



Staff Report

TO: Honorable Mayor Noon and Members of City Council

THROUGH: John Danielson, City Manager
Andy Firestine, AICP, Assistant City Manager

FROM: Derek Holcomb, AICP, Planning and Engineering Manager

DATE OF MEETING: 5/16/2016

DATE OF SUBMITTAL: 5/6/2016

SUBJECT: Commercial Parking and Use of the Public Right-of-Way

1. Executive Summary:

Recently, Staff has received multiple inquiries from commercial property and business owners concerning the parking of commercial vehicles in the City's public right-of-way (ROW). Specifically, Staff has received complaints that commercial vehicles are being parked in the ROW overnight, in some cases associated with businesses located outside of the City of Centennial. Staff is seeking direction from City Council on whether or not to regulate the parking of commercial vehicles in the ROW, including but not limited to restricting overnight commercial parking in the ROW through signage and enforcement by the Arapahoe County Sheriff's Office (ACSO).

Additionally, Staff has received complaints regarding the parking of commercial vehicles on private residential property, both in residential driveways and concealed in garages. Specifically, Staff has received complaints that the Land Development Code (LDC) restricts the parking of commercial vehicles on residential property, except for large-lot properties zoned Neighborhood Conservation (NC_{2A}), but that the City does not enforce on commercial vehicles that are not visible from the ROW. Staff is seeking direction from City Council on whether or not allow the parking of commercial vehicles on private residential property, if screened from public view from the ROW.

2. Discussion:

As a matter of current practice, restrictions for parking of commercial vehicles on residential property are in the Model Traffic Code (MTC) as adopted by the City, with some mention in the LDC. However, while the ACSO generally enforces the MTC and parking on public streets, enforcement of regulations for private property are generally within the contractual responsibility of the City's Code Compliance Division. There are currently some inconsistencies in the codified provisions that govern parking of commercial vehicles on residential property. In addition, it has not been the policy of the City of Centennial to enforce on violations that are not visible from the public ROW, including commercial vehicles that are parked in an enclosed garage or otherwise screened from public view from the ROW.

Current Regulations – Municipal Code and LDC

The MTC amendments in the Municipal Code provide that:

- *No commercial vehicles can be parked on private property in a residential district unless rendering service to a property within 200 feet of where parked. Semi-tractors, trucks and semi-trailers are further restricted to parking only for no longer than twelve hours between 7 am and 7 pm and four hours between 7 pm and 7 am, and not for longer than two consecutive days. Larger lots (1 acre) are exempted as long as the vehicles are not within 50 feet of a residence on an adjacent property.*

The LDC specifically states:

- *In relation to home based businesses, parking of commercial vehicles or trailers is not allowed; and*
- *In relation to family child care homes, parking of commercial vehicles outside of enclosed garages is not allowed.*

The LDC and the MTC also define “commercial vehicle(s)” differently:

- Under the Municipal Code, “commercial vehicle” means:
 1. Any towed vehicle (whether or not attached to a motor vehicle, and to include without limitation recreational trailers) if in use for a commercial purpose;
 2. Any self-propelled or towed vehicle (whether or not attached to a motor vehicle) bearing a commercial license plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds (10,001) or more, which vehicle is used in commerce or is designed to transport sixteen (16) or more passengers, including the driver, unless such vehicle is a bus as defined in this subsection; and
 3. Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting.
- Under the LDC, “commercial vehicle” means:
 1. Any motor vehicle, trailer, or semi-trailer that:
 - a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
 - b. Has a gross weight of more than 10,000 pounds;
 2. Any step van or truck that is designed for commercial moving or parcel delivery services;
 3. Any truck that is used for retail sales (e.g., ice cream, lunches);
 4. Any vehicle with more than four wheels that is used for business purposes;
 5. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
 6. Any trailer that is used for commercial hauling (e.g., waste, junk, or lawn clippings), or commercial moving services;
 7. Any tracked vehicle used for construction or excavation; and

8. Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the City of Centennial or other governmental entity.

Neighboring Municipalities

Regarding the parking of commercial vehicles in the public ROW, Staff found that the following jurisdictions specifically prohibit the parking of commercial vehicles in the public ROW, except for when in service: Aurora, Denver, Englewood, Littleton, Lone Tree and Westminster. Parker allows parking of commercial vehicles in the ROW in specific locations (by sign) for up to 48 hours for loading and unloading. Thornton allows parking of commercial vehicles in the public ROW only in areas zoned Industrial.

Regarding the parking of commercial vehicles on residential property, Staff has prepared a chart comparing other local jurisdictions. The treatment of this issue varies amongst surrounding jurisdictions from no regulation (in communities where HOAs and covenants are prolific) to an absolute prohibition. A summary of the regulations follows:

CITY/TOWN	COMMERCIAL VEHICLES ON RESIDENTIAL LOTS (PRIVATE PROPERTY)?	DETAILS
Arvada	No, unless in service.	Vehicles unlawful to park or store on residentially zoned lots- 'Large vehicles', defined as: <ul style="list-style-type: none"> • Eight feet or more in width; • Twenty-five feet or more in length; • A vehicle with an attached trailer whose combined length when attached is in excess of thirty feet; • A vehicle whose gross vehicle weight exceeds 10,000 lbs. excepting major recreational vehicles; • A vehicle whose gross vehicle weight rating exceeds 14,500 lbs. excepting major recreational vehicles; or • A truck tractor, semitrailer, or dump truck regardless of size, excluding pick-up trucks with standard beds that have been modified to dump loads. • The term "large vehicle" does not include boats, motor homes, or travel trailers.

CITY/TOWN	COMMERCIAL VEHICLES ON RESIDENTIAL LOTS (PRIVATE PROPERTY)?	DETAILS
		This provision shall apply except when the vehicle is being used to render services within 200 feet of where parked.
Aurora	No, unless in service.	Vehicles unlawful to park or store on residentially zoned lots: <ul style="list-style-type: none"> • Commercial truck, trailer or construction vehicle or bus exceeding 7,000 pounds empty weight • Truck-tractor • Semi-trailer This provision shall apply except when the vehicle is being used to render services within 200 feet of where parked.
Colorado Springs	No, unless kept inside.	Vehicles unlawful to park or store outside on private property in a residential zone district: <ul style="list-style-type: none"> • Commercial vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater • Any construction equipment, flatbed, or trailer normally used to transport such equipment on private property.
Englewood	No, unless in service.	No parking of vehicles greater than 7000 pounds on private property in residential areas.
Greenwood Village	Not addressed unless in certain permitted parking districts.	Relies on covenants to define and control commercial vehicle parking.
Lakewood	No, unless in service.	It is unlawful for any person to park any of the following vehicles on either side of the public right-of-way adjacent to any lot in any residential zoned district, except when said vehicle is being used to render services to a property located within two hundred feet of where the prohibited vehicle is parked: <ul style="list-style-type: none"> • Any commercial vehicle or commercial trailer;

CITY/TOWN	COMMERCIAL VEHICLES ON RESIDENTIAL LOTS (PRIVATE PROPERTY)?	DETAILS
		<ul style="list-style-type: none"> • Any truck exceeding six thousand pounds empty weight; • Any motor vehicle exceeding twenty-five feet in length except as set forth in Section 10.33.075; or • A combination of a trailer and motor vehicle exceeding twenty-five feet in length or eight feet in width.
Littleton	No, unless in service.	Unlawful to park or stand a dump truck, truck exceeding seven thousand (7,000) pounds' empty weight, commercial trailer, semitrailer or truck tractor, or to permit same to be parked <i>anywhere within the City in any residential zone district</i> , except when said vehicles are being expeditiously used to render services, such as, but not limited to, deliveries, pickups or construction activities, to property located within two hundred feet (200') of where said vehicle is parked. (Traffic code)
Lone Tree	Not addressed.	Issue studies by Council in late 2014 and staff report noted many HOAs with covenants addressing.
Longmont	Yes, with restrictions.	<p>A commercial vehicle may be left or parked in any front or side yard adjacent to a street as long as the vehicle is parked on an improved surface; is operable and has current, valid plates; and does not hang over or obstruct the public sidewalk or street.</p> <p>Commercial vehicles may also be stored in the rear yard as long as they are operable and have current, valid plates. Rear yard parking does not need to be on an improved surface.</p>

CITY/TOWN	COMMERCIAL VEHICLES ON RESIDENTIAL LOTS (PRIVATE PROPERTY)?	DETAILS
		A commercial vehicle means any motor vehicle, truck, truck tractor, trailer or semitrailer used in the business of transporting persons or property over the public highways for profit, hire or otherwise in any business or commercial enterprise.
Northglenn	No, unless in service.	In all residential zones of the City: No vehicle with a manufacturer's stated carrying capacity of more than one (1) ton shall be stored or parked except while making normal deliveries.
Parker	Not addressed.	n/a
Thornton	Yes, through a permit issued by the Director.	A limit of one vehicle weighing more than 8,000 pounds per property. An application for permit must be accompanied by signed statements from all property owners within 300 feet stating no objection. A hearing will be held if all owners within 300 feet do not submit letters stating no objection.
Westminster	No, unless in service.	<p>Unlawful to park any vehicle which is thirty-five feet (35') or more in length upon any residential lot within the City, except for the purpose of loading and unloading.</p> <p>Unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any driveway in a residential district, on a vacant lot in a residential district or in a front yard or side yard on street; provided, however, that parking on a construction site for which a valid building permit exists is allowed for the purpose of loading and unloading materials.</p> <p>Churches located in a residential district may park one multi-passenger bus on the church parking lot. Said bus is to</p>

CITY/TOWN	COMMERCIAL VEHICLES ON RESIDENTIAL LOTS (PRIVATE PROPERTY)?	DETAILS
		<p>be locked when not in use. Additional buses owned by such church shall not be parked or stored on the church parking lot, but shall be parked or stored at a location having appropriate zoning to permit such use.</p> <p>It shall be unlawful to park more than one vehicle associated with a business in any residential district of the City where such vehicle is visible from public or private property.</p>

3. Recommendation:

Staff is seeking direction from City Council on whether or not to regulate the parking of commercial vehicles in the ROW, including but not limited to restricting overnight commercial parking in the ROW through signage and enforcement by the ACSO.

Staff is also seeking direction from City Council on whether or not allow the parking of commercial vehicles on private residential property, if screened from public view from the ROW.

4. Alternatives:

The City Council may:

- 1) Modify the scope of the proposed LDC amendment; or
- 2) Direct Staff to take no action at this time.

5. Fiscal Impact:

Enforcement of an ordinance restricting parking of commercial vehicles in the ROW and on private residential property, if adopted, would be by the ACSO and prosecuted in the City’s Municipal court. It is not anticipated that any such ordinance would result in a need to amend the agreement between the City and the ACSO. In addition, the Municipal Court’s current level of staffing and budget is anticipated to be adequate to handle any complaints for violation of an ordinance of this nature. All signage associated with the restriction of parking of commercial vehicles in the ROW would be installed at the City’s expense, unless otherwise directed by Council.

6. Next Steps:

If City Council directs Staff to move forward with an amendment to the Municipal Code and LDC, a proposed ordinance will be brought back to Council at a future date following a presentation to the Planning and Zoning Commission for their consideration and recommendation.

3. Previous Actions:

Prior Amendments to the 2011 LDC

City Council has considered several ordinances amending the LDC since its initial effective date (for residential properties), including:

- Ordinance No. 2011-O-14 – Home occupations, landscaping, public notice
- Ordinance No. 2011-O-16 – Temporary sign permits
- Ordinance No. 2011-O-20 – Exterior lighting
- Ordinance No. 2011-O-22 – Electronic message center sign regulations
- Ordinance No. 2011-O-29 – Sight triangles
- Ordinance No. 2012-O-10 – Site plans, fence posts, public notice
- Ordinance No. 2012-O-14 – Non-commercial agricultural activities
- Ordinance No. 2012-O-16 – Fences, temporary signs, and locational restrictions
- Ordinance No. 2012-O-17 – Pets, wildlife, and livestock
- Ordinance No. 2012-O-25 – Technical amendments
- Ordinance No. 2012-O-26 – Oil and gas regulations
- Ordinance No. 2013-O-31 – Floodplain management
- Ordinance No. 2013-O-49 – Technical amendments
- Ordinance No. 2014-O-03 – OSR zone district maximum height
- Ordinance No. 2014-O-04 – Fines and restitution
- Ordinance No. 2015-O-01 – Technical amendments
- Ordinance No. 2015-O-09 – Activity Center zone district modifications
- Ordinance No. 2015-O-20 – Technical amendments
- Ordinance No. 2016-O-04 – Residential beekeeping

4. Suggested Motions:

As this is being presented to the City Council at a Study Session, no motion is needed.