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File No. ZT-20-003

City Council Staff Report

Meeting Date: April 13, 2020
Applicant: Staff

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SYNOPSIS AND SCOPE OF DECISION

Currently, Millcreek has two conflicting definitions for commercial vehicles. In the City's Vehicles and Traffic Code (MKC Title 11), a commercial truck is defined as having a three-quarter ton capacity. In the Zoning Code (MKC Title 19), a commercial truck is defined as having a one-ton capacity. Millcreek is seeking to standardize the definitions between Titles 11 and 19, as both are utilized for ensuring that on-street parking is utilized in a manner compliant with code. Title 11 can be changed by the City Council without having to go through the same amendments process as the Zoning Code. That definition should be changed to the one-ton capacity. The Zoning Code's definition, in terms of gross vehicle weight, will remain the same.

By State law, the Zoning Code must go through the formal amendment process of a public hearing and the Planning Commission making a recommendation to the City Council. Staff is proposing that the Zoning Code Definition add language for "trailers" and "trucks" – utilizing the same language that exists in section 11.20.060 of the code.

MKC 11.20.060 Parking Of Trucks And Commercial Vehicles currently reads:

A. Definitions. As used in this section:

"Commercial vehicle" means a vehicle in excess of three-quarter-ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle. "Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of property of whatever kind. "Truck" means any truck-tractor, panel truck, pickup or other truck in excess of **three-quarter-ton** capacity.

B. Restriction. No person shall park any commercial vehicle, agricultural vehicle, occupied or empty trailer, truck-tractor or truck on any public street adjacent to a lot or parcel containing a residential dwelling(s) or on any public street within a residential subdivision for a period of time longer than three consecutive hours.

C. Exception. The prohibitions in this section shall not apply to vehicles being used in the servicing of adjacent properties or streets.

Staff is recommending the City Council change it to read:

A. Definitions. As used in this section:

"Commercial vehicle" means ~~a vehicle in excess of three-quarter-ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle.~~ any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

1. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting; vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, concrete ready mix ~~ement~~ trucks, or other similar vehicle.
2. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature.
3. Vehicles with more than two axles.
4. Vehicles that exceed eight feet in height.

"Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of property of whatever kind used for or intended for business use.

"Truck" means any truck-tractor, panel truck, pickup or other truck in excess of ~~one three-quarter-ton~~ capacity.

B. Restriction. No person shall park any commercial vehicle, agricultural vehicle, occupied or empty trailer, truck-tractor or truck on any public street adjacent to a lot or parcel containing a residential dwelling(s) or on any public street within a residential subdivision for a period of time longer than three consecutive hours.

C. Exception. The prohibitions in this section shall not apply to vehicles being used in the servicing of adjacent properties or streets.

PROPOSED ORDINANCE AMENDMENTS

The proposed change to 19.04.551 Vehicle, Commercial is:

1. "Commercial vehicle" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:
 - a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting; vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, concrete ready mix ~~ement~~ trucks, or other similar vehicle.
 - b. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature.
 - c. Vehicles with more than two axles.
 - d. Vehicles that exceed eight feet in height.
2. "Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of property of whatever kind.
3. "Truck" means any truck-tractor, panel truck, pickup or other truck in excess of one-ton capacity.

COMMUNITY COUNCIL INPUT

In March, the Community Councils reviewed the ordinance amendment, and all councils unanimously recommended approval of the proposed changes.

PLANNING STAFF ANALYSIS AND RECOMMENDATION

In order to make the two sections of the Millcreek Code defining commercial vehicles consistent, staff is recommending the adoption of the proposed amendment to MKC 11.20.060.A. and adoption of the proposed amendment to MKC 19.04.551.

PLANNING COMMISSION RECOMMENDATION

At their March 18, 2020 meeting, the Planning Commission voted unanimously to send a favorable recommendation to the City Council to adopt the recommended amendment to 19.04.551.