

Planner: Michael Wade

FILE NUMBER: DCA223-003(MTW)

DATE INITIATED: December 8, 2022

TOPIC: Development Code Amendment regarding standards, definitions, and distinctions for of oversized motor vehicles and oversized trailers

COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amending Chapters 51 and 51A, the Dallas Development Code, with consideration to be given to amending Sections 51-2.102 and 51A-2.102, "Definitions"; 51A-4.202(10), "Machinery, heavy equipment, or truck sales and service"; 51A-4.210(b)(3), "Auto service center"; 51A-4.210(b)(8.1), "Commercial motor vehicle parking"; 51-4.212(18) and 51A-4.210(b)(9), "Commercial parking lot or garage"; 51A-4.210(b)(16.1), "Liquefied natural gas fueling station"; 51A-4.210(b)(30.1), "Truck stop"; 51-4.212(2), "Automobile or motorcycle display, sales, and service (outside display)"; 51A-4.210(b)(30.1), "Vehicle display, sales, and service"; 51-4.217(b)(9), "Open storage"; 51A-4.217(b)(6), "Accessory outside storage"; and related sections with consideration to be given to developing appropriate standards, definitions, and distinctions for oversized vehicles and trailers.

SUMMARY: Existing regulations regarding the parking of vehicles in primary yards are difficult to enforce and out of date with modern passenger vehicle usage. The proposed code amendments establish more consistent regulations that are easier to enforce by creating new definitions using updated terminology and identifying realistic standards that are easier to ascertain.

ZOAC RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

Code Amendments Webpage:

<https://dallascityhall.com/departments/pnv/Pages/CommercialVehiclesDCA.aspx>

Table of Contents

1. BACKGROUND	3
2. ANALYSIS	4
a. Regulatory purpose	4
b. Current code regulating vehicles parking in a primary yard	4
c. Current code regulating land uses by vehicle weight	6
d. Federal, state, and other city regulations	8
e. Issues	12
f. Peer cities	13
3. ZOAC RECOMMENDATIONS AND REVISIONS	14
4. ZOAC MINUTES	16
5. ZOAC Recommended Amendments	17
SEC. 51A-2.102. DEFINITIONS.	17
SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.	17
SEC. 51A-4.210. RETAIL AND PERSONAL SERVICE USES.....	18
SEC. 51A-4.217. ACCESSORY USES.	20
SEC. 51-2.102. DEFINITIONS.....	23
SEC. 51-4.212. MOTOR VEHICLE RELATED USES.	24
SEC. 51-4.217. ACCESSORY USES.....	24

1. BACKGROUND

On December 6, 2022, Code Compliance Services presented to the Quality of Life, Arts, and Culture Committee of the City Council regarding the hardships of enforcing regulations on large vehicles parked within the primary yard of residentially zoned lots.

Currently, a motor vehicle may be parked in the primary yard of a residential building for more than 24 hours if it...

- ...is operable;
- ...has a valid state registration;
- ...is parked on an approved surface;
- ...is *not* more than 32 feet long; and
- ...is *not* a truck, truck tractor, bus, or recreational vehicle with a rated (carrying or “payload”) capacity of over 1.5 tons.

Code Compliance has found that a regulation based on rated capacity is difficult to enforce because weight is impractical or impossible to ascertain without vehicle documentation specific to the subject’s make and model. Vehicle weight can be difficult to find and verify, may be outdated, and may be incomplete, requiring a Code Compliance officer to perform calculations outside of their normal job duties. Rated capacity information can also be found within the vehicle itself, but this is inaccessible to a Code Compliance officer without permission from the vehicle owner. Rated capacity is therefore an inefficient metric by which to regulate vehicles parking in primary yards.

Upon further investigation, staff identified several land uses within Chapter 51A that use a vehicle weight limit of 6,000 pounds to define which vehicles are regulated by the development code as standard personal vehicles and which require special regulation, especially as they interact with dedicated land uses intended to serve commercial vehicles. Personal (non-commercial) vehicles are becoming heavier and more customized, however, and many pickup trucks and sport utility vehicles (SUVs) exceed 6,000 pounds. This threshold delineating personal vehicles from commercial or oversized motor vehicles should be reevaluated in light of changing personal vehicle preferences.

On July 23, the Zoning Ordinance Advisory Committee voted unanimously to recommend adoption of the proposed code amendment with clarified application of the vehicular storage regulation in 4.217(b)(6)(E)(iv) to every street-side area of a corner lot.

2. ANALYSIS

a. Regulatory purpose

Generally, the accepted purpose of regulations limiting the mass and use of vehicles permitted to park in the primary yard is to avoid public nuisances that could severely and regularly harm the well-being of neighboring residents. There is a general consensus that vehicles of a certain size, scale, and operation can introduce noise or visual elements that inhibit a reasonable enjoyment of the neighborhood when permitted by right to park in any residential primary yard; the thresholds pursued in this code amendment should allow operable personal vehicles for the regular use of residential households. Additionally, this amendment is not intended to broadly prohibit vehicles used for employment or commercial purposes by the residents of the property; instead, a regulation should establish a clear threshold that is actionable and efficient for Code Compliance officers to ascertain and effective in preserving a reasonable enjoyment of the neighborhood.

Similarly, land uses that provide for certain activities by only smaller personal vehicles or only larger specialized vehicles depend on a realistic identification of which vehicles they are intended to serve; and the delineating characteristics must be ascertainable and enforceable by Code Compliance officers.

b. Current code regulating vehicles parking in a primary yard

In Chapter 51A, a vehicle parked in the primary yard (which includes all area between the front lot line and building) is regulated as “Accessory outside storage”, which is an accessory land use addressed in Section 51A-4.217(b)(6). Accessory outside storage is defined as

the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

Subsection (E)(iii) prohibits accessory outside storage in the primary yard except for some items outlined in Subsection (E)(iv). (Exceptions are here referred to as a “defense to prosecution”). These exceptions includes the following in (E)(iv)(aa) and (bb):

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is

a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;

(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off- street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the primary yard;

To restate (E)(iv)(aa) and (bb): a resident *is allowed* to park the following in a primary yard:

- A motor vehicle, including a truck, truck-tractor, bus, or recreational vehicle, that...
 - ...is operable;
 - ...has a valid state registration;
 - ...is parked on a surface described in Chapter 51A off-street parking regulations;
 - ...is not more than 32 feet long; and
 - ...is not a truck¹, truck tractor, bus, or recreational vehicle with a rated capacity of over 1.5 tons.
- A boat, trailer, or recreational vehicle...
 - ...that cannot be reasonably placed in another part of the property;
 - ...is parked on a surface described in Chapter 51A off-street parking regulations; or
 - ...is *not* more than 32 feet long.

Rated capacity (also called “payload capacity” or “carrying capacity”) is the historic way of identifying truck models but has ceased to be a good indicator of the vehicle weight, size, or actual carrying capacity. The term appeared in the 19th century to advertise

¹ The term “truck” is not defined in the Dallas City Code, but is used frequently to indicate a motor vehicle (of no particular weight or size) designed to carry property. It is usually differentiated from a truck-tractor (used to haul other vehicles, including trailers), trailers or semi-trailers (used to carry property but without its own motive power), buses (used to carry large numbers of passengers), and road-tractors and farm-tractors, specialized vehicles for hauling certain types of loads. The Texas Transportation Code defines some of these terms, but does not define “truck”. Trucks are described and regulated in the Dallas City Code according to their weight and size for purposes of identifying truck routes, carrying capacities of bridges, appropriate loading and unloading areas, types of fueling stations and sales areas, and other specialized uses such as types of mobile food units and the amounts of fill material.

motor vehicles against horse-drawn wagons, and then was formally standardized by the U.S. military during and after World War I. Vehicles able to carry three-quarter ton (1,500 pounds) emerged as sought-after transport vehicles, while one-ton and over were developed for carrying munitions and heavy artillery. Consumer truck manufacturers began to identify new truck models by these standardized carrying capacities, but over the course of the 20th century, trucks began to carry heavier loads than their names and badges signified, and the models began to be designed according to gross vehicle weight rating (GVWR) ranges instead, which includes the entire vehicle along with passengers, fuel, and load. For example, the Ford F-250 is marketed in GVWR range of around 8,500 to 10,000 pounds, which includes a payload that may change with bed size and other customized characteristics of the F-250.² Because the Dallas Development Code, originally adopted in 1929, underwent updates in the 1940s and 1960s, a 1.5 ton-rated capacity was a good marker at that time that a vehicle was used primarily for commercial, agricultural, or other non-residential use, and may not be appropriate in a low-density residential neighborhood.

The historic significance of this rated capacity is reflected in other areas of City Code. Section 28-81 of the Dallas Traffic Ordinance prohibits the stopping, parking, or standing of “a truck-tractor, road tractor, semitrailer, bus, trailer, or truck with a rated capacity in excess of one and one-half tons... along “any block face containing a single family, duplex, or multifamily dwelling.” Section 44-41 imposes a short-term motor vehicle rental tax using a definition of “Motor vehicle” in Section 44-40 that excludes “a truck having a manufacturer’s rating of more than one-half ton” along with trailers, road building machines, and other certain vehicles that may be taxed independently.

The length of 32 feet appears to be designed to accommodate smaller recreational boats and recreational vehicles, and has been interpreted by Code Compliance to be a hard cap for any boat or motor vehicle parked in the primary yard.

c. Current code regulating land uses by vehicle weight

Several land uses regulate which vehicles they are intended to serve by the size, weight, or use of the vehicle. Specifically, weight is used by the following land uses:

² Magda, M. (2017, May 16). The Weight Game: Understanding Pickup Classes--And Where They Came from. *Cars.com*. <https://www.cars.com/articles/the-weight-game-understanding-pickup-classes-and-where-they-came-from-454786/>

- **Auto service center** in Sec. 51A-4.210(b)(3):

(A) *“Definition: A facility for the servicing or minor mechanical repair of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.”*

...

(E) *Additional provisions:*

(ii) *The servicing or repair of motor vehicles that weigh more than **6,000 pounds** or that have a manufacturer’s rated seating capacity of more than **15 persons** is not permitted under this use.*

- **Commercial parking lot or garage** in Sec. 51A-4.210(b)(9):

(A) *Definition: A vehicle parking facility that is operated as a business enterprise by charging a fee for parking.*

...

(E) *Additional provisions:*

(i) *The parking of vehicles that weigh more than **6,000 pounds** or that have a manufacturer’s rated seating capacity of more than 15 persons is prohibited under this use in all areas of the city except the central business district.*

- **Vehicle display, sales, and service** in Sec. 51A-4.210(b)(31):

(A) *Definition: A facility for the display, service, and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers”.*

...

(E) *Additional provisions:*

(i) *The weight of each vehicle displayed or sold under this use may not exceed **6,000 pounds**.*

(Staff also interprets this land use to include the rental of the listed vehicles, since there is no land use provided in the Development Code specific to rental operations. Development Services and Code Compliance staff have asked for clarity on this use in the past as many unlisted services have tested past interpretations.)

d. Federal, state, and other city regulations

Federal, State, and City codes use a patchwork of characteristics as metrics of a vehicle's appropriateness in various situations. Regulations tend to pertain to commercial vehicles and use size as one defining factor of several; these regulations should be reviewed with the understanding that the commercial use of a vehicle is not necessarily what is being regulated here.

Federal regulations generally separate motor vehicles that operate on streets into three broad categories: "passenger automobile", "work truck", and "non-passenger automobile". In 49 U.S.C. 32901(a), a passenger automobile is one that is primarily manufactured for transporting people and weighs less than 6,000 pounds; a work truck is one that weighs between 8,500 and 10,000 pounds and is not primarily manufactured to carry passengers; and a non-passenger automobile is everything else. Multiple measures determining weight, size, and function are used to break down these categories further and determine the appropriate regulations.

The Federal Highway Administration further divides commercial trucks into eight Gross Vehicle Weight Rating classes, and groups those into general categories:

Table 1: Gross vehicle weight ratings

Classification	Truck class	Weight limit	Examples ³
Light duty	Class 1	0-6,000 pounds	Chevrolet Colorado/GMC Canyon, Ford Ranger
	Class 2a	6,001-8,500 pounds	Chevrolet Silverado/GMC Sierra 1500, Ford F-150, Ram 1500
	Class 2b	8,501–10,000 pounds	Chevrolet Silverado/GMC Sierra 2500, Ford F-250, Ram 2500, Tesla Cybertruck
Medium duty	Class 3	10,001–14,000 pounds	Chevrolet Silverado/GMC Sierra 3500, Ford F-350 and F-450 (pickup), Ram 3500,
	Class 4	14,001–16,000 pounds	Chevrolet Silverado 4500HD/International CV, Ford

³ Wikipedia contributors. "Truck classification." *Wikipedia, The Free Encyclopedia*. Wikipedia, The Free Encyclopedia, 23 May. 2024. Web. 3 Jun. 2024.

			F-450 (chassis cab), Ram 4500, Isuzu NPR-HD
	Class 5	16,001–19,500 pounds	Chevrolet Silverado 5500HD/International CV, Ford F-550, Ram 5500, Isuzu NRR
	Class 6	19,501–26,000 pounds	Chevrolet Silverado 6500HD/International CV, Ford F-650, Freightliner Business Class M2 106, International MV
Heavy duty	Class 7	26,001–33,000 pounds	Autocar ACMD, Freightliner Business Class M2 106, Ford F-750, Hino 338, International MV
	Class 8	33,001–80,000 pounds (and over)	Volvo Truck VNL; Freightliner Cascadia, International LT

Note on weight measurements: *Gross Vehicle Weight Rating* (GVWR) is the maximum operating weight of a vehicle, accounting for the vehicle’s chassis, body, engine, engine fluids, fuel, accessories, driver, passengers, and cargo. It is distinct from other measurements such as *Gross Combined Weight Rating*, which adds the weight of a trailer to the GVWR; *Curb Weight*, which is the GVWR minus passengers or cargo; and *Gross Axle Weight* and *Gross Axle Weight Rating* (GAW and GAWR), which describe the weight that the axles can bear. Generally, GVWR is the relevant metric for this conversation, although some code sections will complicate the conversation by using multiple metrics. The GVWR includes the vehicle’s cargo, and has overtaken *Rated Capacity* as the dominant classification metric.

Overlapping with these weight classes, the Federal government defines “Commercial motor vehicle” as “a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle...” meets one of the following classes of criteria:

Group name	Criteria	
Combination Vehicle (Group A)	Gross combination weight rating or gross combination weight (whichever is greater)	26,000 pounds or more
Heavy Straight Vehicle (Group B)	Gross vehicle weight rating or gross vehicle weight (whichever is greater)	26,000 pounds or more

Small Vehicle (Group C) that does not meet Group A or Group B	Designed to transport 16 or more passenger (including driver); or
	Is of any size and used to transport hazardous materials

A commercial driver's license (CDL) is required to operate any of these vehicles.⁴

In the Texas Transportation Code (TTC) Title 7 Chapter 621, which regulates vehicle registration, "Commercial motor vehicle" means a motor vehicle, other than a motorcycle, designed or used for: (A) the transportation of property; or (B) delivery purposes". Earlier in TTC Title 7 Chapter 548, which regulates vehicle inspection, "commercial motor vehicle" is defined as a vehicle weighing between 26,000 and 48,000 pounds or that is used to transport more than 15 passengers including the driver (along with a few other minor characteristics).

More specifically, a vehicle may operate on Texas' highways without a permit if it is less than or equal to the following dimensions:

- Width: 8 feet (passenger); 8 feet 6 inches (all other vehicles);
- Height: 14 feet; and
- Length: 45 feet per single motor vehicle (additional length may be allowed without a permit for certain vehicle-trailer combinations).

A vehicle exceeding these dimensions would need a state oversize/overweight permit to operate on a highway. The name of this permit appears to be the only mention of the term "oversize" vehicles in state law.

The Dallas City Code defines "commercial vehicle" and "commercial motor vehicle" differently in Chapters 28 and 51A. Section 28-2 of the Dallas Traffic Ordinance defines "Commercial Vehicle" as "any vehicle that displays a valid commercial, truck, or truck-tractor state license plate." Department of Transportation (DOT) staff have confirmed that this definition is out of date, as the State no longer confers these license plates. Later, in Section 28-80 *Parking of commercial vehicles*, the code elaborates on this definition by prohibiting the stopping, parking, or standing of "a truck-tractor, road tractor, trailer, semitrailer, pole trailer, bus, or any other commercial motor vehicle..." Section 28-81 *Parking Of Vehicles With Capacity Of More Than One And One-Half Tons In Certain Districts* goes on to prohibit the stopping, parking, or standing of "a truck-tractor, road tractor, semitrailer, bus, trailer, or truck with a rated capacity in excess of one and one-half tons..." along "any block face containing a single family, duplex, or multifamily dwelling." Sections 28-64 and 28-65 prohibit vehicles with an

⁴ 49 CFR § 383.5 - Definitions

actual load of 5,000 pounds from crossing certain bridges or traveling on roads other than state or federal highways or designated bus or truck routes; Section 28-65 refers to such a vehicle as an “oversized motor vehicle”.

Elsewhere in Chapter 28, regulations prohibit vehicles “having a gross weight in excess of 6,000 pounds, or a vehicle having an overall length in excess of 21 feet, or any trailer” from parking in the Dallas Convention Center or the Dallas City Hall Parking Garage. The gross weight of 6,000 pounds echoes Chapter 51A’s use of 6,000 pounds in its land uses, and this would similarly prohibit certain common pickup trucks from parking in the parking garage; the 21-foot length appears to accommodate only common motor vehicles and exclude recreational vehicles (and boats). DOT staff are concurrently reviewing these Chapter 28 standards and definitions pertaining to commercial and oversize vehicles to bring the Traffic Code up to date.

Chapter 28 will need to be reviewed for amendments depending on adoption of this Chapter 51/51A amendment.

Chapter 51A, the Dallas Development Code, only defines the term “Commercial motor vehicle” in the strict contexts of the *Truck stop* land use in Section 51A-4.210(b)(30.1) and the *Liquefied natural gas fueling station* land use in Section 51A-4.210(b)(16.1). The following definition is used in both land uses:

- (i) *COMMERCIAL MOTOR VEHICLE means a motor vehicle that:*
 - (aa) *is designed or used for the transportation of cargo;*
 - (bb) *has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and*
 - (cc) *is not owned or operated by a governmental entity.*

This definition references the State definition in TTC Chapter 548 and is intended to differentiate these land uses from the common motor vehicle fueling station land use that serves typical passenger vehicles. Upon hearing staff’s proposal to replace this definition with a new one that replaces weight, designed function, and ownership with external vehicle dimensions, axle numbers, and passenger capacity, on July 24, 2024 the Zoning Ordinance Advisory Committee questioned whether this would impact the identification and regulation of motor fueling station land uses. Upon review with the ZOAC member and consultation with the City’s Zoning Review team, it was determined that there would be no impact on how a *Motor vehicle fueling station* or *Truck stop* would be differentiated. Designs must alter dramatically to accommodate traveling cargo vehicles and developers are forced to have clear intentions about what kind of vehicular use their fueling station land use will serve. Many *Truck stop* land uses in fact serve all kinds of vehicles including very large trucks, and staff could not identify any

negative impact to motorists, developers, or review and compliance staff with a regulation that excludes weight.

The *Commercial motor vehicle parking* land use in Sec. 51A-4.210(b)(8.1) refers to the above definition and broadens the list of identifying characteristics to include number of axles:

A facility for the temporary, daily, or overnight parking of commercial motor vehicles as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

Outside of clear statements regarding a vehicle's intent, weight, length, and number of axles, staff sometimes must seek an interpretation of a common word to draw a line between a passenger vehicle and a commercial or oversized vehicle. The land use *Machinery, heavy equipment, or truck sales and service* in Sec. 51A-4.202(b)(10) is "a facility for the display, sale, and service of machinery, heavy equipment, or trucks." In this instance, staff interprets "trucks" to mean medium-duty trucks and large commercial vehicles, including light duty trucks fitted with flat beds and service equipment, and not passenger vehicles or common personal vehicles. Like *Vehicle display, sales, and service*, staff interpret this land use to include the rental of the listed vehicles and equipment in the absence of a dedicated land use for rental operations.

e. *Issues*

Code Compliance has found that regulations based on rated capacity and weight class are difficult to enforce because weight is impractical or impossible to ascertain without vehicle documentation specific to the subject make and model. This highly specific documentation can be problematic to find and verify – the "trim" elements of any particular vehicle model may differ imperceptibly – and may be outdated or require calculation. Weight information can also be found within the vehicle itself, but this is inaccessible to a Code Compliance officer without the owner's permission. Additionally, weight is only used as a proxy for any nuisances likely to be caused by a larger vehicle, although the actual weight of the vehicle may only marginally increase wear and tear on public streets and not otherwise pertain to nuisances. A better metric is one that is more directly associated with potential for nuisances, and which can be ascertained by a Code Compliance officer from outside the vehicle without extensive research.

In addition to difficulty ascertaining rated capacity and weight class, consumer vehicles are becoming heavier and more customized. Many pickup trucks and sport utility vehicles exceed the 1.5 ton rated capacity limit for parking in a primary residential yard (Sec. 51A-4.217(b)(6)(E)(iv)(aa)), although their use and build are intended and broadly accepted for non-commercial use. Sport utility vehicles and pickup trucks have made up the vast majority of new auto purchases (between 72% and 80% in 2022, up from 63% in 2019 and 52% in 2013).^{5 6} Despite claims of increased danger, environmental harm, and roadway repair expenses,⁷ both pickup trucks and SUVs are growing larger, a result of lower gas prices, more fuel-efficient construction, and consumer preference for more legroom. The land uses listed above that prohibit vehicles over 6,000 pounds have been observed to regularly serve vehicles that sometimes reach 8,500 pounds or more. An improved metric will be one that explicitly allows the types of vehicles that are already being allowed in common practice without harm.

f. Peer cities

Austin

In Austin, vehicle storage is an accessory use. Not more than one vehicle per licensed driver may be stored on the premises, and the maximum size of a private garage is one that stores four vehicles. Vehicles over one ton are not permitted, except for two antique or recreational vehicles, which must be screened. Only one commercial vehicle is allowed per property; the Title 25 land development code has no definition of “commercial vehicle,” though the Title 12 traffic regulations chapter defines it as “a vehicle designed, used, or maintained to load, transport, and unload material or property.”

Fort Worth

Fort Worth does not permit parking of any vehicles in the front or side yards of 1- or 2-family zoning districts unless the vehicle is on a driveway and is screened if in the side yard. They also do not permit parking by “any oversize commercial vehicle or any tow trucks, dump trucks, truck-tractors, concrete mixing trucks, stake-bed trucks, buses, or similar vehicles, regardless of weight” in any yard (including rear), except for RVs under 26 feet long. A recreational vehicle over 40 feet may not be permanently parked in any yard without adequate fencing.

⁵ Munoz, J. F. (2022, May 20). *SUVs and trucks still rule US market despite higher fuel prices*. Motor1.com. <https://www.motor1.com/news/587230/suvs-still-rule-us-market/>

⁶ Shilling, E. (2022, January 27). *Trucks and suvs are now over 80 percent of new car sales in the U.S.* Jalopnik. <https://jalopnik.com/trucks-and-suvs-are-now-over-80-percent-of-new-car-sale-1848427797>

⁷ Zipper, D. (2024, April 28). *The reckless policies that helped fill our streets with ridiculously large cars*. Vox. <https://www.vox.com/future-perfect/24139147/suvs-trucks-popularity-federal-policy-pollution>

El Paso

In El Paso, “Not more than one commercial vehicle shall be allowed as accessory to a dwelling. Such commercial vehicle shall not have a manufacturer's rated carrying capacity exceeding two tons, shall not exceed twenty-six feet in length, or seven feet eight inches in width or nine feet in height.”

Houston

In Houston, no vehicle is permitted to park on an unimproved surface in a front or side yard of a single-family residence in a single-family residential area without an application. Definitions of “vehicle”, “large vehicle”, and “commercial vehicle” apply to street parking and rely primarily on size; “commercial vehicle” is simply one that displays commercial vehicle signs, excluding a taxi, limousine, or bus.

McKinney

No truck, truck trailer, or van with a manufacturer's rated capacity exceeding one ton, or any tractor, tractor trailer, farm trailer, or other agricultural equipment, can park in a residential zone. A boat, trailer, camper trailer, motor home or other such recreational vehicle must be parked in the rear yard, except in select, rarely-used districts. In single family residential districts, two family residential districts, and multiple family residential districts, the parking or storage of such vehicles is limited to the rear yard only, and is limited to a maximum of one pleasure boat and one unoccupied trailer or motor home designed for recreational use not to exceed 24 feet in length.

3. ZOAC RECOMMENDATIONS AND REVISIONS

The Zoning Ordinance Advisory Committee recommends establishing new, clear definitions for oversized motor vehicles and oversized trailers with standards that are easy to ascertain and which respond to current vehicle sizes. Weight can be removed as a standard due to the several overlapping regulatory schemas, the inherent difficulty in ascertaining specific weight information, and its secondary relationship to the intent of these code sections. These new definitions will be used in code sections pertaining to accessory outside storage and relevant principal land use standards to create a more consistent, clear development code.

Specifically, ZOAC recommends...

- ...restructuring Section 51A-4.217(b)(6)(E) for increased clarity;
- ...adding the terms *oversized motor vehicle*, *oversized trailer*, and *trailer* to Section 51A-2.102, delineating vehicles and trailers appropriate for a low-

density residential context from those that are more likely to contribute nuisances;

- *oversized motor vehicles* will be defined by size, passenger load, and number of axles, all of which are ascertainable by a code compliance officer from outside the vehicle;
- *oversized trailers* will be defined by size and exclude trailers carrying boats or used for recreational vehicles;
- ...prohibiting oversized motor vehicles and oversized trailers from parking in primary yards. This does not include RVs and boats (with accompanying trailers) as these vehicles are not included in either definition and are already regulated clearly by Section 51A-4.217(b)(6)(E)(iv)(bb) in the current code [(E)(iii)(bb) in proposed amended text];
- ...implementing the *oversized motor vehicle* and *oversized trailer* definitions to relevant land uses, replacing size, weight, and other criteria with these standardized definitions;
- ...updating relevant land uses to reflect practical use allowances and staff interpretations. For instance, Section 51A-4.210(b)(31) *Vehicle display, sales, and service* is amended to clarify that rental operations are included along with sales, aligning with current staff interpretation.

Revisions that ZOAC recommended on July 23, 2024 included:

- Clarify that the location of accessory outside storage includes the lot area between any street and the building on corner lots;
- Clarify how electric vehicle charging applies to Truck stop [Section 4.210(b)(30.1)].

Additionally, Code Compliance staff recommended alignment between the title of the Commercial motor vehicle parking land use in Section 4.210(b)(8.1) with the new “oversized motor vehicle” term and definition. Additional language has been added to this use that enables the land use to retain the name (and its references from planned development districts) while remaining specific to the vehicle type it is intended to serve.

Draft ZOAC minutes are attached to this report, approval of which will be voted on at the next ZOAC meeting.

4. ZOAC MINUTES

July 23, 2024

DISCUSSION

- 1. DCA223-003(MW)** Consideration of amending Chapters 51 and 51A of the
Michael Wade Dallas Development Code regarding the definition of
oversized motor vehicles and oversized trailers.

Mr. Wade presented and no speakers were present or registered. Chair Housewright led the discussion. Mr. Wade, Ms. May, and Mr. Reed provided clarification as needed and the committee concluded with the following motion.

Motion: It was moved to send the item to the City Plan Commission per staff recommendations, as briefed, with a change to clarify the primary yard area, especially on corner lots, and to further clarify electric vehicle charging for the use truck stop.

Motion: Lorie Blair
2nd: Paul Carden

Result: Passed: 7-0
 For: Barrett, Blair, Behring, Carden, Housewright, Rieves, Rubin
 Against: None
 Absent: MacGregor

Speakers: For: None.
 Against: None.

**ZOAC Recommended Chapter
51A Amendments**

**Chapter 51A Dallas Development Code: Ordinance No.
19455, as amended.**

**Article II.
Interpretations and Definitions**

SEC. 51A-2.102. DEFINITIONS.

...

(104.1) OVERSIZED MOTOR VEHICLE means any motor vehicle:

(A) that is more than 22 feet from end to end, more than 8 feet at its widest point, or more than 9 feet from the ground to its highest point; or

(B) with two or more rear axles such as trucks, truck tractors, and similar vehicles; or

(C) designed to transport more than 15 passengers including the driver.

(104.2) OVERSIZED TRAILER means any trailer or semi-trailer that is more than 20 feet from end to end, more than 8 feet at its widest point, or more than 9 feet from the ground to its highest point, excluding boat and recreational vehicle trailers.

...

(139.2) TRAILER means a vehicle without motive power that is designed or used to carry property or passengers, and is drawn by, or partially rests on, a motor vehicle.

**Article IV.
Zoning Regulations**

SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.

...

(10) Machinery, heavy equipment, or truck sales and service.

(A) Definition: A facility for the display, sale, rental, or ~~and~~ service of machinery, heavy equipment, oversized trailers, or oversized motor vehicles ~~trucks~~.

SEC. 51A-4.210. RETAIL AND PERSONAL SERVICE USES.

...

(3) Auto service center.

(A) Definition: A facility for the servicing or minor ~~mechanical~~ repair, maintenance, alteration, upholstering, reupholstering, or inspection of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include ~~as its primary function~~ the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

...

(E) Additional provisions:

...

(ii) The servicing or repair of oversized motor vehicles ~~that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons~~ is not permitted under this use.

...

(8.1) Commercial motor vehicle parking.

(A) Definition: A facility for the temporary, daily, or overnight parking of ~~commercial~~ oversized motor vehicles designed for the long-distance transportation of cargo, ~~as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles,~~ for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

...

(9) Commercial parking lot or garage.

...

(E) Additional provisions:

(i) The parking of oversized motor vehicles ~~that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons~~ is prohibited under this use ~~in all areas of the city except the central business district.~~

...

(16.1) Liquefied natural gas fueling station.

(A) Definition: A facility for the retail sale of liquefied natural gas from pumps to oversized motor vehicles. ~~In this paragraph:~~

~~(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:~~

~~(aa) is designed or used for the transportation of cargo;~~

~~(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and~~

~~(cc) is not owned or operated by a governmental entity.~~

~~(ii) LIQUEFIED NATURAL GAS FUELING STATION means a facility for the retail sale of liquefied natural gas from pumps to commercial motor vehicles.~~

...

(30.1) Truck stop.

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle charging stations for oversized motor vehicles. ~~In these use regulations:~~

~~(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:~~

~~(aa) is designed or used for the transportation of cargo;~~

~~(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and~~

~~(cc) is not owned or operated by a governmental entity.~~

~~(ii) TRUCK STOP means a facility for the retail sale of motor vehicle fuel dispensed from pumps to commercial motor vehicles.~~

...

(31) Vehicle display, sales, and service.

(A) Definition: A facility for the display, service, rental, or ~~and~~ retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers, excluding oversized motor vehicles and oversized trailers.

...

(E) Additional provisions:

~~(i) The weight of each vehicle displayed or sold under this use may not exceed 6,000 pounds~~

~~(i)~~ ~~(ii)~~ Outside display and storage of new or used vehicles for sale is permitted under this use without visual screening.

~~(ii)~~ ~~(iii)~~ New or used vehicles for sale may be displayed or stored in the required front yard under this use.

~~(iii)~~ ~~(iv)~~ If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

SEC. 51A-4.217. ACCESSORY USES.

(a) General provisions.

...

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

...

(6) Accessory outside storage.

(A) Definitions:

(i) ACCESSORY OUTSIDE STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed, or that is located on an unenclosed porch of a building.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

~~(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not Accessory outside storage is not permitted unless the item is:~~

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

~~(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.~~

~~(iii ii) Except as otherwise provided in this subsection, a Accessory outside storage is not permitted in the primary yard the area between any street and the main building and extending across the width of the lot or tract, or on a front porch of a residential building, unless it is: In this subsection, "primary yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.~~

~~(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:~~

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter and is not an oversized motor vehicle as defined in Section 51A-2.102 ~~except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;~~

(bb) a boat, trailer that is not an oversized trailer in Section 51A-2.102, or recreational vehicle, that is parked on a surface that

meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and ~~the item~~ cannot reasonably be placed in an outside area behind the street-facing building facade~~primary yard~~;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed outside~~in the primary yard or on the front porch~~ for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Chapter 681 of the Texas Transportation Code.

~~(iv~~ iii) A person shall not use more than five percent of the lot's area for accessory outside storage, not counting the area occupied by an operable motor vehicle with valid state registration. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

~~(v~~ iv) The board may grant a special exception to ~~the additional provisions of this subsection related to accessory outside storage in the primary yard or on a front porch of a residential building when, in the opinion of the board,~~ Subsection (E)(ii) when the special exception will not adversely affect neighboring property.

**Proposed Chapter 51
Amendments**

**Chapter 51 Former Dallas Development Code:
Ordinance No. 10962, as amended.**

**Article II.
Interpretations and Definitions**

SEC. 51-2.102. DEFINITIONS.

...

(91.1) OVERSIZED MOTOR VEHICLE means any motor vehicle:

(A) that is more than 22 feet from end to end, more than 8 feet at its widest point, or more than 9 feet from the ground to its highest point; or

(B) with two or more rear axles such as trucks, truck tractors, and similar vehicles; or

(C) designed to transport more than 15 passengers including the driver.

(91.2) OVERSIZED TRAILER means any trailer or semi-trailer that is more than 20 feet from end to end, more than 8 feet at its widest point, or more than 9 feet from the ground to its highest point, excluding boat and recreational vehicle trailers.

...

(121.1) TRAILER means a vehicle without motive power that is designed or used to carry property or passengers, and is drawn by, or partially rests on, a motor vehicle.

Article IV. Zoning Regulations

SEC. 51-4.212. MOTOR VEHICLE RELATED USES.

...

(2) Vehicle display, sales, and service.

(A) Definition: A facility for the display, service, rental, or ~~and~~ retail sale of new or used automobiles, motorcycles, motor scooters, recreational vehicles, and trailers, excluding oversized motor vehicles and oversized trailers, with outside display permitted.

...

(E) Additional provisions:

(i) Outside display and open storage of new or used vehicles for sale are permitted under this use without visual screening.

(ii) New or used vehicles for sale may be displayed or stored in the required front yard under this use. ~~The weight of each vehicle displayed under this provision may not exceed 6,000 pounds.~~

...

(18) Commercial parking lot or garage.

...

(E) Additional provisions:

(i) The parking of oversized motor vehicles ~~that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons~~ is prohibited under this use ~~in all areas of the city except the central business district.~~

...

SEC. 51-4.217. ACCESSORY USES.

(a) General provisions.

...

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

...

(9) Open storage.

(A) Definitions:

(i) ACCESSORY OPEN STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed, or that is located on an unenclosed porch of a building.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) Districts permitted: This accessory use is permitted in any district if it satisfies the requirements of Subsection (a) of this section and if it is not prohibited by the additional provisions of the main use and this section. This accessory use is not permitted in the P district.

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

~~(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not Accessory open storage is not permitted unless the item is:~~

~~(aa) customarily used or stored outside; or~~

~~(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.~~

~~(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.~~

~~(iii ii) Except as otherwise provided in this subsection, a Accessory open storage is not permitted in ~~the primary yard~~ the area between any street and the main building and extending across the width of the lot or tract, or on a front porch of a residential building, unless it is: ~~In this subsection, "primary yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.~~~~

~~(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:~~

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter and is not an oversized motor vehicle as defined in Section 51A-2.102 ~~except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;~~

(bb) a boat, trailer that is not an oversized trailer as defined in Section 51-2.102, or recreational vehicle, that is parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and ~~the item~~ cannot reasonably be placed in an outside area behind the street-facing building facade ~~primary yard~~;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed outside in ~~the primary yard or on the front porch~~ for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

~~(iv iii)~~ A person shall not use more than five percent of the lot's area of a premise for accessory open storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory open storage. Except as otherwise provided in this article, open storage is considered to be a separate main use if it occupies more than five percent of the lot.

~~(v iv)~~ The board may grant a special exception to ~~the additional provisions of this subsection relating to accessory open storage in the primary yard or on a front porch of a residential building when, in the opinion of the board,~~ Subsection (E)(ii) when the special exception will not adversely affect neighboring property.