text amendments are presented in compliance with this process.
- B. Article 17: Parking and Loading, Section 6.A. provides that storage of “inoperative or unlicensed vehicles” in districts allowing single-family residential use, at any location, inside or outside, for longer than fourteen days, is prohibited. The provision is without allowance or condition, other than the fourteen day limit.
The proposal submitted below is designed to provide similar protection of reasonable aesthetic, health and safety standards. Greater respect is accorded to common law rights of individual property ownership. Unlicensed motor vehicles are treated as separate and different from junked motor vehicles.
- C. Motor Vehicles are defined in Article 30 as any self-propelled vehicles, without regard to required license or to where or how they are designed to be used.

The proposal submitted below would define motor vehicles further, to include licensing and use considerations.

- D. Unlicensed vehicles are regulated in Article 17, and defined in Article 30, as equal to inoperative vehicles, without allowance for condition or value of the vehicles, or for circumstances of ownership.

The proposal submitted below is designed to define and regulate unlicensed motor vehicles as separate and different from junked motor vehicles.

- E. Junked motor vehicles are not defined in the current zoning code, other than as inoperative or unlicensed vehicles.

The proposal submitted below contains a comprehensive definition of junked motor vehicles.

Planning Staff Recommendation:

Planning Staff has initiated this proposal following discussion with the Planning Board on ordinance intent and language, and recommends adoption.

Planning Board Recommendation:

The Planning Board heard and considered this proposed revision to the Surry County Zoning Ordinance at its regularly scheduled meeting on July 13, 2009. After a discussion of the proposed changes _____ made a motion to recommend (adoption)(denial) of the proposed changes to the Zoning ordinance as submitted; the motion was duly seconded by _____ and the motion (passed)(failed) on a vote of _-_.

Consistency Principles:

Land Use Plan 2015:

- 5.3.5 Maintain rural character
- 5.3.7 Maintain quality of life.
- 5.3.12 Maintain a positive identity for the County and its individual communities.
- 5.4.11.6 Ordinances that enhance community appearance shall continue to be vigorously enforced.

Proposed Adjustments:

1. Amend Article 17, Section 6.A. to provide separate treatment of junked and unlicensed motor vehicles, and to allow limited storage based on appearance/visibility considerations.
2. Adjust definitions in Article 30 to provide separate definitions of junked and unlicensed motor vehicles, and to further define motor vehicles in terms of licensing and use.

**AN ORDINANCE TO AMEND
THE SURRY COUNTY
ZONING ORDINANCE**

WHEREAS, pursuant to N.C Gen. Statute 153A-342, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the County by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Surry that the Surry County Zoning Ordinance be amended as follows:

1. Replace Section 6.A. of Article 17 with the following:

Section 6. Motor Vehicle Storage

A. Rural Agricultural, Residential, Conservation, and Mixed Use Districts

Only motor vehicles intended for personal use shall be parked or stored on any property zoned for residential use.

In addition, the Zoning Administrator shall enforce the following, intended to maintain a pleasant neighborhood appearance, to discourage potential health and safety hazards, and to prevent negative impact on area property value and quality of life:

- No storage of commercial inventory whatsoever shall be permitted. However, commercial trucks or vans driven home from the workplace by employees shall be allowed to be parked or stored in these districts.
- No junked motor vehicles shall be permitted to be parked or stored at any place in view of a publicly maintained road longer than fourteen (14) days. No more than one (1) junked motor vehicle per acre, up to a maximum of five (5) junked motor vehicles, may be stored on any lot in these districts.
- One (1) unlicensed motor vehicle in good running condition, per occupied dwelling, may be stored on a gravelled or paved driveway that is provided for customary residential use in the estimation of the Zoning Administrator or his/her designee. Otherwise, unlicensed motor vehicles shall be stored where they cannot be viewed from any publicly maintained road.

2. Amend Article 30 as follows:

A. Delete existing definition for INOPERATIVE OR UNLICENSED VEHICLES.

B. Replace existing definition for MOTOR VEHICLE with the following:

MOTOR VEHICLE. Any machine propelled by power other than human power, requiring for use a license tag and registration by the NCDOT, Division of Motor Vehicles, and designed to travel upon the highways and public streets by the use of wheels, treads, self-laying tracks, runners, slides or skids; including but not limited to automobiles, trucks, motorcycles, motor scooters, campers, tractors, trailers, and any part of the same.

C. Add a definition for JUNKED MOTOR VEHICLE as follows:

MOTOR VEHICLE, JUNKED. A motor vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not designed to be self-propelled:

- (1) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;
- (2) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.
- (3) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.
- (4) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.
- (5) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.
- (6) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;
- (7) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.
- (8) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

D. Add a definition for UNLICENSED MOTOR VEHICLE as follows:

MOTOR VEHICLE, UNLICENSED. A motor vehicle that does not display current and valid license information issued by the NCDOT, Department of Motor Vehicles, in the manner and form prescribed by that agency.

This ordinance shall become effective on the date of its adoption.

Adopted this Twentieth day of July, 2009.

Craig Hunter, Chairman

ATTEST:

Conchita Atkins, Clerk to the Board