

Commercial Vehicle Parking Ordinance Discussion

June 14, 2022

Presented by Paul Spencer, Chief of Police



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Background

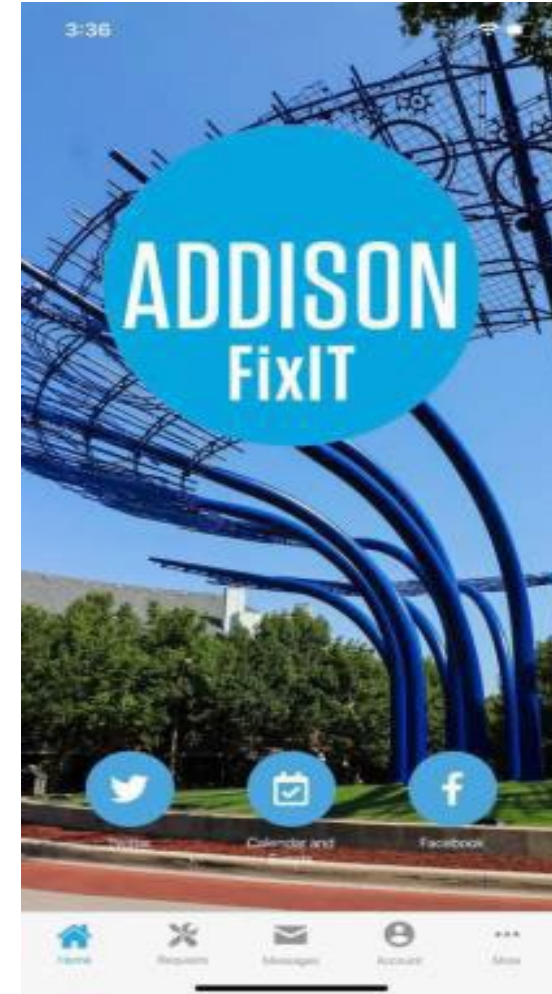
Commercial vehicle parking complaints, especially within our multi-family residential areas, had become a frequent FIX IT APP request to the Town.

Work Session discussion on December 14, 2021.

City Council approved revisions to Sec 78-175 on January 11, 2022.

**Enforcement began immediately following the signing and publishing of the revisions.*

Regular meeting discussion on March 8, 2022, to review complaints/concerns from residents and businesses regarding the revised ordinance and subsequent enforcement efforts.



In this presentation, staff will:

- Review the recently revised commercial vehicle ordinance.
- Explain past difficulties encountered during enforcement (i.e., use of weight capacities, identifying private passenger vehicles, complex zoning maps, etc.).
- Discuss the findings of our research from other municipalities.
- Present alternative criteria and tools to aid enforcement.

Staff seeks Council direction and feedback on the issues to be discussed.

Current Ordinance and Enforcement Issues

Sec. 78-175. - Overnight parking of certain vehicles within residential areas prohibited.

The city council hereby declares its purpose in enacting this section is to reduce hazardous traffic conditions and protect the health, safety, and welfare of the residents by prohibiting the overnight parking of commercial vehicles in and adjacent to residential areas within the city.

(a) The following definitions shall apply to this section:

Commercial vehicle means any vehicle with a manufacturer's rating in **excess of one (1) ton** that is designed, intended, or used to transport passengers or property, other than a private passenger vehicle. The term shall include, but is not limited to, a truck-tractor, road-tractor, semitrailer, bus, motor home, camper trailer, special mobile equipment, truck, or trailer.

Private passenger vehicle means a motor vehicle which is used solely for private transportation and not used for the transportation of persons or property directly or indirectly in connection with a business or for compensation.

(b) It shall be an offense for any person to park or stand a commercial vehicle upon any public or private street, highway, alley, parking lot, driveway, or other property located within, or immediately adjacent to, an area of the city classified by the comprehensive zoning ordinance for residential use, including any residential area located within a planned development, mixed-use, or other special zoning district, at any time from 12:00 a.m. (midnight) until 6:00 a.m.

(c) It shall be a defense to prosecution under subsection (b) of this section if:

- (i) the commercial vehicle is parked for the purpose of expeditiously loading or unloading passengers, freight, or merchandise; or
- (ii) the commercial vehicle is lawfully parked on private property and enclosed in a building or fully concealed from view by a fence or other lawful erected structure.

1. The types of vehicles identified as violations (i.e., privately owned work vehicles and take-home work vehicles) used and owned by residents, especially within the multi-family areas, are highly differentiated and it has been difficult to simply use the 1-ton (2,000 pound) capacity metric to guide enforcement decisions.
2. Adjacency language added during the ordinance revision is capturing commercial properties that border residential areas, placing those businesses vehicles in violation of the ordinance.
3. The Town's zoning maps are difficult for police patrol personnel to clearly identify which areas are covered by the ordinance.
4. Over 60 residents and property owners expressed frustration that the Town is prohibiting most work vehicles used and /or owned by residents.

Research Findings and Alternative Enforcement Criteria

Staff reviewed other North Texas municipalities and found common language within their commercial vehicle parking regulations:

- Descriptive language for prohibited vehicles
- The inclusion of dimensional limits (length, height and width)
- Many still use capacity restrictions; i.e., 1-ton, 1 ½-ton etc.
- Government vehicle exemptions

Prohibited vehicle means and shall include any of the following:

A box-truck, tow truck, dump-truck, concrete-mixing truck, road tractor, semi tractor, truck tractor, tractor trailer, semi-trailer, trailer, or similar vehicle; a recreational vehicle;

*This current language would prohibit all trailers, regardless of size/type.

The police department may issue a **temporary parking exemption for moving trucks, or any prohibited vehicle, if we feel the request is reasonable and does not adversely impact the neighborhood (current practice)



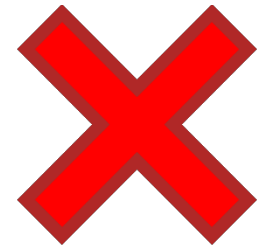
2005 Chevrolet Express G3500

Research Findings



2019 Peterbilt 567





2020 Freightliner Cascadia 126

Prohibited vehicle means and shall include any of the following:

Motor vehicle, truck, van, bus or similar vehicle which is more than **twenty-three (23)** or **twenty-five (25)** feet in length, **eight (8)** feet in width or **ten (10)** feet in height.

*Removed the vehicles capacity limit (i.e., 1 ½ ton) and replaced with dimensional restrictions.

**Gives the police department ability to enforce ordinance when the type of vehicle may not fall within the descriptive language.



**2008 Dodge Ram 1500:
18.9' L x 6.6' W x 6.5' H**

Research Findings

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**2016 Ford Transit T-150:
18.3' L x 6.7' W x 8.4' H**



23' max length



25' max length

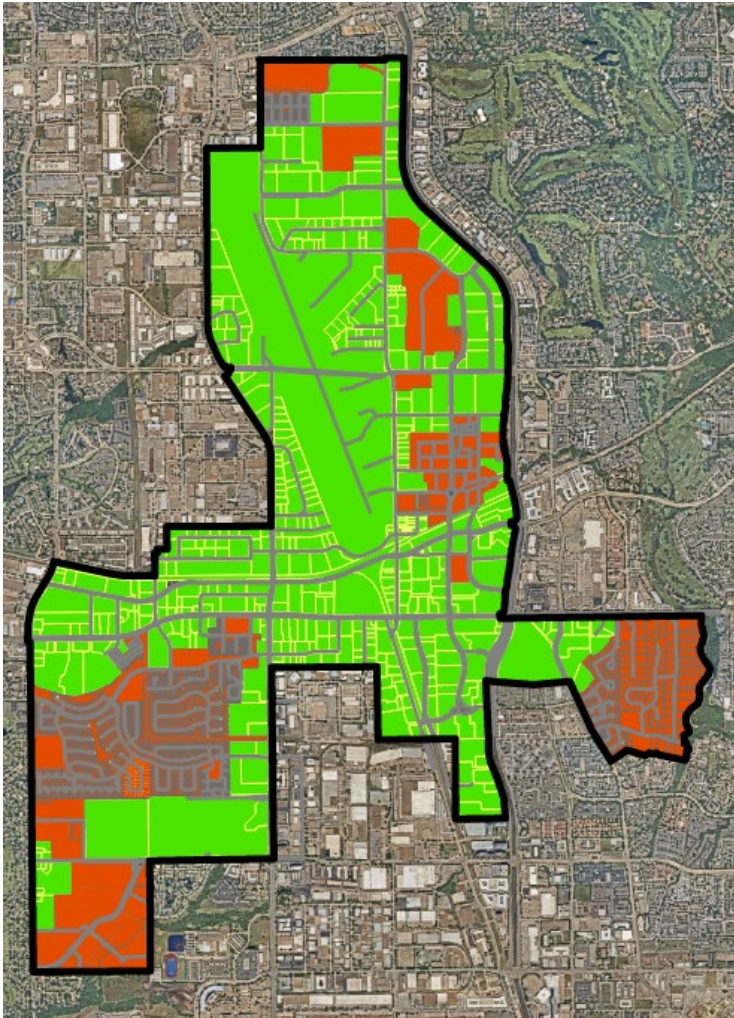
**2014 Mercedes-Benz Sprinter 2500:
24.1' L x 6.66' W x 9.2' H**

Alternative Enforcement Criteria

Personal business vehicle means a prohibited vehicle that is regularly used as the sole or primary means of transportation by a resident within a residential area to commute to and from the person's place of employment.

*This language is intended to allow a person issued a citation to establish a defense (in municipal court) if they meet the criteria of this definition.





Restricted parking area map: the official map depicting the residential areas to which this section is applicable, adopted by ordinance and on file with the chief of police.

- Complex zoning map replaced with an easy-to-use version showing the Town-identified, residential areas (shown in red).
- The red areas are where the commercial vehicle parking restrictions will be applied.
- Addresses the adjacency dilemma we encountered with previous enforcement efforts.

Tonight's discussion is focused on properties with **residential zoning**. However, there will need to be additional discussions regarding parking on properties zoned for commercial and mixed-use.

- Distinct differences between single-use, residential zoning (single-family neighborhoods and free-standing multifamily developments) and mixed-use zoning (Addison Circle, Vitruvian and other mixed-use developments)
- We will need to manage expectations regarding what is allowed on commercially zoned properties; especially those that are immediately adjacent to residential areas or situated within mixed-use areas.
 - Need to balance regulations and enforcement so that the commercial nature of those properties is respected, and not abused.
 - An example of problematic uses - commercial properties attempting to generate revenue from underutilized parking by leasing use of their parking lots

What are Councils thoughts on:

- The current definition of a commercial vehicle?
- Impacts to residents that own or use a work vehicle as their primary source of transportation (personal business vehicle)?
- Dimensional criteria?
 - **8-foot width, 10-foot height and 23-foot or 25-foot maximum length**?

Questions and Next Steps