

**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
November 17, 2014
6:30 P.M., COUNCIL CHAMBERS, CITY HALL**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. Please note that the City Council cannot comment or take any action on this item.

II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from October 20, 2014 Regular P&Z Meeting
- B. Consider, discuss and act upon an ordinance regarding items being placed in, on and/or about the public right-of way
- C. Consider, discuss and act upon an ordinance regarding driveway approaches, driveways & parking hazards

III. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on November 14, 2014, by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 14th day of November, 2014.



Bryce Thompson, Chairman

 

Edie Sims, City Secretary



TO: Planning and Zoning Commission
FROM: Ben White, City Manager
DATE: November 17, 2014
SUBJECT: Consider, discuss and act upon minutes from October 20, 2014 Regular P&Z Meeting

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning_commission_meetings.php#revize_document_center_rz1088

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
October 20, 2014

The Farmersville Planning and Zoning Commission met in regular session on October 10, 2014 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bryce Thompson, Patti Ford, Charles Casada, Chad Dillard and Craig Overstreet. Commission members absent were Mark Vincent and Todd Rolen. Staff members present was City Manager Ben White, Attorney David Ritter standing in for City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison John Klostermann was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Vice-Chairman Bryce Thompson called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Craig Overstreet offered the invocation and led the audience in the Pledge of Allegiance to the American and Texas Flags.

Item II) REORGANIZATION OF COMMISSION

Vice-Chairman Bryce Thompson opened the nominations for Chairman with Craig Overstreet nominating Bryce Thompson as Chairman. Patti Ford seconded the motion. Craig Overstreet requested nominations to cease. With no further discussion, Bryce Thompson was voted Chairman unanimously.

Chairman Thompson opened the nominations for Vice-Chairman with Charles Casada nominating Todd Rolen. Chad Dillard seconded the motion. With Craig Overstreet requesting nominations to cease, Todd Rolen was voted Vice-Chairman unanimously.

Chairman Thompson opened the nominations for Secretary with Craig Overstreet nominating Patti Ford. Charles Casada seconded the motion. With Bryce Thompson requesting nominations to cease, Patti Ford was voted Secretary unanimously.

Item III – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM SEPTEMBER 15, 2014 REGULAR P&Z MEETING AND SEPTEMBER 29, 2014 SPECIAL P&Z MEETING

Craig Overstreet requested clarification on Item III-A of the September 15th minutes and amend the statement regarding Item 13 stating it was amended to “not allow the placement of dumpster improvements... except with the approval by the City Manager.” Bryce Thompson requested the attendees be corrected on the September 29th minutes. With those changes, Craig Overstreet motioned to approve the amended minutes with Charles Casada seconding the motion. Motion carried unanimously.

Item III – B) CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGARDING ITEMS BEING PLACED IN, ON AND/OR ABOUT THE PUBLIC RIGHT-OF-WAY

City Manager Ben White offered to bring the new Commission members up to date regarding this topic. The Council expressed a concern of having dumpsters being placed in the street and not behind the right-of-way line. With several business owners present, Mr. White read the proposed dumpster uses as presented.

After hearing the proposed changes to the dumpster use regulations, Chairman Thompson opened the floor for an open discussion. The first to come up was Darrell Moore, Commander of the Farmersville VFW. Mr. Moore's concerns evolved around unauthorized use of his dumpster. The VFW's dumpster is located at the rear of the building and is concealed from open view. This opens opportunity for unauthorized dumping and asked if something can be added to protect the business owners.

Ernie Phelps with Farmersville ISD came forward questioning if pads would be required and if screening would be needed where dumpsters sit on gravel pads. Mr. White confirmed Item 11(b) addresses this topic which states “Dumpsters that were in place and in active and constant use prior to October 1, 2014, which do not comply with all of the provisions of this

Section, may remain in their October 1, 2014 location so long as said Dumpsters do not violate subparagraphs (a)(4), (a)(6), and (a)(8) through (a)(12) of this Section 59-25, and provided further that such Dumpsters are not removed from said location or increased in size and the location of such Dumpsters while being used or emptied does not interfere with the passage of vehicular traffic or pedestrians."

Chad Dillard questioned the current dumpsters need to be relocated to the rear of the building and out of the right-of-way. Mr. White emphasized this and also stated the word will read "should" rather than "shall."

Diane Piwko, owner of Fiber Circle at 200 McKinney Street, expressed concern of properties downtown that do not own land. Ms. Piwko stated she owns 2' behind her building and 8' in front. Her dumpster is set in the back of her building on private property by permission. Other downtown properties have this same issue and felt the City needs to identify placement of dumpsters on private property or other areas by permission. City Manager Ben White stated there are community public areas that meet these criteria such as Daniel & Brown, Inc. which has a concrete cinder wall open enclosure. Screening walls do not exist behind the south side of the square. Behind Ms. Piwko's building there are no identified areas for dumpsters, essentially a rock road used as an alley. Public areas are typically set aside for dumpsters. Ms. Piwko expressed concern if any business changes, the business would not have a dumpster location. Mr. White confirmed there are no agreements or definitions for this issue and may need to define public area space for dumpster access and maintenance for those around the square. Mr. White stated he believes the areas where the dumpsters are placed are by prescription and used as public access. Part of the access is placement of dumpsters. So long as this area is used by the public, David Ritter stated this would be considered an easement by prescription. Mr. White stated he is not aware of other situations like this in town and we can have the attorney carve out this situation in the ordinance.

Dustin Tarrant, representative of Independent Bank, stated the Bank's dumpster is situated in the open parking lot on the south side of their building. With entrance doors located on the north and south side, there is a question of where the rear of the building is located. Mr. White stated with the building's address being on McKinney Street, he would consider the front facing McKinney and the entrance facing Farmersville Parkway to be the rear of the building. The Bank has a situation where there is not an enclosure; however the dumpster is located on the far south end of the parking lot. Mr. White stated the Bank's dumpster meets the requirements and does not need to install an enclosure. Mr. Tarrant also expressed concern of unauthorized use. If the dumpster has a locking lid, it is very inconvenient for Bank staff to unlock not knowing when the trash would be emptied.

Lonnie McCloud, Remax Country Northeast, reiterated concerns of unauthorized use. Craig Overstreet stated it appears the ordinance needs tightening up regarding unauthorized use and dumpsters on perceived public rights-of-way. Bryce Thompson was concerned the Commission accomplished the Council's concerns with Mr. White stating he felt the Council's concerns have been addressed. Darrell Moore questioned who would enforce unauthorized uses. Mr. White stated this is more of a law enforcement issue; however Code Enforcement could be involved with the enforcement as well.

Craig Overstreet motioned to table this item for further review and allow new items to be addressed with Patti Ford seconding the motion. Motion carried unanimously.

Item IV – A) CONSIDER, DISCUSS AND ACT UPON CLARIFICATION OF DRIVEWAY APPROACHES, DRIVEWAYS AND PARKING HAZARDS

City Manager Ben White offered accolades to City Attorney Alan Lathrom for the progress made on the driveway approaches and parking hazard issue. Mr. White stated he believes the proposed ordinance amendments meet the Commission's previous requests. Bryce Thompson expressed concerns regarding Section 71-176 commenting that we are a rural



TO: Planning and Zoning Commission
FROM: Ben White, City Manager
DATE: November 17, 2014
SUBJECT: Consider, discuss and act upon an ordinance regarding items being placed in, on and/or about the public right-of way

- An ordinance is attached for review

ACTION: Approve ordinance with recommendation to the Council or disapprove ordinance.

**CITY OF FARMERSVILLE
ORDINANCE # O-2014-____-____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED THROUGH THE AMENDMENT OF CHAPTER 59, "SOLID WASTE," BY DELETING SECTION 59-25, "COMMERCIAL DUMPSTER USE REGULATIONS," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 59-25 ENTITLED "DUMPSTER USE REGULATIONS," TO INCLUDE REGULATIONS THAT WILL PLACE DUMPSTERS OUTSIDE OF RIGHTS-OF-WAY AND SIDEWALKS AND MINIMIZE POTENTIAL NEGATIVE IMPACTS OFTEN ASSOCIATED WITH DUMPSTERS, BY AMENDING SECTION 59-26, "PLACEMENT OF POLYCARTS AND RECYCLING BINS," BY DELETING SUBPARAGRAPH (A) IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (A) CLARIFYING THAT CARTS AND BINS PLACED FOR COLLECTION AFTER 7:00 A.M. MAY BE MISSED, AND BY AMENDING SECTION 59-31, "COMMERCIAL REFUSE/DUMPSTER REGULATIONS; UNAUTHORIZED USE OF DUMPSTERS PROHIBITED," BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 59-31, ENTITLED "REFUSE/DUMPSTER REGULATIONS; UNAUTHORIZED USE OF DUMPSTERS PROHIBITED"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to modify certain parts of the Solid Waste ordinance as it pertains to the placement and use of dumpsters, polycarts and recycling bins; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds and determines that amending the Solid Waste ordinance as it pertains to the placement and use of dumpsters, polycarts and recycling bins is in the best interest and public health, safety, and welfare of the citizens of the City of Farmersville, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1: INCORPORATION OF FINDINGS

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2: AMENDMENT OF CHAPTER 59, "SOLID WASTE," BY DELETING SECTION 59-25, "COMMERCIAL DUMPSTER USE REGULATIONS," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 59-25 ENTITLED "DUMPSTER USE REGULATIONS"

From and after the effective date of this Ordinance, Chapter 59, "Solid Waste," is hereby amended by deleting Section 59-25, "Commercial Dumpster Use Regulations," in its entirety and replacing said section with a new Section 59-25 entitled "Dumpster Use Regulations" to read as follows:

"Sec. 59-25. Dumpster use regulations.

- (a) The following regulations apply to dumpsters, whether such dumpsters are used for nonresidential uses, multi-family uses or residential uses:
- (1) Dumpsters shall be maintained in safe, clean, painted and sound condition by the independent contractor granted the exclusive franchise for solid waste collection or such third-party as may own the dumpster being used.
 - (2) Dumpsters shall be placed on a concrete pad capable of holding the weight of such dumpster in a fully-loaded condition. Lifting aprons shall be provided in front of each dumpster location to accommodate the wheels and weight of the sanitation truck.
 - (3) Driveways to dumpsters shall be designed to accommodate the weight of a 56,000 pound gross vehicular weight (GVW) sanitation truck.
 - (4) Dumpster customers should not place liquid waste of any type in dumpsters. Notwithstanding the foregoing, Dumpster customers shall ensure that no liquid waste of any type that is placed in a dumpster is permitted or allowed to seep, pour, escape, leak or otherwise fall from the dumpster into which liquid waste is placed and that no solid waste is placed outside the dumpster.
 - (5) Dumpsters, if enclosed, shall be enclosed within a minimum six-foot tall enclosure or be screened from public view, and be provided with an opening of at least 12 feet for collection access. A three-sided enclosure is preferred, and if gates are used, they must be kept closed and in good repair.
 - (6) Dumpster lids shall be kept closed at all times. Dumpsters and roll-off style containers that do not

have lids affixed or attached shall at all times be covered or enclosed in a manner that will prevent solid waste from falling out of, escaping from, or otherwise resulting in litter around and about the location of the "Dumpster Improvements" (defined below).

- (7) The maintenance and upkeep of concrete pads, lifting aprons, screening enclosures and gates shall be the responsibility of the property owner.
 - (8) Dumpsters and related concrete pads, lifting aprons, and screening enclosures and gates (collectively "Dumpster Improvements") should be located to the rear of the buildings with proper access.
 - (9) Dumpster Improvements shall be placed behind the building lines on all sides of the property on which the Dumpster Improvements are situated.
 - (10) Dumpster Improvements shall not encroach upon or be placed in, upon, over or across any sidewalks, curbs, bar ditches, streets, alleys or rights-of-way of the City.
 - (11) Dumpster Improvements shall not be placed in, upon, over or across any easement save and except to the extent only that the placement of such Dumpster Improvements is approved in advance and in writing by the City Manager.
 - (12) Dumpster Improvements shall not be located beneath any overhead utility line.
- (b) Dumpsters that were in place and in active and constant use prior to October 1, 2014, which do not comply with all of the provisions of this Section, may remain in their October 1, 2014 location so long as said Dumpsters do not violate subparagraphs (a)(4), (a)(6), and (a)(8) through (a)(12) of this Section 59-25, and provided further that such Dumpsters are not removed from said location or increased in size and the location of such Dumpsters while being used or emptied does not interfere with the passage of vehicular traffic or pedestrians."

SECTION 3: AMENDING SECTION 59-26, "PLACEMENT OF POLYCARTS AND RECYCLING BINS," BY DELETING SUBPARAGRAPH (A) IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (A) CLARIFYING THAT CARTS AND BINS PLACED FOR COLLECTION AFTER 7:00 A.M. MAY BE MISSED

From and after the effective date of this Ordinance, Section 59-26, "Placement of Polycarts and Recycling Bins," by deleting subparagraph (a) in its entirety and replacing said subparagraph with a new subparagraph (a) to read as follows:

"(a) All polycarts and recycling bins shall be placed for collection not earlier than 6:00 p.m. prior to the day of scheduled collection. Polycarts and recycling bins that are placed for collection after 7:00 a.m. on the day of scheduled collection may be missed as collection begins at 7:00 a.m. No polycarts or recycling bins shall be allowed to remain at the street side collection point after 12:00 midnight on the scheduled pickup day."

SECTION 4: AMENDING SECTION 59-31, "COMMERCIAL REFUSE/DUMPSTER REGULATIONS; UNAUTHORIZED USE OF DUMPSTERS PROHIBITED," BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 59-31, ENTITLED "REFUSE/DUMPSTER REGULATIONS; UNAUTHORIZED USE OF DUMPSTERS PROHIBITED"

From and after the effective date of this Ordinance, Chapter 59, "Solid Waste," is hereby amended by deleting Section 59-31, "Commercial Refuse/Dumpster Regulations; Unauthorized Use of Dumpsters Prohibited," in its entirety and replacing said section with a new Section 59-31 entitled "Refuse/Dumpster Regulations; Unauthorized Use of Dumpsters Prohibited" to read as follows:

"Sec. 59-25. Dumpster use regulations.

(a) The placement of a dumpster, at any location, by request of a local business, and the payment of monthly dumpster charges thereof, shall constitute a contractual arrangement granting such business the exclusive right to dispose of refuse through use of its designated dumpster.

(b) Pilfering, scattering contents or meddling with garbage, recyclables, rubbish, brush or collection containers or receptacles by any person other than the owner, occupant or authorized agent is prohibited.

(c) It shall be unlawful for any person to deposit any burning match, charcoal, ember or other burning material in any

collection container or receptacle used for the disposal of garbage, recyclable material, rubbish, or brush.

(d) It shall be unlawful for any person to deposit any materials not included in the definitions of garbage, recyclable material, rubbish and brush in any collection container or receptacle used for the disposal of garbage, recyclable material, rubbish or brush.

(e) It shall be unlawful for any unauthorized person, other than the commercial customer or its employees or agents, to deposit any materials in a commercial collection container or receptacle.

(f) It shall be unlawful to deposit solid waste generated from within the corporate city limits in any place other than a landfill designated in this chapter unless authorized by the executive director of public works or his duly appointed representative.

(g) It shall be unlawful to store or place in a screening enclosure that is provided for garbage and/or recycling containers and/or receptacles any debris, solid waste or any other item for storage that is not a solid waste and/or a recycling container and/or receptacle."

SECTION 5: REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all Ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 6: SEVERABILITY

It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid, or unenforceable.

SECTION 7: PENALTIES FOR VIOLATION OF THE ORDINANCE

Any person, firm or corporation who violates any provision of this Ordinance, upon conviction, shall be guilty of a misdemeanor and shall be fined up to \$2,000.00 per violation for a violation of a provision of this Ordinance governing fire safety, zoning, or public health and sanitation, including dumping or refuse, and up to \$500.00 for all other violations of this Ordinance. Each occurrence and each day that a violation continues shall be considered a separate offense and punished accordingly.

SECTION 8: INJUNCTIVE RELIEF

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

SECTION 9: PUBLICATION

The City Secretary is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty, and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 10: ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date Clause in the minutes of the City Council of the City of Farmersville, and by filing this Ordinance in the Ordinance records of the City.

SECTION 11: SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 12: EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as required by law.

[Remainder of page left blank intentionally.]

PASSED on first reading on the ____ day of _____, 2014, and second reading on the ____ day of _____, 2014 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF _____, 2014.

BY: _____
Joseph E. Helmberger, P.E., Mayor

ATTEST:

BY: _____
Edie Sims, City Secretary



TO: Planning and Zoning Commission
FROM: Ben White, City Manager
DATE: November 17, 2014
SUBJECT: Consider, discuss and act upon an ordinance regarding driveway approaches, driveways & parking hazards

- Proposed changes are attached for review

ACTION: Discuss proposed changes and offer direction to Staff.

Sec. 71-167. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Corner lot means a residential property located at the intersection or confluence of two or more streets such that public street rights-of-way are directly adjacent to at least two contiguous sides of the lot.

Driveway means the primary improved **off-street** parking surface that provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

Front yard means the area between the front building lines of a residential structure to the front property line or street right-of-way line or, when a structure does not exist, the area defined as front yard in Chapter 77, Zoning.

Paving or Improved parking surface means a continuous paved surface area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones or other hard surfaced durable material approved by the building official.

Loop driveway means the primary improved off-street parking surface that provides egress and ingress from and to the same adjacent street.

Restricted parking area means that area of a lot which is situated outside of the driveway(s) or looped driveway(s) having an improved parking surface and as allowed or permitted by Section 77-168 or the approved Site Plan or Concept Plan for the property in question.

Side yard means the area from the side of a residential structure to the side property line or, when no structure exists, the area defined as a side yard in Chapter 77, Zoning.

Through lot or double-frontage lot means a residential property located on a tract of land situated between two streets such that public street rights-of-way are directly adjacent to opposite sides of the lot and the lot has two required front yards.

Vehicle means every device in, upon or by which any person or property is or may be transported, drawn or moved upon a street, highway, waterway or airway. The term "vehicle" includes, but is not necessarily limited to, any one or more of the following:

- a. Automobile;
- b. Bus;

Deleted: Auxiliary parking area means the area between the driveway and the nearest property line located on the adjoining side of the residential structure as the driveway, as indicated in the diagram on file in the city secretary's office. An exception is an improved circular driveway located directly in the front of the residence.¶

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Deleted: and the farthest property line located on the opposite side of the residential structure from the driveway, through the front yard and side yard of the property. The restricted parking area shall include the front yard and side yard as indicated in the diagram on file in the city secretary's office. An exception is an improved circular driveway located directly in the front of the residence.

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- c. Truck;
- d. Tractor;
- e. Motor home;
- f. Farm machinery;
- g. Motorcycles;
- h. Scooters;
- i. Mopeds;
- j. All-terrain vehicles;
- k. Boats;
- l. Aircraft;
- m. Recreational vehicles;
- n. Golf carts;
- o. Go-carts;
- p. Trailers;
- q. Fifth-wheel trailers;
- r. Campers;
- s. Camper shells;
- t. Wheeled towing frames;
- u. Semi-tractor trailers;
- v. Truck beds mounted on chassis;
- w. Commercial equipment whether self-propelled or mounted on a trailer or skid;
- x. Roll-off Dumpsters;
- y. Storage Containers of any style, size or nature including, but not limited to, "ReloCubes" and "PODS"; and
- z. Mobile homes.

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This definition of Vehicle does not include:

- a. Non-motorized bicycles;
- b. Small engine lawn mowers; and
- c. Devices of similar scale.

Deleted: Regulations

Sec. 71-168. Front Yard and Limits on Paving.

The open space in a required front yard in the A, SF-1, SF-2, SF-3, 2F, MF-1, MF-2, P, O, NS, GR, C, HC, I-1, I-2, or PD zoning classifications shall not be diminished by paving the front yard, except in compliance with the following conditions. Paving will be allowed for:

- (a) Sidewalks not more than six feet in width, or such width as is otherwise required by the City's ordinances, extending from property line to property line upon and across that portion of the lot adjacent to the roadway as well as one sidewalk not more than six feet in width extending from the curb or edge of pavement to the front door or front porch of the primary residence or primary structure on the lot;

- (b) One driveway per lot with an improved parking surface not more than 12 feet in width at the property line to serve a property that is zoned and/or used for single-family residential purposes with a one-car garage on the said lot;
- (c) One driveway per lot with an improved parking surface not more than 12 feet in width at the property line to serve each residential unit on a property that is zoned and/or used for duplex, triplex or quadriplex residential purposes where each unit on said lot the property has a separate one-car garage -- or otherwise to be treated as a multi-family use;
- (d) One driveway per lot with an improved parking surface not more than 24 feet in width at the property line to serve a property that is zoned and/or used for single-family residential purposes with one two-car garage on the said lot;
- (e) One driveway per lot with an improved parking surface not more than 24 feet in width at the property line to serve a property that is zoned and/or used for duplex, triplex or quadriplex residential purposes where each unit on said lot the property has a separate two-car garage -- or otherwise to be treated as a multi-family use;
- (f) One loop driveway per lot that is situated upon and across the front yard of a lot to serve a property that is zoned and/or used for single-family residential purposes, which loop driveway extends from the adjacent street and returns to the same adjacent street, with an improved parking surface of not more than 20 feet in width;
- (g) A driveway with an improved parking surface up to 24 feet and no more than 45 feet in width at its narrowest point near, or at, the property line to serve a property that is zoned and/or used for multi-family or non-residential purposes, it being understood that multi-family or non-residential uses may require more than one driveway per lot as set forth in the City's ordinances in which event such City ordinances shall control; and
- (h) An improved parking surface to provide the minimum required number of parking spaces necessary to serve a property that is zoned and/or used for multi-family or non-residential purposes.

The City Manager shall have the ability to waive one or more of the foregoing provisions to allow additional or alternative paving based on the conditions and circumstances presented on a case by case basis.

The total paving area shall not exceed 75 percent of the required front yard for any single-family residential use.

Sec. 71-169. Stopping, standing, storing, or parking in Restricted Area.

- (a) No person shall stop, stand, store, or park any vehicle within the restricted parking area of any improved or unimproved residential single-family or duplex lot or tract.
- (b) It shall be a defense to prosecution hereunder if said vehicle is concealed from view from all public street rights-of-way by:
- (1) A solid, opaque screening fence or wall at least six feet in height;
- (2) Permanently planted vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet; or
- (3) Any combination of subsections (b)(1) and (b)(2), of this section that effectively conceals the vehicle from view and accomplishes the required screening height.

~~Deleted:~~ Parking in restricted parking areas is prohibited. A person commits an offense if the person causes, suffers, permits or allows the:¶
<#>¶
Parking or storage of

~~Deleted:~~ , which includes the front yard or side yard,

~~Deleted:~~ Parking or storage of any vehicle within the restricted parking area, which includes the front yard or side yard adjacent to a corner, of any residential single-family or duplex lot or tract, unless

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Sec. 71-170. Stopping, standing or parking on sidewalk.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, on a sidewalk or any part of the sidewalk area, which area is hereby defined as the entire space between the curb-line or the lateral line of a roadway and the adjacent property line along any street, irrespective of whether such area has been improved by concrete, gravel or other walkways.

Sec. 71-171. Parking prohibited generally.

No person shall park, stop or stand a vehicle in violation of any official sign, curb marking or street marking erected as provided for in this article.

Sec. 71-172. Unattended vehicles in public places.

(a) No person shall allow a vehicle to remain unattended in any place maintained by any governmental entity for a period of time in excess of 48 hours. After such a period of time, if the owner thereof cannot be located by reasonable effort, such vehicle may be impounded. The occasional movement of a vehicle within the same public area for the purpose or effect of evading the restriction imposed by this section shall not toll the running of the 48-hour period prescribed herein.

(b) No person shall park a vehicle in any place maintained by any governmental entity unless such vehicle is currently in operable condition and in a state of good repair.

(c) For the purpose of this section:

(1) *Currently in operable condition* means presently capable of being lawfully operated on the streets and highways of the state, being currently registered with proper license plates displayed, having a current safety inspection and being in running condition without the necessity of first being repaired such as, but not limited to, the inflating of tires or charging of the battery.

(2) *Place maintained by any governmental entity* means, but is not limited to, a street, alley, highway, park or public parking area including the grounds of a public school.

(3) *State of good repair* means the absence of such items as broken glass, substantial body damage (including, but not limited to, crushed or missing fenders, body panels, doors, hoods, or truck deck) or missing parts otherwise necessary for operable condition.

(d) The affixing of a legible notice to the vehicle regarding the prohibition of this section shall be deemed to be a reasonable effort to locate the owner.

(e) This section shall not apply to storage or repair facilities owned, operated or maintained by a governmental entity. Nothing contained in this section shall be construed to restrict or prevent the immediate removal of a vehicle in such cases otherwise allowed by law.

Sec. 71-173. Parking for sale, washing and repairing vehicles prohibited.

No person shall stand or park a vehicle upon any public street, shopping center parking lot, park, playground or athletic field for the principal purpose of displaying it for sale. No person shall wash, grease or repair any vehicle upon any public street, playground, or athletic field, except for such repairs necessitated by an emergency.

Sec. 71-174. Ten feet of roadway to be left available for traffic.

No person shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of either lane of a roadway for free movement of the vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

Sec. 71-175. Stopping, standing, parking or driving upon or across curbs.

No person shall stop, stand, park or drive a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, upon, over or across a curb or any part of the curb area, which area is hereby defined as the concrete edging built along a street to form part of a Gutter. Gutter means a low area at the edge of a Street designed with the intent to carry off surface water. A curb gutter shall only be crossed at a location having a properly constructed driveway approach permitted by the City and installed for such purpose in accordance with all applicable City regulations.

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Sec. 71-176. Prohibition against overnight parking; exceptions.

(a) No person shall stop, stand or park any vehicle with a rated capacity of one and one-half tons or more, or with more than six wheels, any truck, truck-tractor, trailer, semitrailer, pole trailer or any combination thereof on any street during the hours from sundown to sunup.

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(b) Temporarily disabled vehicles which are protected by flares or other approved signal devices may be parked on the street during the hours from sundown to sunup.

(c) The City Manager shall have the ability to grant a temporary waiver of the foregoing requirements based on the conditions and circumstances presented on a case by case basis.

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Sec. 71-177. Presumption regarding illegally parked vehicles.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

Sec. 71-178. Loading or unloading tractor/trailers.

No person shall cause, suffer or permit a road tractor, trailer or semitrailer to be unloaded or loaded on a roadway, except for delivery of goods, wares and merchandise permitted by ordinance.

Sec. 71-179. Parallel and angle parking.

(a) At any place where official signs do not prohibit stopping or parking, except as otherwise provided by the city council and so indicated by signs or markings, every vehicle stopped or parked shall be so stopped or parked upon a roadway where there

are adjacent curbs so that the right-hand wheels of such vehicle are parallel and within 18 inches of the right-hand curb or edge of roadway, except where head-in parking is allowed.

(b) The department of public works, with the approval of the city council, shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal aid or state highway within this city unless the state engineer director for highways and public transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any railway tracks.

(c) Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(d) Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

Sec. 71-180. Prohibitions against stopping, standing or parking of vehicles in specific areas.

No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or traffic control device in any of the following spaces:

(a) In front of a public or private driveway;

(b) Within an intersection;

(c) On a crosswalk or within 15 feet of a crosswalk or intersection, unless the traffic authorities indicate a different length by signs or markings;

(d) Within 15 feet of a fire hydrant, unless otherwise marked;

(e) Within 30 feet of a stop sign or marking of a roadway where vehicles would normally stop;

(f) Between a safety zone and the adjacent Curb or within 30 feet of points on the Curb immediately opposite the ends of a safety zone, unless the zone has been indicated a different length by signs or markings;

(g) Within 20 feet of the driveway entrance to any fire station;

- (h) Alongside or opposite any excavation or street obstruction when stopping, standing, or parking would obstruct traffic;
- (i) On the roadway side of any vehicle stopped or parked at the edge or Curb of a Street; and
- (j) Where signs are erected or curbs are painted indicating that such is not allowed.

Sec. 71-181, Maintenance.

All improved parking surfaces shall be maintained in a good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of the adjoining property, at no cost to the City.

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