
Sec. 56-74. Parking on unimproved surfaces.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, 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 or unimproved parking surface which provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

Front yard shall have the same meaning as set forth in Chapter 94, Section 3.3.H.1 of this Code.

Improved parking surface means an area used for the parking or storage of vehicles that is overlaid or otherwise paved in accordance with Chapter 22, Article X of this Code.

Rear yard shall have the same meaning as set forth in Chapter 94, Section 3.3.J.1 of this Code.

Side yard shall have the same meaning as set forth in Chapter 94, Section 3.3.1.1 of this Code.

Unimproved parking surface means an area used for the parking or storage of vehicles that is not an improved parking surface.

- (b) *Regulations.*

- (1) A person commits an offense if the person causes, suffers, permits or allows:

- (i) The parking or storage of any vehicle within a front yard of a residential single-family, townhouse, duplex lot or tract, upon any surface other than an unimproved parking surface; or
- (ii) The parking or storage of any vehicle within a residential side yard or the residential rear yard of a corner lot, of a residential single-family, duplex or townhouse lot or tract, upon a an unimproved parking surface unless otherwise 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. 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;
 3. Any combination of subsections (b)(1)(i)b.1 and (ii)2 of this section that effectively conceals the vehicle from view and accomplishes the required screening height; or
 4. Any other form of compatible and appropriate screening as so determined by the building official.

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- (3) It is an affirmative defense to prosecution for the parking or storing of vehicles at an existing residence on a driveway constituting an unimproved parking surface where the driveway was constructed before February 19, 1990; however, the existing unimproved parking surface shall be maintained in a fashion that will support vehicular traffic, not allow vegetation to grow in the driveway or parking surface and at such time as the residence is completely rebuilt or improvements to the same real property constitute 25 percent or more of the property's total assessed value, compliance with this section shall be required.
 - (4) It is an affirmative defense to prosecution for parking or storing vehicles on an unimproved parking surface or in an unconcealed or unscreened manner if the vehicles are parked in the rear yard and the rear yard is not a corner lot or directly adjacent to a public street right-of-way.
- (c) *Appeals.* The owner, occupant or person responsible for the property shall have ten days from receipt of a written notice that a vehicle is parked or stored upon property in violation of this section in which to file an appeal to the zoning board of adjustment by filing a request in writing for a hearing with the building official. In the event of an appeal, the zoning board of adjustment shall review the determination of the building official and shall have, by majority vote, jurisdiction to:
- (1) Uphold the determination of the building official;
 - (2) Approve alternative paving materials where such materials are demonstrated to meet or exceed the requirements of concrete, asphalt or other approved paving material;
 - (3) Approve alternative screening materials where such materials are demonstrated to meet or exceed the requirements of this section;
 - (4) Allow a reasonable length of time, not to exceed a maximum of 24 months, in which to comply with the paving requirements of this section; or
 - (5) Upon the vote of no less than three-fourths of the members of the zoning board of adjustment voting at a meeting, grant a variance, to a requirement under this subsection where it is determined that, due to peculiarities of the property, such as shape or restricted area, literal enforcement of this subsection would result in an unnecessary hardship.

Notification of the appeal shall be sent, by first class mail, to all property owners within 200 feet of the subject property not less than ten days prior to the date of the appeal hearing. A sign giving notice of the appeal shall be posted by the city on the subject property not less than ten days prior to the date of the appeal hearing and be maintained on the property until the hearing as concluded. The application for an appeal filed pursuant to this Sec. 56-74(c) shall be accompanied by the fee established for appeals to the zoning board of adjustment set forth in Appendix A of this Code.