



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		February 22, 2016		
Department:		Neighborhood Services		
Department Head		Lori Feild Schwarz		
Agenda Coordinator (include phone #): <b>Doris Carter, ext. 5350</b>				
<b>CAPTION</b>				
Consideration of an Ordinance of the City of Plano, Texas amending and deleting various sections of Articles I, V and VI, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; providing new and revised definitions, revising prohibited and permitted parking activities in residential and other zoning districts, updating the penalty provisions for commercial vehicle violations; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2015-16</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(S):     GENERAL FUND</b>				
<p><b>COMMENTS:</b> This item has the potential to generate additional revenue through parking fines; however, the amount of revenue is currently undeterminable and is unlikely to be significant.</p> <p><b>STRATEGIC PLAN GOAL:</b> Updating city ordinances to improve neighborhood quality of life by further specifying prohibited and permitted parking activities relates to the City's goal of Great Neighborhoods - 1<sup>st</sup> Choice to Live and Safe Large City.</p>				
<b>SUMMARY OF ITEM</b>				
During the past year it has become evident through numerous citizen discussions that the vehicle types listed in Chapter 12, Motor Vehicle and Traffic, Article V had become outdated and that the parking surface requirements were too vague and ambiguous. This section is being recommended for amendment to provide for updated vehicle types and to better clarify and define the parking surface requirements. While preparing the amended ordinance it was also discovered that definitions were distributed in multiple sections throughout the chapter. These definitions have now been consolidated into one section, 12-2 Definitions. Sections 12-114, 12-131 & 12-131.1 are being amended to remove these definitions.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo				
Ordinance				



# Memorandum

**Date:** February 10, 2016  
**To:** Bruce D. Glasscock, City Manager  
**From:** Lori Schwarz, Director of Neighborhood Services  
**Subject:** Amendments to Code of Ordinances Chapter 12, Motor Vehicle and Traffic

## Item Summary

The City of Plano Code of Ordinances, Chapter 12, Motor Vehicle and Traffic, Article V, Stopping, Standing and Parking, Section 12-115 – Parking of certain equipment in certain zoning districts, regulates the following:

- Type of motor vehicles and trailers that may be parked, stored or left standing in a residential district for purposes other than loading and unloading passengers, freight and merchandise; and,
- The surface on which these vehicles must be located.

The proposed ordinance amendment updates vehicle types as well as more thoroughly defining and clarifying parking surface requirements. Further, the definitions for items regulated within this chapter have been consolidated into Section 12-2 for ease in reference.

## Background

Section 12-115 was originally adopted in 1979 with amendments in 1983, 1998 and 2006. The types of vehicles and trailers referenced in the ordinance have not been updated since the 1979 adoption. Parking surface requirements have not been updated since the 1983 amendment, which allowed parking surfaces in addition to the required driveway.

Through numerous citizen discussions and staff compliance actions, it has become evident that the parking surface requirements are too vague and vehicle types listed in the ordinance are outdated. Property owners misinterpret the code and install parking surface improvements that do not meet the minimum requirements. Citizens also inadvertently park vehicles on surfaces in violation of the ordinance due to misunderstanding the code requirement.

## Outcome

This amendment will allow clear interpretation of parking regulations by staff and citizens, resulting in more effective enforcement and compliance actions.

xc: Frank F. Turner, Deputy City Manager  
Jack Carr, Assistant City Manager

**An Ordinance of the City of Plano, Texas amending and deleting various sections of Articles I, V and VI, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; providing new and revised definitions, revising prohibited and permitted parking activities in residential and other zoning districts, updating the penalty provisions for commercial vehicle violations; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.**

**WHEREAS**, the City Council has previously adopted regulations for the parking of motor vehicles in residential and other zoning districts in Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, the Parks and Recreation staff is recommending changes to various sections of Articles I, V and VI, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, the City Council deems it in the best interest of the City to amend various sections of Articles I, V and VI, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances, providing new and revised definitions, revising prohibited and permitted parking activities in residential and other zoning districts, and updating the penalty provisions for commercial vehicle violations, as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Council hereby adopts the findings set forth above.

**Section II.** Section 12-2, Definitions, of Article I, Chapter 12 of the City of Plano Code of Ordinances is hereby amended in its entirety to read as follows:

**“Sec. 12-2. - Definitions.**

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

*Alley* means any street having no legal or official name other than "alley" of twenty (20) feet or less in width.

*Boat trailer* means a trailer or semi-trailer which is designed and constructed to carry a sailboat, motorboat or other vessel used upon any body of water.

*Bus* means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation.

*Business district* means the territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

*Commercial motor vehicle* means any motor vehicle designed or used for the transportation of property, not including a passenger automobile, panel delivery truck or pickup truck.

*Crosswalk* means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway. The word "crosswalk" also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surfaces.

*Curb* means the edge of a roadway, marked or understood.

*Driver* means every person who drives or is in actual physical control of a vehicle.

*Farm tractor* means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

*House trailer* means a trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, and shall include those vehicles commonly known as recreational vehicles.

*Implement of husbandry* means every vehicle designed and adapted for use as a farm implement, machinery or tool as used in tilling the soil, but shall not include any passenger car or truck.

*Intersection* means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.
- (3) The junction of an alley with a street or highway shall not constitute an intersection.
- (4) Notwithstanding the provisions of subsection (2) of this section, the city may, in matters of highway and traffic engineering design, consider the separate intersections of divided highways with medians thirty (30) feet wide or wider, as defined in subsection (2) of this section, as components of a single intersection.

*Mobile home* means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A house trailer or motor home is not to be considered a mobile home.

*Motor home* means every vehicle designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways.

*Motor vehicle* means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, a pole, or by being boomed, or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

*Official traffic-control devices* means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Owner* means a person who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

*Park, parking* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*Pedestrian* means any person afoot.

*Police department* means the police department of the city and shall apply to any traffic division or department thereof, established by the city, and to which specific traffic duties may be assigned, either as to those included in this chapter or in addition thereto.

*Police officer* means every officer of the police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Public place* means a place where people are assembled, or to which people commonly resort for purposes of business, amusement, recreation or other lawful purposes.

*Railroad* means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Railroad train* means a steam engine, electric motor or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*Residential district* means the territory contiguous to and including a street not comprising a business district, when the property on such street, for a distance of three hundred (300) feet or more, is in the main improved with residences or residences and buildings in use for business.

*Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

*Semitrailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

*Special mobile equipment* means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, included but not limited to ditch digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

*Traffic* means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any street for purposes of travel.

*Traffic-control device* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

*Trailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

*Truck* means every motor vehicle designed, used or maintained primarily for the transportation of property.

*Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

*Vehicle* means every device, in, upon or by which any person or property is or may be transported or drawn upon a street, except devices used exclusively upon stationary rails or tracks.”

**Section III.** Section 12-114, Parking of trucks, tractors, etc., in residential districts, of Article V, Chapter 12 of the City of Plano Code of Ordinances is hereby amended in its entirety to read as follows:

“**Sec. 12-114. - Parking of trucks, tractors, etc., in residential districts.**

(a) *Purpose.* The city council hereby declares its purpose in enacting this section to be:

- (1) To reduce hazardous traffic conditions in any area classified as a residential district by the comprehensive zoning ordinance of the city by prohibiting the parking or standing on any public street, alley, or right-of-way between alleys and streets within any such area of commercial, motor and recreational vehicles and trailers as defined in this section; to preserve the character of such residential districts; and to protect and further the peace, safety, welfare and good order of the city; and

- (2) To reduce hazardous nighttime driving conditions in any area classified as other than a residential district by the comprehensive zoning ordinance of the city by prohibiting the parking or standing on any public highway, street or alley within any such area of vehicles, trailers and motor homes as defined in this section, during nighttime hours.

(b) *Restricted areas and times.*

- (1) *Single-family, two-family, multi-family dwelling districts.* It shall be an offense for any person to park or stand or to allow any motor home, bus, trailer, boat trailer, semi-trailer, pole trailer, truck tractor, house trailer, special mobile equipment, farm tractor or implement of husbandry to park or stand upon any public street, highway, alley or public right-of-way between any street and alley, within any part of the city classified by the comprehensive zoning ordinance of the city as a single-family dwelling district, two-family dwelling district, or multi-family dwelling district. It shall be an offense for any person to park or stand or allow any vehicle to park or stand upon any public street, highway, alley or public right-of-way between any street and alley within a residentially-classified district where a portion of the vehicle or any accessory attached to the vehicle extends more than ninety-five (95) inches into the roadway as measured from the face of the curb adjacent to said vehicle. This subsection shall not prevent the parking or standing of the above-described vehicles and/or trailers upon any public street, highway or alley in any such zoned area, for the purpose of expeditiously loading and unloading passengers, freight or merchandise, but not otherwise. City service or emergency trailers, semi-trailers, pole trailers and special mobile equipment are exempt from this section.

(2) *Other districts.*

- a. It shall be an offense for any person to park or stand or to allow any truck with a rated capacity in excess of three-quarters ( $\frac{3}{4}$ ) of a ton according to the manufacturer's rated classification or any motor home, bus, trailer, semi-trailer, pole trailer, truck tractor, house trailer, special mobile equipment, farm tractor or implement of husbandry to park or stand upon any public street, highway, alley or any public right-of-way between any street and alley, within any part of the city classified as any district other than one set out in subsection (b)(1) of this section, at any time from 8:00 p.m. until 7:00 a.m. In addition, such vehicles shall not be allowed to park or stand upon any public street, highway, alley, or any public right-of-way between any street or alley within five hundred (500) feet of a lot containing a single-family, two-family or multi-family residence at any time unless in the process of loading or unloading passengers, freight or merchandise.
- b. It shall be an offense for any person to park or stand or to allow any vehicle described in paragraph a. above to park or stand for any time frame of more than four (4) continuous hours on parking lots or other private property in any zoning district except Light Industrial-1 and Light Industrial-2. Vehicles in the process of loading or unloading passengers, freight or merchandise in a designated loading area, and delivery and other vehicles used by tenants or occupants of the property are exempt from these regulations, as are vehicles operated by registered guests on a property providing commercial overnight lodging. Parked vehicles shall not have engines running unless they are in the process of loading or unloading, or are parked in Light-Industrial-1 and Light-Industrial-2 zoning districts and not within five hundred (500) feet of a lot containing a single-family, two-family or multi-family residence.”

**Section IV.** Section 12-115, Parking of certain equipment in certain zoning districts, of Article V, Chapter 12 of the City of Plano Code of Ordinances is hereby amended in its entirety to read as follows:

**“Sec. 12-115. - Parking of certain equipment in certain zoning districts.**

(a) The city manager or his designee(s) is hereby authorized to enforce the provisions of this section.

(b) OFFENSE

- (1) It shall be an offense for an owner, operator, occupant or person with care, custody or control of property within a residentially zoned district to park or permit the parking, standing or storing of a motor vehicle or trailer, as defined in section 12-2 of this chapter, upon the property without locating same on a level, solid and continuously paved concrete or asphalt surface specifically designed for parking. The area of the paved parking surface shall not be less than the full dimensions of the vehicle or trailer.
- (2) It shall be an offense to park or permit the parking, standing or storing of any of the following vehicles between any portion of a residential dwelling and any right-of-way line in a residential zoning district:
  - a. Commercial motor vehicle, semitrailer, special mobile equipment, trailer, pole trailer or truck tractor, as defined in section 12-2 of this chapter, exceeding one and one-half (1½) tons capacity used solely for commercial purposes.
  - b. Commercial vehicle, as defined in section 12-2 of this article, that measures more than twenty (20) feet long, seven (7) feet high or seven (7) feet wide.
  - c. Race car, dune buggy, farm equipment or other similar vehicle not designated for street operation.
- (3) Any person, firm, association or corporation violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500.00) for each offense, and each and every vehicle and each and every day or portion thereof that such violation shall continue shall be deemed to constitute a separate offense.

(c) AFFIRMATIVE DEFENSE

- (1) It shall be an affirmative defense to criminal prosecution if the defendant proves by a preponderance of the evidence that at the time of the conduct prohibited by Sec. 12-115, the prohibited conduct occurred on a parking surface that was on a residential property located within a General Residential (GR) or Single Family Residence-7 (SF7) zoned district that has not been altered since its original construction, and is maintained in accordance with all adopted codes and ordinances.”

**Section V.** Section 12-131, Definitions, and Section 12-131.1, Penalty for violation, of Article VI, Chapter 12 of the City of Plano Code of Ordinances are hereby amended in their entirety to read as follows:

**“Sec. 12-131 - Penalty for violation.**

Any person or any agent or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction in the municipal court shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each offense, and each day any such violation shall continue shall be deemed to constitute a separate offense.

**Sec. 12-131.1 – DELETED”**

**Section VI.** All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section VII.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section VIII.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section IX.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section X.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED THIS THE 22ND DAY OF FEBRUARY, 2016.**

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY