



WILDWOOD

January 13, 2020

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: **Parking of Commercial Vehicles in Residentially-Zoned Areas of Wildwood (Wards – All)**

Council Members:

[Background of Request and Associated Definitions >>>](#)

Recently, several residents have reported to the City's Code Enforcement Officers problems relating to commercial vehicles being parked in their neighborhoods. This parking of commercial vehicles is not a new occurrence and happens on a moderate basis throughout each year. The residents that identify the problem note that, by having larger commercial vehicles parked in the neighborhood, whether in the driveways or abutting public streets, they create sight distance considerations, traffic concerns, and lowers property values due to their character in these settings. The Code Enforcement Officers respond to these complaints and advise the party having the commercial vehicle that it must be placed in a garage, out of view, or otherwise cannot remain within the residential setting.

This approach in enforcement by the City is supported by the definition of "Commercial" vehicle that is set forth in the City's Zoning Ordinance, which is provided below for the City Council Members' review. This definition was adopted several years ago, in response to the parking of commercial vehicles in residential areas and the frustration many property owners were expressing in this regard (the City's residential zoning district designations are inclusive of all rights-of-way, whether public or private). Many of the subdivisions, where these circumstances were occurring, actually had indentures also restricting the parking of commercial vehicles, but no tools to enforce it in a quick and proper manner. Oftentimes in these situations, the City's current Zoning Ordinance definition was the most effective tool to address short to long-term problems in this regard.

This issue has become more prevalent over the last year, with the City receiving an increasing number of telephone calls and e-mails regarding the storage, parking, or otherwise placement of commercial vehicles in residential settings. No particular reason can be discerned why the inquiries have increased, but residents are expecting the City's code to be enforced in a reasonable and appropriate timeframe. It is important to note, as the City does with any complainant, the commercial vehicle can be parked in a residentially zoned area, if it is not visible from an adjoining property or street due to being in an enclosed structure, such as a garage. This allowance by the City does have limited applicability in some

residential settings, given the size of the vehicles and attachments placed on them for ladders, tools, and other items. Therefore, again, the owner of the commercial vehicle is left with parking it in a residentially-zoned area, i.e. subdivision, neighborhood, or street. This circumstance is what led to the discovery of conflicting regulations relative to two (2) different areas of the City's Municipal Code.

Specifically, the conflicting definitions/regulations are as follows:

Chapter 415.030 – Zoning Ordinance - Definitions

COMMERCIAL VEHICLE:

>>> Any licensed or unlicensed vehicle maintained, used and intended primarily for the purpose of transporting property for financial gain or displaying any type of signage or advertisement for a general or specific type of commercial activity. A tow truck, stake-bed truck, flat-bed truck, step van, refuse or garbage truck, bus, plow or special purpose vehicle in excess of ten (10) feet in total length, and any attachments thereof, are considered to be commercial vehicles, which includes any equipment designed to dig, move, cut, bore or alter dirt, rock and/or concrete, or tracked vehicle.

1. All such commercial vehicles must be parked or stored in an enclosed structure that screens it from view in all compass directions, except in an emergency, when such vehicles and attachments are being used for approved work at the property or as permitted by the lot's underlying zoning district designation. In addition, no commercial vehicles shall be parked, kept or stored on any roadway or highway in a residential district between the hours of 12:00 Midnight and 6:00 A.M. of any day, except in emergency situations relating to the public's health, safety and welfare, including repairs and maintenance to property, structures and buildings caused by natural disasters and other similar circumstances that may be or are beyond the property owner's control.
2. This definition (and related requirements) does not apply to any type of vehicle that is maintained, used and intended to support any permitted, conditional or accessory use, including authorized home occupations, within a respective zoning district designation, where the principal dwelling or building is located upon the lot, as well as any existing legal non-conforming activity, with commercial vehicles, unless otherwise governed by Section 415.460 Non-Conforming Uses, Lands and Structures of the City of Wildwood zoning ordinance or as existing prior to 1982 as well.
3. Determinations relating to the definition of commercial vehicles, which for life/safety situations are sought, shall be made before the City's Board of Adjustment and follow all requirements of its processes as set forth in Chapter 400, Article [II](#) of the City of Wildwood Municipal Code^[1].

Chapter 365. Stopping, Standing or Parking Restricted or Prohibited On Certain Streets

Section 365.100. Parking of Commercial Vehicles in Residential Districts.

[Ord. No. 479 §1, 11-23-1998]

>>> No commercial motor vehicle having a gross weight in excess of twelve thousand (12,000) pounds shall be parked on any roadway or highway in a residential district between the hours of 12:00 Midnight and 6:00 A.M. of any day, except in an emergency.

The conflicting nature of these definitions relates to the Traffic Code's allowance for vehicles of a weight of 12,000 pounds or less not being restricted from parking on residential streets or highways during

the six (6) hour period defined by it. The Traffic Code prohibits larger weighted vehicles from parking on streets and highways in residential districts, but, again, not lighter vehicles that are clearly commercial types. This conflict creates uncertainty and makes enforcement problematic, both from defining the violation to enforcing the same in Municipal Court, if needed. At this time, at least one (1) owner of a commercial vehicle is refusing to park it in an enclosure and has been leaving it on the residential street at night and on the weekends. This situation regarding the conflicting language in the City's regulations should not continue, regardless of direction such might be considered.

Recommendation >>>

The Board of Public Safety was presented with this situation at its December 2019 meeting and was requested by the Department of Planning to address the Traffic Code parking restriction and allowance for certain weight vehicles. Specifically, this request by the Department of Planning to the Board of Public Safety was to amend the Traffic Code to complement the Zoning Ordinance's definition and further the enforcement of commercial vehicles parked or stored in residentially-zoned areas of the City of Wildwood. In the opinion of the Board of Public Safety, this requested amendment is needed to address what appears to be conflicting languages and complicating their interpretation and enforcement. The recommended change to the current language is reflected below and would read as follows:

Chapter 365. Stopping, Standing or Parking Restricted or Prohibited On Certain Streets

Section 365.100. Parking of Commercial Vehicles in Residential Districts.

[Ord. No. 479 §1, 11-23-1998] Red type reflects additions to current regulation.

>>> No commercial motor vehicle ~~having a gross weight in excess of twelve thousand (12,000) pounds~~ shall be parked on any roadway or highway in a residential **zoning** district between the hours of 12:00 (Midnight) and 6:00 A.M., of any day, except in an emergency.

The elimination of the weight limit creates the desired consistency in language and interpretation in this regard.

Reasons for Recommendation >>>

The Board of Public Safety certainly appreciates the situations that certain residents must address, when working for a company or self-employed and a commercial vehicle can/must be brought to their respective dwellings. However, the Board of Public Safety believes the situation is contrary to the many steps the City of Wildwood undertakes to protect its residential areas from certain unwanted or undesirable impacts. To this end, the Members of the Board of Public Safety support this change for the following reasons.

1. The modification allows for less interpretation of current regulations.
2. The modification eliminates conflicting language and its incumbent confusion, when application and enforcement are required of them.
3. The City of Wildwood has always placed a high value on protecting its residential areas from known or acknowledged impacts, such as commercial encroachments.

4. The parking or storage of commercial vehicles on streets and roadways creates safety concerns, given their relative sizes, particularly regarding sight lines for pedestrians.
5. The parking or storage of commercial vehicles in residential settings is often not allowed under the residential subdivisions' indentures, which is indicative of the desire within these restrictions to eliminate them from clear view and protect the character of the areas.

The Board of Public Safety does believe the restrictive nature of the Zoning Ordinance's definition of commercial vehicle imposes problems on certain individuals residing in Wildwood, but it is clear from feedback received from residents that commercial vehicles are not compatible with their homesites and neighborhoods. Therefore, the Board of Public Safety is requesting the City Council favorably consider this requested change to the Traffic Code and authorize the preparation of the needed legislation for the same.

Conclusion>>>

If any of the City Council Members should have questions or comments in this regard or need additional information, please feel free to contact Captain Mundel, with the St. Louis County Police Department – Wildwood Precinct, or the Department of Planning. A presentation is planned at tonight's meeting on this matter. Thank you for your consideration of this information and direction on the same.

Respectfully submitted,

CITY OF WILDWOOD

Scott Collier, Marshal and Chair*

Board of Public Safety

Cc: The Honorable James R. Bowlin, Mayor
Sam Anselm, City Administrator
John A. Young, City Attorney
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Captain James Mundel, St. Louis County Police Department – Wildwood Precinct
Molly Probst, Prosecuting Attorney
Joe Vujnich, Department of Planning and Parks

* The Department of Planning and Parks developed this report, in conjunction with the Board of Public Safety. Content reflects the Board's consideration of this subject and not necessarily an individual's position or opinion.