

What really constitutes a commercial vehicle? Time for a clearer answer when it come to condos. | Home & Living

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What's the difference between a sedan with a commercial logo on its door and a truck weighing more than 26,000 pounds?

There is no difference, according to many condo associations: Both are considered commercial vehicles by such associations' rules, and both are prohibited from the condo communities' parking spots.

The distinctions between the two sorts of vehicles may seem obvious. Yet I've been told of a local real estate agent who had to move her SUV off her condo community parking lot because the vehicle had her Realtor brand logo on the side. A municipal worker whose vehicle had a 10-inch logo of the city he works for ran into the same problem – as did a police officer whose marked patrol car was likewise deemed a commercial vehicle.

Do a keyword search on the internet and you'll find more examples from around the country where residents in homeowners' associations or condominium complexes have had their sign-bearing vehicles identified by associations as prohibited commercial vehicles.

In Virginia, the Department of Motor Vehicles defines commercial vehicles as:

- n A single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;
- n A combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more if the vehicle(s) being towed has a GVWR of more than 10,000 pounds;
- n A vehicle that carries 16 or more passengers, including the driver;
- n Any size vehicle that transports hazardous materials and that requires federal placarding.

For comparison, consider that Ford F-150, Chevrolet Silverado 1500, GMC Sierra 1500, Ram 1500, Toyota Tundra and Nissan Titan pickup trucks tend to have a curb weight (weight empty but ready-to-drive) of around 5,000-plus pounds (according to truckyeah.jalopnik.com).

It's pretty clear that, for the most part, the DMV's definition for commercial vehicles is based on weight first, then size – not on how the vehicle is marked or (with the

hazmat exception) what purpose the vehicle is used for.

On the other hand, Chesapeake's zoning ordinance defines commercial vehicles as "any motor vehicle or trailer typically used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a sign identifying a business, industry office of institution or a principal product or service of such. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered a commercial vehicle."

The Portsmouth zoning ordinance offers this definition of commercial vehicles: "A truck, bus, or other self-propelled vehicle of any type or a container constructed for the transportation of materials used or maintained primarily for business purposes to transport goods, equipment or passengers. This definition is not applicable to a vehicle described as a pickup, van or panel truck that does not exceed one ton in manufacturer's rated capacity and does not exhibit a company name or logo."

Both ordinances seem to say that any graphic or written identification with a business on any vehicle, regardless of model or design, puts it in the commercial category.

Yet in Virginia Beach, parking rules for commercial vehicles state: "A 'Commercial Vehicle' is defined as a loaded or empty motor vehicle, trailer, or semitrailer designed or regularly used for carrying freight, merchandise, or more than 10 passengers, including buses, but not school buses. Parking more than one commercial vehicle in a residential or apartment zoning district is prohibited except that: One commercial vehicle is allowed on the property of one ton or less in carrying capacity which does not exceed seven feet in height or 20 feet in length where the building is owned or occupied by a resident of the premises."

Norfolk's zoning ordinance is in the process of being rewritten.

I haven't done exhaustive research on these ordinances, but it is clear that there are differing definitions of what a commercial vehicle is. Search the internet and you'll find plenty of articles and postings on the same question of what kinds of vehicles can, or should, be permitted in residential, condo and HOA communities.

The question is ever-more common as people drive business-fleet vehicles home, operate home-based businesses and work as independent tradesmen. In many cases, the same vehicle sometimes used for business is, at other times, used for personal or family purposes.

It may be time for a statewide definition of commercial vehicles. What do you think? I invite you to send your thoughts and comments to me at jjackson@roseandwomble.com. I'll share some of those in future columns.

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