



PLANNING & DEVELOPMENT SERVICES DEPARTMENT

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Written Land Development Code Interpretation 2025-001

To: Grant Penland, Planning & Development Services Director
From: Nathan Jones-Meyer
CC: Don Burchett
Date: January 3, 2025
Re: Section 15.10.010 - Definitions

Written Interpretation Request

The City of Longmont Land Development Code (LDC) allows the planning director to provide interpretations of the written code requirements in light of the development code, the comprehensive plan, and any other relevant documents and render a written interpretation. This written interpretation has been developed to determine whether the definition of *Retail sales, general* includes the sale of electrically assisted vehicles, including electrically assisted bicycles, electric scooters, and electric golf cars.

The LDC includes definitions for the following land use categories and specific land use types:

Retail sales. Uses in this category are involved in the sale, lease, or rent of new or used products directly to the general public, but not specifically or exclusively for the purpose of resale. Any outdoor display or sale is subject to the standards in section 15.04.030.A.4. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

Retail sales, general, means retail sales conducted in a single structure, or series of attached structures.

Vehicles and equipment. Uses in this category include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair, storage and offices.

Vehicle sales and rental means the sale or rental of automobiles and light trucks only, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. The term "light truck" means a motorized vehicle with a manufacturer-defined "curb weight" (fully-fueled vehicle weight with no passengers or cargo) of three tons (6,000 pounds) or less.

Per Sec. 15.10.010, for words, terms and phrases used in this development code that are not defined below, or elsewhere in this Code, the planning director shall interpret or define such words, terms, and phrases pursuant to Sec. 15.02.100. - Written code interpretations. In doing so, the planning director may consult secondary sources related to the planning profession for technical words, terms and phrases, including, but not limited to:

A Planners Dictionary—Planning Advisory Service Report Number 521/522, by Michael Davidson and Fay Dolnick (American Planning Association, Chicago, Ill. 2004); and *The Complete Illustrated Book of Development Definitions 4th Edition*, by Harvey S. Moskowitz, Carl G. Lindbloom, David Listokin, Richard Preiss, and Dwight Merriam (Routledge, Taylor & Francis Group, New York, NY, 2015). The planning director may consult, *Merriam-*

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Webster's Collegiate Dictionary, 11th Edition (2003) or other available reference source for other words, terms and phrases.

The LDC does not provide a definition of the term *automobile*. Additionally, it does not include definitions for *electrically assisted vehicles*, such as electrical assisted bicycle, electric personal assistive mobility device, electric scooter, or other vehicle types, including Golf car and Low-power scooter.

Definitions

A Planner's Dictionary provides the following relevant definitions:

Automobile: (See also motor vehicle) Every vehicle, except motorcycles, designed for carrying 10 passengers or less and used for the transportation of persons. (El Paso, Tex.).

Motor vehicle: (See also automobile definitions; truck definitions) Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways. (North Kansas City, Mo.). Every vehicle that is self-propelled. (El Paso, Tex.).

Golf cart: A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes. (State of Florida)

According to A Planner's Dictionary, the primary characteristic of an automobile or a motor vehicle is that it is *primarily for transportation of persons or goods along public streets or alleys, or other public ways*. A golf cart is differentiated from an automobile and is a subtype of a motor vehicle designed specifically for *operation on a golf course for sporting or recreational purposes*. It does not include a definition for the term electrically assisted vehicles and does not reference electrically assisted bicycles or electric scooters.

Another relevant source for words, terms, and phrases is Part 1, Definitions and Citations, of the Colorado Revised Statutes Title 42, Vehicles and Traffic and Article 14.5, Off-highway Vehicles, of the Colorado Revised Statutes Title 33.

Title 42 provides the following definitions:

(7.5) (a) "Autocycle" means a three-wheeled motor vehicle in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in section 42-4-237 (1)(b).

(b) As used in this subsection (7.5), "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

(8) "Automobile" means any motor vehicle.

(28.5) "Electrical assisted bicycle" means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) "Class 1 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) "Class 2 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) "Class 3 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

(28.7) "Electric personal assistive mobility device" or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(28.8) (a) "Electric scooter" means a device:

(I) Weighing less than one hundred pounds;

(II) With handlebars and an electric motor;

(III) That is powered by an electric motor; and

(IV) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) "Electric scooter" does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

(39.5) "Golf car" means a self-propelled vehicle not designed primarily for operation on roadways and that has:

(a) A design speed of less than twenty miles per hour;

(b) At least three wheels in contact with the ground;

(c) An empty weight of not more than one thousand three hundred pounds; and

(d) A carrying capacity of not more than four persons.

(48.5) (a) "Low-power scooter" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion;
or

(II) wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "Low-power scooter" does not include a toy vehicle, bicycle, electrical assisted bicycle, electric scooter, wheelchair, or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.

(48.6) "Low-speed electric vehicle" means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground; Colorado Revised Statutes 2023 Page 8 of 811
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(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(58) "Motor vehicle":

(a) Means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways, a low-speed electric vehicle, or an auticycle; except that the term does not include electrical assisted bicycles, electric scooters, low-power scooters except as provided in subsection (58)(b) of this section, wheelchairs, or vehicles moved solely by human power;

(b) Includes a low-power scooter for the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1; and

(c) Does not include a farm tractor or an off-highway vehicle, except for the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401, when operated on streets and highways.

Title 33 provides the additional relevant definition:

(3) "Off-highway vehicle" means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. Except as described in subsection (3)(h) of this section, "off-highway vehicle" includes surplus military vehicles as defined in section 42-6-102. "Off-highway vehicle" does not include the following:

- a) Vehicles designed and used primarily for travel on, over, or in the water;
- b) Snowmobiles;
- c) Repealed.
- d) Golf carts;
- e) Vehicles designed and used to carry individuals with disabilities;
- f) Vehicles designed and used specifically for agricultural, logging, or mining purposes;
- g) Vehicles registered pursuant to article 3 of title 42; or
- h) A surplus military vehicle, as defined in section 42-6-102 (20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in section 32-1-103 (7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

Conclusions and Interpretation

Per A Planner's Dictionary, the definition of the term *automobile* is based on the vehicle's occupant capacity. The definition refers to *motor vehicles* as a related term. The term *motor vehicle* is defined as a vehicle primarily designed for transportation on public roads.

Per Title 42, the terms *automobile* and *motor vehicle* are synonymous. The primary characteristic of these terms is that they are vehicles designed for travel on public highways. They can include low-speed electric vehicles or auticycles but exclude electrical assisted bicycles, electric scooters, and low-power scooters. They do not include off-highway vehicles.

Electrically assisted vehicles, including electrically assisted bicycles and electric scooters, are distinct vehicle types that are not associated with the term *automobile*. Similarly, while Title 33 excludes golf carts as a type of off-highway vehicle, Title 42 defines golf carts as a self-propelled vehicle not designed for operation on roadways and separate from the term *automobile*. The distinction is based on the unique design requirements of electrically assisted bicycles and electric scooters, and electric golf carts, as defined in Title 42, and the intended functionality, namely the use of the vehicle for transportation on public highways.

For the purposes of the definitions of land use, electrically assisted vehicles, which in the case of this interpretation include electrically assisted bicycles and electric scooters, and electric golf carts, are distinct and separate from automobiles. *Retail sales, general* refers the sale of products to the general public while *vehicle sales and rental* is specific to the sale of automobiles. As such, electrically assisted vehicles, including electrically assisted bicycles and electric scooters, and electric golf carts as defined in Title 42, are a type of product, rather than a type of automobile. The sale of electrically assisted vehicles, including electrically assisted bicycles and electric scooters, and electric golf carts, is allowed within the *Retail sales, general* land use.



Grant Penland
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Grant Penland
Planning & Development Services Director

Date

Cc: Official record of interpretations