

ORDINANCE NO. 090-028

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 9, MOTOR VEHICLES OF TRAFFIC, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, REGULATING PARKING ON UNIMPROVED SURFACES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Addison is authorized to prohibit nuisances within its city limits; and

WHEREAS, the City Council of the Town of Addison has found that the parking of motor vehicles, trailers, boats and other vehicles in unpaved portions of the front yard and unpaved or unscreened portion of side yards and corner lots in areas of the City used for single family, duplex and townhouse purposes creates a nuisance and is injurious to the health, safety and welfare of persons residing in and around such residential areas and should be prohibited; and

WHEREAS, it is desirable to eliminate parking in unpaved portions of the front yard and in unpaved or unscreened portions of side yards and corner lots in order to beautify neighborhoods and to promote the health, safety and orderly development of neighborhoods within the City.

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

SECTION 1. That the Code of Ordinances, Town of Addison, Texas, is hereby amended to add Sec. 9-136 to read as follows:

Sec. 9-136. Definitions.

(a) Vehicle means 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, motorhouse, 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.

(b) Improved Parking Surface means an 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.

(c) 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.

(d) Front Yard means the area from the front face 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 by the zoning ordinance.

(e) 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 by the zoning ordinance.

(f) Rear Yard means the area from the rear face of a residential structure to the rear property line or when no structure exists, the area defined as a rear yard by the zoning ordinance.

(g) 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.

Sec. 9-137. Regulations.

(a) Parking on unimproved surfaces restricted--a person commits an offense if the person causes, suffers, permits or allows:

1. 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 Improved Parking Surface;

2. 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 any surface other than an Improved Parking Surface, unless otherwise concealed from view from all public street rights-of-way by:

i. a solid, opaque screening fence or wall at least six (6) feet in height; or

ii. 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 (6) feet; or

iii. any combination of the above that effectively conceals the Vehicle from view and accomplishes the required screening height; or

iv. any other form of compatible and appropriate screening as so determined by the Building Official.

(b) No Driveway or Improved Parking Surface shall cover more than sixty-seven percent (67%) of a residential Front Yard, as defined herein or as defined.

(c) It is an affirmative defense to prosecution for parking or storing Vehicles in an unimproved Driveway if an existing residence is served by a Driveway which does not constitute an Improved Parking Surface at the time this ordinance is enacted; however, at such time that said existing residence is completely rebuilt, or improvements to the same real property constitute fifty percent (50%) or more of the property's total assessed value, compliance with this ordinance shall be required.

(d) It is an affirmative defense to prosecution for parking or storing Vehicles on an unimproved surface or in an unconcealed or unscreened manner if said 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.

Sec. 9-138. Maintenance. All Improved Parking Surfaces shall be maintained in 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.

Sec. 9.139. Appeals. In the event it is determined that a Vehicle is parked or stored upon property in violation of any of the provisions of this ordinance, the owner, occupant or person responsible for the property shall have ten (10) days, from receipt of notice, 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:

(a) Uphold the determination of the Building Official;

(b) approve alternative paving materials where such materials are demonstrated to meet or exceed the requirements of concrete, asphalt or other approved paving material; or

(c) approve alternative screening materials where such materials are demonstrated to meet or exceed the requirements of this ordinance; or

(d) allow a reasonable length of time, not to exceed a maximum of twenty-four (24) months, in which to comply with the paving requirements of this ordinance; or

(e) upon the vote of no less than three-fourths (3/4) of the members of the Zoning Board of Adjustment voting at a meeting, grant a variance, to a requirement under this Section where it is determined that, due to peculiarities of the property, such as shape or restricted area, literal enforcement of this Section would result in an unnecessary hardship.

(f) notification of the appeal shall be sent, by first class mail, to all property owners within two hundred (200) feet of the subject property at least ten (10) days prior to the date of the appeals hearing. A sign giving notice of the appeal shall be posted by the City on the subject property at least ten (10) days prior to the date of the appeal hearing and be maintained on the property until after the hearing.

(g) There shall be a ten dollar (\$10.00) fee for appeals of the provisions of this ordinance until January 1, 1992 at which time the fee shall be the normal fee as set by other ordinance for appeals to the Zoning Board of Adjustment.

SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

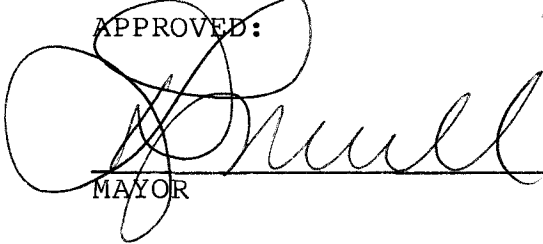
SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Two hundred Dollars (\$200.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 4. The fact that the present code of Ordinances does not provide for regulating of parking on unimproved surfaces and therefore is inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

SECTION 5. This ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 26th day of June, 1990.

APPROVED:

  
MAYOR

ATTEST:

  
CITY SECRETARY

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