

Personal and Commercial Vehicle Definitions

Presented by: City Planner, Natalie Birchak



Questions to Consider

- How does the City currently define and differentiate between personal, commercial, recreational, and heavy vehicles? Do these definitions match the definitions from the North Dakota Century Code?
- What is the purpose of prohibiting both commercial and heavy vehicles from being parked in residential zoning districts?
- How do other communities handle these definitions?

Section 62-10. – Definitions. (Relevant excerpts)

“Commercial vehicles means trucks, tractor cab units, trailers, used in any way as part of any commercial application, endeavor or business.”

“Heavy recreational vehicles means motor coach homes, converted buses and converted trucks.”

“Heavy vehicles means vehicles over ten tons gross empty weight.”

“Personal vehicles means shall mean passenger cars, vans, pick-up trucks, camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle, trailers under 20 feet in length, and boats.”

“Recreational vehicle means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers; boats, and boat trailers.”

Section 62-471. – Accessory uses. (Relevant excerpts)

- 1) Home-based business/home occupations. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:
 - a. External effects.
 1. There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 2. No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
 3. The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with this chapter. All criteria in Subsections (1)a.1, 2, and 4 through 6 of this section are applicable for the detached accessory building.
 4. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 5. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
 6. All discharges of sewage and wastes into public sewers shall comply with all applicable City ordinances.

Section 62-594. – Parking of certain vehicles.

- a) Applicability. This section permits the parking of certain vehicles on a single lot in a residential district subject to specific conditions.
- b) Location of parking.
 - 1) Parking of any vehicle is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
 - 2) Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure/garage) within the front yard setback but shall in no case encroach upon the public right-of-way.
 - 3) Parking of personal vehicles within an interior side yard must be located on a paved surface on the garage side of the property but shall not encroach upon the public right-of-way. Surface drainage shall maintain the standards set forth in the City Code.
 - 4) Parking of personal vehicles may occur in the rear yard setback, provided that such parking conforms to the provisions of the zoning ordinance. The parking space shall be provided on either a paved, graveled, or rock surface.
 - 5) Commercial vehicles and heavy vehicles shall not be parked on any lot within the R-1, R-2, R-3, and MH Districts. This section shall apply even if the commercial vehicle or heavy vehicle is not being driven for the purpose of the commercial application, endeavor or business at the time said vehicle is parked within the aforementioned zoning districts.
 - 6) All paved surfaces exceeding four feet in width shall require a driveway/pad permit issued by the Building Official or designee.
 - 7) Street side yard driveways/pads shall not exceed half of the required setback.
- c) Special provisions for recreational vehicles and boats. Within the R-1, R-2, R-3 and MH Districts, parking and storage of recreational vehicles and boats is subject to the following additional conditions:
 - 1) Recreational vehicles and boats must be maintained in a clean, well-kept state.
 - 2) Recreational vehicles and boats shall not be permanently connected to utility lines.
 - 3) Recreational vehicles and boats shall not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.

ND Century Code: 39-06.2-02. Definitions. (relevant excerpts)

6. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property:
 - a. If the gross combination weight rating or gross combination weight is twenty-six thousand one pounds [11793.86 kilograms] or more, whichever is greater, provided the towed unit has a gross vehicle weight rating or gross vehicle weight of more than ten thousand pounds [4536 kilograms], whichever is greater;
 - b. If the vehicle has a gross vehicle weight rating or gross vehicle weight of more than twenty-six thousand pounds [11793.40 kilograms], whichever is greater;
 - c. If the vehicle is designed to transport sixteen or more passengers, including the driver; or
 - d. If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR part 172, subpart F or any quantity of a material listed as a select agent or toxin in 42 CFR part 73

71. "Recreational vehicle" means any motorcycle not qualified for registration, off-highway vehicle, snowmobile, vessel, or personal watercraft. The term does not include an electric bicycle."

How do other communities define these terms?

Bismarck – Current Requirements

12-01-01. Definitions.

Where a term is used in this chapter, the meaning of that term as defined in Title 39 of the N.D. Century Code, if that term is so defined, and as that Title may be amended from time to time, is hereby adopted by reference and incorporated herein.

Watford City – Current Requirements

Chapter VIII - TRAFFIC

Article 1. – Definitions

Section 8-101. Definitions

Words and phrases used in this chapter shall have the meanings and be defined as provided in the North Dakota Century Code in Title 39, and NDCC Section 39-01-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.



Williston – Current Requirements

Section Z-31. Definitions

VEHICLE, HEAVY COMMERCIAL

A vehicle with a gross vehicle weight greater than 10,000 lbs. Personal vehicles such as boats, RV's, and campers are exempt from this weight requirement.

VEHICLE, OCCUPATION OR TRADE

A vehicle that is designed specifically to perform a type of function or service associated with an occupation or trade.

VEHICLE, PERSONAL

A vehicle that is owned by an individual and used for commuting purposes.

VEHICLE, WORK

A vehicle that is owned by a business entity, which is used by an affiliated employee for commuting purposes.



Grand Forks – Current Requirements

Chapter VIII. – TRAFFIC AND MOTOR VEHICLES

Section 8-0101. Definitions.

70) *Vehicle* includes every device in, or by which, any person or property may be transported or drawn upon a public roadway, except devices moved by human power or used exclusively upon stationary rails or tracks. the term does not include an electric bicycle, commercial pedal car or electric scooter.

Findings

- Prohibiting the parking of commercial vehicles based on the 62-10 definition can be overly restrictive and does not prevent the parking of heavy commercial vehicles: that is already covered by prohibiting heavy vehicles generally.
- Many cities do not include a definition for personal and commercial vehicles in the City zoning ordinance. Instead, these terms are defined in the traffic code and often reflect the definition used by the NDDOT.

Suggestion:

“Commercial vehicles means trucks, tractor cab units, trailers, used in any way as part of any commercial application, endeavor or business.”

~~“Heavy recreational vehicles means motor coach homes, converted buses and converted trucks.”~~

“Heavy vehicles means vehicles over ~~ten tons~~ 10,000 pounds gross empty weight.”

“Personal vehicles means ~~shall mean~~ passenger cars, vans, pick-up trucks, camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle, trailers ~~under 20 feet in length~~, and boats.”

“Recreational vehicle means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers, boats, and boat trailers.”

Suggestion:

- 1) Home-based business/home occupations. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:
 - a. External effects.
 1. There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 2. No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
 3. The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with this chapter. All criteria in Subsections (1)a.1, 2, and 4 through 6 of this section are applicable for the detached accessory building.
 4. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 5. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy **commercial** vehicles to conduct the home occupation is prohibited.
 6. All discharges of sewage and wastes into public sewers shall comply with all applicable City ordinances.

Suggestion:

- a) Location of parking.
 - 1) Parking of any vehicle is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
 - 2) Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure/garage) within the front yard setback but shall in no case encroach upon the public right-of-way.
 - 3) Parking of personal vehicles within an interior side yard must be located on a paved surface on the garage side of the property but shall not encroach upon the public right-of-way. Surface drainage shall maintain the standards set forth in the City Code.
 - 4) Parking of personal vehicles may occur in the rear yard setback, provided that such parking conforms to the provisions of the zoning ordinance. The parking space shall be provided on either a paved, graveled, or rock surface.
 - 5) ~~Commercial vehicles and~~ Heavy vehicles shall not be parked on any lot within the R-1, R-2, R-3, and MH Districts. This section shall apply even if the ~~commercial vehicle or~~ heavy vehicle is not being driven for the purpose of the commercial application, endeavor or business at the time said vehicle is parked within the aforementioned zoning districts.
 - 6) All paved surfaces exceeding four feet in width shall require a driveway/pad permit issued by the Building Official or designee.
 - 7) Street side yard driveways/pads shall not exceed half of the required setback.

Comments? Questions?