



## MILLCREEK PLANNING AND ZONING

3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

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### MEMORANDUM

To: **Community Councils**  
From: **Francis Xavier Lilly, AICP, Director**  
Date: **27 February 2020**

**Re: ZT-20-003 – Amendments to Chapter 19.04 of the Millcreek Code, pertaining to the definition of commercial vehicles**

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#### **Summary**

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. The Zoning Code's definition, in terms of gross vehicle weight, will remain the same.

The Zoning Code Definition will add language for "trailers" and "trucks" – utilizing the same language that exists in section 11.20.060 of the code.

Changes are summarized in the following pages.

#### **Request**

**Staff is requesting a FAVORABLE recommendation to the City Council to adopt the proposed changes to the definition of commercial vehicles.**

**The Planning Commission will be discussing this matter on 18 March 2020. We request your recommendation in advance of that meeting.**

# Proposed Changes to Commercial Vehicle Definition

**Millcreek Municipal Code**

## Current: 11.20.060 Parking Of Trucks And Commercial Vehicles

- 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.

## Current: 19.04.551 Vehicle, Commercial

"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, cement 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.

## Revised: 11.20.060 Parking Of Trucks And Commercial Vehicles

### 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:

- 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 ~~cement~~ 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.

"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 ~~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.

## Revised: 19.04.551 Vehicle, Commercial

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 cement** 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.

Questions?

Thank You!