

STAFF REPORT

October 9, 2003

No. 03OA002 - Ordinance Amendment

ITEM 23

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 03OA002 - Ordinance Amendment
EXISTING LEGAL DESCRIPTION	An Ordinance Amendment amending Section 17.50.280 of Chapter 17.50 of the Rapid City Municipal Code relating to the storage and parking of trucks, trailers and commercial vehicles
DATE OF APPLICATION	2/28/2003
REPORT BY	Trish Anderson/Marcia Elkins

RECOMMENDATION: Staff recommends that the Ordinance Amendment regarding the storage and parking of trucks, trailers and commercial vehicles **be approved with the exception of the provisions restricting signage.**

GENERAL COMMENTS: The proposed ordinance is intended to clear up discrepancies within the section of the Municipal Code (17.50.280) dealing with the storage and parking of trailers and commercial vehicles in residential zoning districts. Numerous complaints from private citizens have been received regarding the parking of large commercial vehicles in residential areas. These vehicles, by virtue of their design, type, or characteristics, are typically not customary and incidental to the use or occupancy of residential property and may have a detrimental impact on the residential quality and character of a neighborhood.

The issue was originally discussed at the Legal and Finance Committee meeting on December 11, 2002. The Committee expressed an interest in clarifying the types and sizes of vehicles which could and could not be parked in residential zoning districts. The draft ordinance was referred back to the Planning Commission. Since that time, Staff has reviewed a number of ordinances from other towns and cities. Many communities opt not to permit commercial vehicle parking at all in residential zones, with the exception of when a vehicle is temporarily engaged in providing a service to a property. Other communities place a time and/or weight limit, or specify that a vehicle be placed in a fully enclosed garage. Based on this research and comments received from the City Council and the public, staff is recommending the following proposed changes:

1. Create a Chapter 10.40.200 for the Parking and Storage of Trucks, Trailers, and Commercial Vehicles.
2. Limit the number and size of vehicle which may be parked on a residentially zoned property

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3. Add an exception for vehicles parking temporarily in conjunction with a provision of service to a property.
4. Prohibit the parking of vehicles which have more than 16 square feet of signage other than as excepted in Item three.

Based on subsequent review and additional discussions, staff is recommending that no restrictions on signage be approved at this time.

STAFF REVIEW: The vast majority of the ordinances regulating the parking of commercial vehicles are located within the parking and traffic or vehicle sections of codes, as opposed to the zoning code. Moving this ordinance out of Chapter 17 will also remove the ability to have the parking of oversize vehicles grandfathered. Accordingly, Sections 17.50.280 (1), (2), (3) and (7) have been moved to Chapter 10. The sections remaining in Chapter 17.50.280 are (4) and (5). The section specifying the sight triangle regulations remains in Chapter 17.50.280 and is also added to the new Chapter 10.40.200.

The intent of the ordinance is to prohibit the parking of oversize vehicles but not the parking of pick-ups or sport utility vehicles used for personal transportation, nor the temporary parking of vehicles providing a service to a property. The proposed size limitation to allow the parking of vehicles with a Gross Vehicle Weight Rating of 12,000 pounds or less will allow for the parking of the largest pick-up vehicles of the major auto manufacturers. The Gross Vehicle Weight Rating is the manufacturer's suggested weight that can and/or should be borne by a vehicle. Vehicles larger than seven feet in height and longer than twenty-two feet from front to back will also be prohibited from parking in residential zones. The height measurement excludes racks less than four feet in height.

The last item addressed is a limitation on the advertising on the vehicle. Some communities limit the amount and placement of the advertising, specifying that it must be on either the driver's door or the passenger seat door. Staff proposes setting a similar limit to that set by the City of Sioux Falls which is 16 square feet of signage. Staff does not propose specifying where on the vehicle the signage may be located. **Based on additional discussions and subsequent review of existing practices, staff is recommending that no restrictions on signage be approved at this time.**

Staff has been contacted by many other interested citizens in the community who have voiced concern and opposition to the regulation of commercial vehicle parking in residential zones. All have been informed that the ordinance will be discussed in the May 22, 2003 Planning Commission, and that the staff report would be posted to the City's web site. The management of the Action Mechanical Company has expressed particular concern about the ordinance as all of their employees who drive a company vehicle take the vehicles home with them. Some of those employees are on call. Staff conducted a site visit to Action Mechanical. The vast majority of Action Mechanical's vehicles will fit under the size limitation. However, none of their vehicles have less than 16 square feet of advertising and Action Mechanical is concerned about this provision.

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Staff is recommending approval of the revisions; however, staff recommends that no restrictions on signage be approved at this time.