

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 7, 2018

**DISCUSS AND CONSIDER AMENDMENTS TO THE CITY OF HARKER HEIGHTS
CODE OF ORDINANCES TO PROHIBIT THE PARKING OF ANY VEHICLES OR
TRAILERS ON UNIMPROVED SURFACES**

EXPLANATION:

The parking of vehicles in the grass of residential lots has come to Staff's attention through complaints by citizens (attached) and a recent news story (attached) about the dangers of parking in the grass in terms of fire safety in drought conditions. As currently written, the Harker Heights Code of Ordinances requires all commercial vehicles to be parked on improved, all-weather surfaces, and it is prohibited for commercial vehicles to be parked on landscaped areas:

§ 155.061 GENERAL STANDARDS.

- (A) Parking spaces and loading berths required herein, together with aisles and maneuvering areas, enclosed or unenclosed shall be surfaced and maintained with an all weather surface such as asphalt, concrete or other similar permanent hard surface material sufficient to prevent mud, dust, loose material, and other nuisances. Required spaces and berths shall be connected by an all weather hard-surfaced driveway to a public street or alley.

§ 155.051 LANDSCAPE REQUIREMENTS.

- (A) Applicability. This section applies to all nonresidential property developed or redeveloped, and to all land uses expanded or changed, after the effective date hereof. For purposes of this section, development, redevelopment, and expansion are deemed to occur if the initial application for a building permit is filed or required to be filed after the effective date hereof. For purposes of this section, a change in use is deemed to occur if the initial registration for a business is filed or required to be filed after the effective date hereof.
- (E) (5) It shall be an offense for a person to park a vehicle on a landscaped area. It shall be an affirmative defense to prosecution under this division that at the time of the alleged offense the vehicle was parked or left standing due to a mechanical defect which made it unsafe to move, provided that the person having ownership or control of the vehicle obtained consent from the property owner to park the vehicle in that location, and as soon as reasonably possible completed emergency repairs or summoned tow removal equipment, as appropriate.

Similarly, residential zoning districts require improved, all-weather parking surfaces for each residential unit, but there is no explicit ban on parking in yards in residential areas.

Staff has researched local regulations (attached) for parking in the grass in residential areas, and has compiled the following table, which summarizes the requirements:

Location	Code	Requirement
City of Temple	Code of Ordinances, Article IV, Section 4.2	Conditions Constituting a Nuisance... Parking, or allowing others to park vehicles in the yard, grass, or on any other unimproved parking surface or portion or property, unless screened from public view in compliance with the Unified Development Code.
City of Killeen	Code of Ordinances, Article V, Section 28-135	Except as provided in this section, it shall be unlawful to park any vehicle on anything other than an all-weather surface.
City of Nolanville	Code of Ordinances, Division 6, Section 560.1	Parking in the yard is prohibited.
City of Georgetown	Code of Ordinances, Chapter 10, Section 10.16.070	A. No person shall stop, stand or park or allow any vehicle to be stopped or parked in the front or side yard of private property used for residential purposes, except as provided herein. All vehicles shall be parked on a(n): 1. Driveway; 2. Existing gravel driveway-for property used for residential purposes on or before the effective date of this Section; or 3. Approved surface
City of Farmers Branch	Code of Ordinances, Division 2, Section 56-141	Parking or the storage of any vehicle upon any surface other than an improved parking surface shall be prohibited.
City of Portland (Texas)	Code of Ordinances, Chapter 21, Article VI, Section 21-80	Regulations. (1) Parking on unimproved surfaces restricted.

Staff seeks guidance from the Council regarding possible amendments to the Parking Regulations to prohibit the parking of any vehicles on unimproved surfaces. One key issue is the impact to existing residences that do not have all-weather parking surfaces, and Staff has attached a map showing those residences based upon an aerial photograph survey of the City. Should Council advice to move forward with a recommendation to ban parking in yards, Staff will conduct a ground survey to verify existing residences without all-weather parking surfaces. Further, Staff has attached a sample informational document from another municipality that enacted such a ban.

ATTACHMENTS:

1. Citizen Complaint Regarding Parking on the Grass
2. News Story Regarding Parking in the Grass and Fire Hazards
3. Local Comparison of Ordinances for Parking on the Grass
4. Map Showing Estimated Locations of Lots Without All-Weather Parking
5. Sample Fact Sheet for Parking on the Grass Ordinance