



CITY OF BALLWIN

14811 Manchester Road, Ballwin, MO 63011

BILL NO. ____ DRAFT ____

ORDINANCE NO. _____

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, HARDER, DOGAN, FLEMING, LEAHY, BOERNER, KERLAGON

AN ORDINANCE AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO DEFINITIONS AND REGULATIONS TO ADDRESS TRUCK AND COMMERCIAL VEHICLE PARKING IN THE C-1 COMMERCIAL DISTRICT.

WHEREAS, the Board of Aldermen has determined that it is appropriate to amend certain guidelines establishing definitions and regulations to address truck and commercial vehicle parking in the C-1 commercial district.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 1-2 of the Code or Ordinances of the City of Ballwin shall be amended by deleting the current definitions of Commercial motor vehicle and/or commercial vehicle and Delivery vehicle and adding new definitions for Commercial motor vehicle and/or commercial vehicle, Delivery/service vehicle and Pickup truck:

Pickup Truck: The words "pickup truck" mean a motor vehicle not having a multiple axle configuration and having a fully enclosed passenger body (cab) with a separate factory-installed open-top rear cargo bed. Such vehicles may feature chassis mounted body elements or unibody style construction. Such vehicles may include permanently mounted add-on fixtures such as, but not limited to, toolboxes, racks, carriers, tops, trailer hitches, etc., as long as the original factory-installed body elements, in substantially their original condition, remain on the vehicle.

Delivery/Service Vehicle: The words "delivery/service vehicle", "service vehicle", and "delivery vehicle" mean a motor vehicle or trailer regularly used for the delivery of freight, merchandise, supplies, tools, equipment, parts etc. and/or transportation for service personnel from a business location to customers, but not from or to a source, supplier or other business location and having signage on any side or face of the vehicles that does not exceed 10% of the total area of said face of the vehicles .

A. Regular use shall mean three or more days per week in which the vehicle is used for delivery or service purposes and such use shall be supported and verified by a written log or other permanent records of the delivery or service activity.

B. A delivery/service vehicle may also be a commercial vehicle and subject to commercial vehicle regulations.

Commercial motor vehicle and/or commercial vehicle: the words "commercial motor vehicle" and "commercial vehicle" shall mean a device meeting the definition of "vehicle", "motor vehicle", "trailer" or "utility vehicle" and also having/meeting one or more of the following attributes or conditions:

A. Having a gross weight, whether loaded or unloaded, in excess of 12,000 lbs.

B. Exceeding 20' in overall length as measured from the front bumper or foremost projecting element of the vehicle to the rearmost element of the vehicle including permanently attached equipment such as but not limited to trailer hitches, gates, toolboxes, etc.

C. Designed to accommodate passengers, chattels, freight, or merchandise,

D. Being any form of construction equipment or attachment to construction equipment such as but not limited to tractor, compactor, backhoe, crane, scraper, bulldozer, front loader, cement mixer, blade, bucket, hydraulic components, cab, track, etc.

E. Being a type of vehicle commonly known as a tow truck, dump truck, stake-bed truck, flat-bed truck, box truck, step van, refuse or garbage truck, bus, or other special purpose vehicle in excess of ten feet in overall length,

F. Being any type of agricultural vehicle or component thereof typically known as a tractor, farm implement, mowing equipment, brush hog, trimmer, spreader, all attachments thereto, all towed-behind equipment and all turf maintenance equipment and attachments or other similar equipment or vehicle.

G. For purposes of this definition, a commercial motor vehicle and/or commercial vehicle does not include pickup trucks or panel vans/trucks utilized for personal or commercial purposes.

Section 2. Section 15-281 (a) of the Code of Ordinances of the City of Ballwin shall be amended to include new subsections (5) and (6) as follows:

(5) A delivery/service vehicle meeting the definition of commercial vehicle may be parked in the C-1 district provided:

- A. It is parked behind the main building on the premises, or
- B. It is parked within the required rear yard of the C-1 district, or
- C. It is parked in a loading zone designated on a site development plan approved via a public hearing process, and
- D. It is parked on an authorized improved surface, and
- E. It is owned and/or operated by a licensed business or person operating a business on the premises where the vehicle is parked, and
- F. No more than two (2) such vehicles are parked on a commercial premises by any one (1) business or person.

(6) Premises which, due to their site design or parcel utilization, do not have facilities to allow parking of commercial vehicles behind the building or in the required rear yard and cannot amend the improvements on the site or amend the approved site development plan to accommodate such parking may submit an application to the City Clerk for an administrative permit to allow the parking of delivery/service vehicles elsewhere on the site provided such parking is not within the first row of parking spaces along a public right of way frontage, shall not exceed one vehicle per 5,000 square feet of gross floor area for any business and shall be parked in as close a proximity to the footprint of the business on the site as is allowed by the limitations of site design and parking layout.

Section 3. Section 28-7 (e) (5) of the Code of Ordinances of the City of Ballwin shall be amended as follows:

(5) Trailers may only be parked outside of a fully enclosed building in the C-1, C-2, C-3, and S-1 zoning district in designated loading zones as shown on site development plans approved via a public hearing process in the city or as authorized by section 15-281 (a) (6).

Section 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 5. This ordinance shall take full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

PASSED this _____ day of _____, 2013.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2013.

TIM POGUE, MAYOR

ATTEST:

ROBERT KUNTZ, CITY ADMINISTRATOR