

## ***ARTICLE VII. PARKING***

### **Sec. 56-71. Declared a public nuisance and prohibited.**

It is unlawful and declared a public nuisance for any owner or tenant located in an R-1, R-2, R-3, R-4, R-5, R-6, D-1, D-2, MF-1, MF-2, MF-3, MF-4 zoning districts and planned development districts which allow residential use, occupied or unoccupied to park or store, or allow others to park or store, any vehicle on such real property that fails to comply with the provisions of this article.

(Ord. No. 3696, § 1, 8-3-2021)

### **Sec. 56-72. General parking regulations.**

- (a) It shall be unlawful for any person to park or store, or allow others to park or store, any vehicle(s):
- (1) On any surface other than an improved parking surface; provided, however:
    - a. Parking on an unimproved surface is authorized by a permit issued by the enforcement authority in relation to a special event and in accordance with the conditions set forth in such permit; or
    - b. The vehicle parked on the unimproved surface is completely screened from public view.
  - (2) On any surface other than a parking surface approved by and in compliance with all applicable codes and regulations;
  - (3) On any curb, traffic-calming device, or other public improvement;
  - (4) On or extending over a public sidewalk
  - (5) In any manner that creates a hazardous view obstruction; and/or
  - (6) In public view that is covered in excessive dirt or grime.
- (b) All vehicles that are not self-propelled and are parked on a residential premises shall place wheel stops in front of at least two tires.
- (c) It shall be unlawful for any persons to park or store, or allow others to park or store, more than five vehicles on any residential lot outside of an enclosed garage.
- (d) It shall be unlawful to cover, or allow another to cover, a vehicle parked or stored in public view with a tarpaulin or other cover that is not a fitted cover designed to fit the vehicle being covered.
- (e) It shall be unlawful for any person to park or store, or allow others to park or store, any vehicle(s) being offered for sale:
- (1) In the public right-of-way or on public property;
  - (2) On a non-residential property that does not have a current and valid certificate of occupancy that allows vehicle sales;
  - (3) On a residential property if two vehicles have already been parked and offered for sale in the same calendar year on said property; and/or
  - (4) On a residential property if the vehicle(s) is not registered to an occupant of the property.

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The provisions of subsection (e) shall apply to all vehicles offered for sale regardless of whether a sale occurs.

(Ord. No. 3696, § 1, 8-3-2021)

#### **Sec. 56-73. Parking surface maintenance.**

Parking surfaces on all properties regardless of type or zoning district shall comply with the following:

- (a) Parking and driving surfaces must be maintained free of hazards;
- (b) Parking lots must be maintained free of potholes;
- (c) Parking surface attachments, improvements, and enhancements including, but not limited to, wheel stops, signs, and official or unofficial markings must be kept in functional condition free of signs of deterioration including, but not limited to, broken or missing pieces, missing or fading paint, and/or unreadable text;
- (d) Repairs to parking or driving surfaces including, but not limited to, driveways, parking lots, drive isles, parking pads, parking spaces, and similar areas, shall be made of the same material as the existing parking or driving surface; and
- (e) Vehicular access to improved parking surfaces must be provided by means of a continuous full-width improved surface.

(Ord. No. 3696, § 1, 8-3-2021; Ord. No. 3860, § 2A, 4-16-2024, eff. 5-1-2024)

#### **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

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- 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 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)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.
- (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 section 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.

(Ord. No. 3696, § 1, 8-3-2021; Ord. No. 3860, § 2B, 4-16-2024, eff. 5-1-2024)

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**Sec. 56-75. Oversized and other vehicle restrictions.**

(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:

Vehicle - Every device in, upon or by which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway, and shall include any automobile, bus, truck, tractor, motor house, farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, boats, aircraft, recreational vehicles, golf carts, go-carts, trailers, fifth-wheel trailer, camper, camper shells, wheeled towing frames, semi-tractor trailers, truck beds mounted on chassis and mobile homes. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

**Oversized Vehicle** means any vehicle with a rated capacity of 10,000 GVWR or in excess of 10,000 GVWR, according to the manufacturer's classification. This does not include state, county or local government vehicles.

(a)(b) Regulations.

**(b)** In addition to the regulations stated in Sections 56-71 through 56-74, all vehicles shall be subject to the following:

- (1) It shall be unlawful for a person to park or store or allow another to park or store any vehicle in excess of nine feet in width or thirty feet in length in any residential district;
- (2) It shall be unlawful for a person to stop, stand or park an oversized vehicle in a residential district;
- (3) It shall be unlawful for any person to park or store or allow another to park or store a vehicle in the side yard or in the rear yard of any lot unless such vehicle is concealed from view from all points along public right of way by:
  - a. A permitted fence or wall providing full screening from the ground to a minimum height of six feet; or
  - b. Vegetation consisting of trees and shrubs, providing full screening from the ground to a minimum height of six feet; or
  - c. Any combination of the above that effectively conceals the vehicle from view and provides full screening from the ground to a minimum height of six feet.
- (4) This section shall not prevent the parking or standing of an oversized vehicle in residential districts for the following purposes:
  - a. Expeditiously loading and unloading passengers, freight, and merchandise;
  - b. Actively providing on-site services to a residential customer; or
  - c. Providing services on behalf of a public utility company or a state, county, or local government;

**Secs. 56-765—56-80. Reserved.**