



SEPTEMBER 1, 2020

3:00 P.M.

**CITY COUNCIL REGULAR
MEETING AND
WORKSHOP AGENDA**



NOTICE OF REGULAR MEETING AND WORKSHOP OF THE
CITY COUNCIL OF THE CITY OF
HARKER HEIGHTS, TEXAS

*The Bright Star Of
Central Texas*

The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Notice is hereby given that, beginning at 3:00 p.m. on Tuesday, September 1, 2020, and continuing from day to day thereafter if necessary the City Council of the City of Harker Heights, Texas, will hold a Regular Meeting and a Workshop in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

I. Roll Call:

Mayor
Spencer H. Smith

II. Presentations by Citizens:

Mayor Protem
Michael Blomquist

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

III. Public Hearings:

1. Conduct a public hearing to receive and discuss a Presentation regarding the Voluntary Annexation of Right-Of-Way along Warriors Path described as approximately 2.806 acres of the Right-Of-Way of Warriors Path adjacent to the City of Harker Heights, Texas. (Planning and Development Director)

IV. Adjourn Regular Session and Call to Order Workshop:

WORKSHOP AGENDA

V. New Business:

1. Receive and discuss a presentation regarding Potential Residential Parking Ordinances. (Planning and Development Director)

VI. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 28th day of August 2020 by 2:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Juliette Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 568-4106 and use Access Code: 830-062-981.

To join the meeting from your computer, tablet or smartphone, use the following meeting link: <https://global.gotomeeting.com/join/830062981>

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will be available on the City of Harker Heights website at www.ci.harker-heights.tx.us.

"This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."



CITY COUNCIL MEMORANDUM AGENDA ITEM # III-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 1, 2020

CONDUCT A PUBLIC HEARING TO RECEIVE AND DISCUSS A PRESENTATION REGARDING THE VOLUNTARY ANNEXATION OF RIGHT-OF-WAY ALONG WARRIORS PATH DESCRIBED AS APPROXIMATELY 2.806 ACRES OF THE RIGHT-OF-WAY OF WARRIORS PATH ADJACENT TO THE CITY OF HARKER HEIGHTS, TEXAS.

EXPLANATION

This is the first of two public hearings required by the Texas Local Government Code Section 43.063, the second of which will be held virtually beginning at 5:00 P.M. on Tuesday, September 8, 2020.

History:

Pursuant to Texas Local Government Code Section 43.056, on July 28, 2020, the City Council granted a Resolution for City staff to prepare a service plan for the property, and to schedule public hearings as required by law. City staff mailed written, certified notices of a voluntary right-of-way annexation to all service providers within the area proposed for annexation on July 31, 2020. On Sunday, August 16, 2020, a legal ad was advertised within the Killeen Daily Herald. On Tuesday, August 25, 2020, a revised notice was posted on the City's Website and at City Hall's information bulletin board.

Service Plan:

A copy of the service plan is included with this agenda item as Exhibit B. The service plan lays out services that will be provided immediately upon annexation and those services/infrastructure items that may be required within two and one-half years. The proposed voluntary annexation of a portion of the Warriors Path right-of-way includes Police Protection, Fire Protection and Emergency Medical Services, Maintenance of Water and Wastewater Facilities, Maintenance of Public Roads and Streets, Street Lighting, Traffic Engineering, and Storm Water Management.

RECOMMENDATION:

None.

ACTION BY COUNCIL:

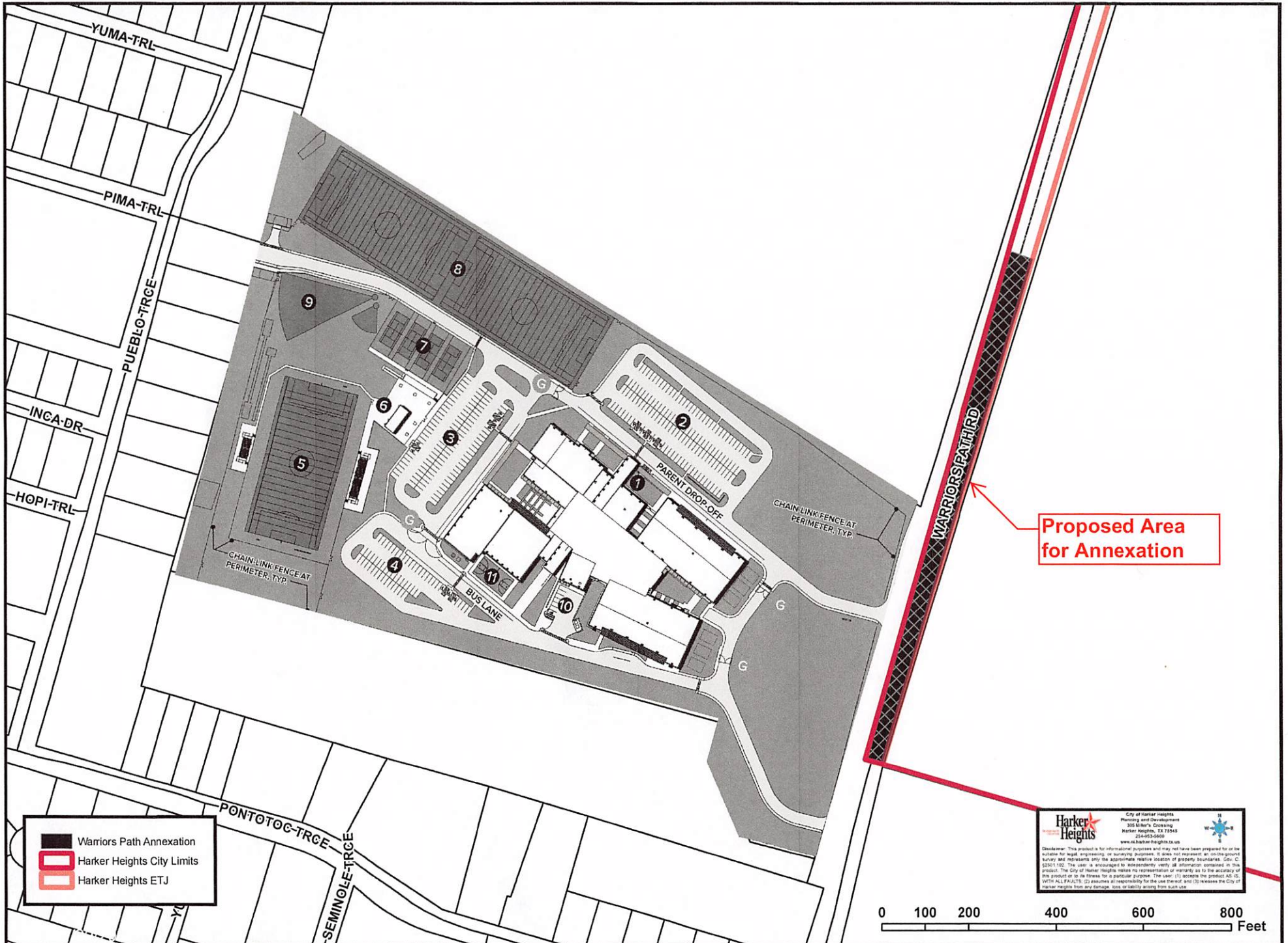
None. This agenda item is a public hearing only. Action will occur on September 22, 2020, at 5:00 P.M.

ATTACHMENTS:

1. Exhibit A – Map of the Proposed Voluntary Annexation Area
2. Exhibit B – Service Plan for the Proposed Voluntary Annexation Area
3. Exhibit C – Survey of Proposed Right-of-way Voluntary Annexation

Warriors Path Annexation

Location Map





"Exhibit B"

Service Plan

For the Voluntary Annexation of an Approximate 2.806 Acres of Right Of Way

Upon annexation of property, shown in Exhibit "A", the City of Harker Heights, Texas will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

Proposed Annexation Description

The proposed annexation area covered by this service plan is displayed on a map as contained in Exhibit "A". Said Exhibit being made a part of this plan by reference herein.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

The City of Harker Heights, Texas, and its Police Department will provide police protection to newly annexed area at the same or similar level of service now being provided to other areas already incorporated in the City with like topography, land use and population density. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

2. Fire Protection and Emergency Medical Services

The City of Harker Heights, Texas, and its Fire and Rescue Department will provide fire protection and EMS to the newly annexed area at the same or similar level of service now being provided to other areas already incorporated in the City, with similar topography, land use and population density. The Fire and Rescue Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed area.

3. Maintenance of Water, Stormwater and Wastewater Facilities

Any and all water or wastewater facilities owned or maintained by the City of Harker Heights, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Harker Heights. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Harker Heights, Texas, to the extent of its ownership.

4. Maintenance of Public Road and Streets

The City of Harker Heights, Texas, will maintain any and all publicly owned roads, streets or alleyways in the newly annexed area to the extent and degree and to the same or similar level of service now being provided to other such areas within the corporate limits of the City with similar topography, land use and density.

5. Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Harker Heights, Texas, is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and is/are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with similar topography, land use and density.

6. Other Services

The City of Harker Heights, Texas, finds and determines that such services as planning, issuing of building permits and related building inspection services, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the date of the annexation at the same or similar level of service now being provided to other areas already incorporated in the City with similar topography, land use and density.

7. Code Enforcement Services

The City of Harker Heights Code Enforcement Division will implement the enforcement of the City of Harker Heights, Texas ordinances and regulations on the effective day of the annexation.

8. Street Lighting

The City of Harker Heights, Texas will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

9. Traffic Engineering

The City of Harker Heights, Texas Public Works Department will provide any additional traffic control devices in accordance with standard policy after the effective day of the annexation.

10. Storm Water Management

Developers will provide storm water drainage at their own expense, and all such improvements and facilities will be inspected by the City of Harker Heights City Engineer at the time of completion. The City of Harker Heights, Texas will then maintain the drainage upon approval.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. Policies and Fire Protection and Solid Waste Collection

The City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purposes of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Harker Heights, Texas with similar topography, land use and population density.

2. Water, Stormwater and Wastewater Facilities

The annexed area is currently roadway and right-of-way. Therefore, the City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area. Per the City's subdivision regulations, any future development of the water and sanitary sewer infrastructure is the sole responsibility of the developer including the development of any lift stations required. The City of Harker Heights, Texas, agrees to provide water, handle sewer, and maintain the water and sewer lines once installed by the developer for the annexed area in the same type, kind and level incorporated in the City of Harker Heights, Texas, with similar topography, land use and population density.

3. Roads and Streets

The annexed area is currently developed right-of-way along Warriors Path. Therefore, the City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area. Per the City's subdivision regulations, any road construction will be the sole responsibility of the developer. The City of Harker Heights, Texas, agrees to maintain constructed roads considered to be public in nature in the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Harker Heights, Texas, with similar topography, land use and population density.

4. Maintenance of Parks, Playgrounds, and Swimming Pools and Any other Publicly Owned Facility, Building or Service

The City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purposes of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Harker Heights, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation than were in existence in the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

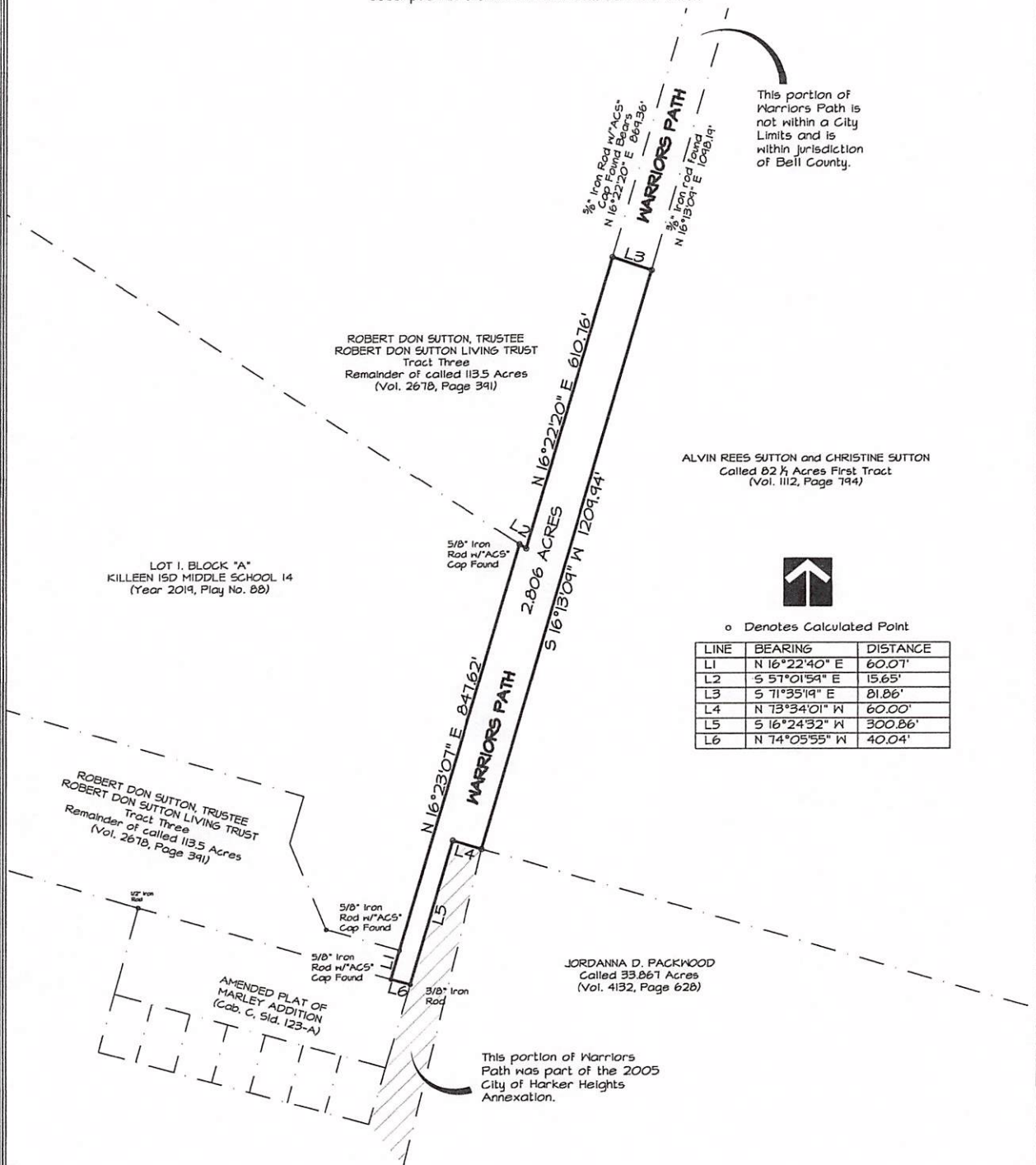
AMENDMENTS

This service plan shall not be amended unless public hearings are held in accordance with Chapter of the Texas Local Government Code.

PROPOSED ROADWAY R.O.W. ANNEXATION BY THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

Survey showing 2.806 ACRES, situated in the Uriah Hunt Survey, Abstract No. 401 and the H. B. Littlefield Survey, Abstract No. 511, Bell County, Texas

This sketch to accompany a metes and bounds description of the herein shown 2.806 Acre tract.



This portion of Warriors Path is not within a City Limits and is within jurisdiction of Bell County.



o Denotes Calculated Point

LINE	BEARING	DISTANCE
L1	N 16°22'40" E	60.07'
L2	S 51°01'54" E	15.65'
L3	S 71°35'19" E	81.86'
L4	N 73°34'01" W	60.00'
L5	S 16°24'32" W	300.86'
L6	N 74°05'55" W	40.04'

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This document was prepared under 22 TAC 663.21. It does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the political subdivision for which it was prepared. This sketch is to accompany a description of the herein shown 2.806 acre tract.

ACS
 ALL COUNTY SURVEYING, INC.
 1303 South 21st Street
 Temple, Texas 76504
 254-778-2272 Killeen 254-634-4636
 Fax 254-774-7608
 Tx. Firm Lic. No. 10023600



Charles C. Lucko

Survey completed: 08-25-2020
 Scale: 1" = 2000'
 Job No.: 201022
 Dwg No.: 201022
 Drawn by: MDH
 Surveyor: CCL #4636

Copyright 2017 All County Surveying, Inc.

Plot Date: 08-25-2020

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 25, 2020

Surveyor's Field Notes for *The City of Harker Heights*, being:

2.806 ACRES OF LAND, situated in the Uriah Hunt Survey, Abstract Number 401, and the H. B. Littlefield Survey, Abstract Number 511, Bell County, Texas, being a portion of the Right of Way of Warriors Path, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "ACS" cap found on the north line of the Amended Plat of Marley Addition, an addition in Bell County, Texas, of record in Cabinet C, Slide 123-A, Plat Records of Bell County, Texas and in the west line of Warriors Path, being the southwest corner of a called 0.055 acre tract of land conveyed to the County of Bell in Document No. 2017-00028175, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of this tract of land;

THENCE in a northerly direction, with the west line of Warriors path, same being the west line of said 0.055 acre tract **N. 16° 22' 40" E., 60.07 feet**, to a 5/8" iron rod with "ACS" cap found, being the northwest corner of said 0.055 acre tract, same being the southwest corner of a called 0.756 acre tract of land conveyed to the County of Bell in Document No. 2017-00043402, of said Official Public Records and being the southeast corner of Lot a, Block "A" of Killeen ISD Middle School 14, an addition in Bell County, of record in Year 2019, Plat No. 88, Plat Records of Bell County, Teas, for a corner of this tract of land;

THENCE continuing with the west line of Warriors Path, same being the west line of said 0.756 acre tract and the east line of said Lot 1, Block "A", **N. 16° 23' 07" E., 847.62 feet**, to a 5/8" iron rod with "AVCS" cap found, being the northwest corner of said 0.756 acre tract, same being the northeast corner of said Lot 1, Block "A", for a corner of this tract of land;

THENCE in an easterly direction, with the north line of said 0.756 acre tract, being the west line of Warriors Path **S. 57° 01' 59" E., 15.65 feet**, to a 5/8" iron rod with "ACS" cap found, being the southwest corner of a called 0.784 acre tract of land conveyed to the County of Bell in Document No. 2017-00028174, of said Official Public Records, for a corner of this tract of land;

THENCE in a northerly direction, with the west line of said 0.784 acre tract, same being the west line of Warriors Path, **N. 16° 22' 20" E., 610.76 feet**, to a calculated point, for the northwest corner of this tract of land, from which a 5/8" iron rod with "ACS" cap found at the northwest of said 0.784 acre tract bears **N. 16° 22' 20" E., 869.36 feet**;

THENCE in an easterly direction, crossing Warriors Path, **S. 71° 35' 19" E., 81.86 feet**, to a calculated point on the east line of Warriors Path, Same being the west line of the remainder of a called 82 1/7 acre tract of land conveyed to Alvin Reese Sutton and wife, Christine Sutton in Volume 1112, Page 794, Deed

Records of Bell County, Texas, for the northeast corner of this tract of land, from which a 3/8" iron rod found at the northwest corner of the remainder of said 892.17 acre tract bears *N. 16° 13' 09" E., 1098.19 feet*;

THENCE in a southerly direction, with the west line of the remainder of said 82 1/7 acre tract, same being the east line of Warriors Path, **S. 16° 13' 09" W., 1209.94 feet**, to a calculated point on the north line of a called 746 acre 2005 City of Harker Heights Annexation (Ordinance 09-05), being the southwest corner of the remainder of said 8 2 1/7 acre tract, same being the northwest corner of a called 33.869 acre tract, for a corner of this tract of land;

THENCE in a westerly direction, crossing into Warriors Path, with the north line of said 2005 Annexation, **N. 73° 34' 01" W., 60.00 feet**, to a calculated point, being the most westerly, northwest corner of said 2005 Annexation, for a corner of this tract of land;

THENCE in a southerly direction, with a west line of said 2005 Annexation, **S. 16° 24' 32" W., 300.86 feet**, to a 3/8" iron rod found, being the northeast corner of said Amended Plat of Marley Addition, same being the southeast corner of said 0.055 acre tract, for the most southerly, southeast corner of this tract of land;

THENCE in a westerly direction, with the south line of said 0.055 acre tract, same being the north line of said Marley Addition, **N. 74° 05' 55" W., 40.04 feet**, to the **POINT OF BEGINNING**, and containing 2.806 acres of land.

Horizontal datum based upon the Texas State Plane Coordinate System, Central Zone, NAD83, as per GPS observations. Scale Factor =1.00015014836330, scaled about CP-1002 (N:10,361,895.79 E: 3,143,969.34)

This document was prepared under 22 TAC 663.21, It does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the political subdivision for which it was prepared. This sketch is to accompany a description of the herein shown 2.806 acre tract.

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro200000/201000/201022/201022 Annex.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No.4636



CITY COUNCIL MEMORANDUM AGENDA ITEM # V-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 1, 2020

RECEIVE AND DISCUSS A PRESENTATION REGARDING POTENTIAL RESIDENTIAL PARKING ORDINANCES

EXPLANATION:

Staff has crafted the attached draft ordinances as a result of the discussion and direction from the City Council Workshop held on August 18, 2020. This process began with workshops with the City Council on August 7, 2018, and February 27, 2019. A Public Forum was conducted on July 15, 2019, and a Virtual Public Forum was available from July 20, 2020 to August 10, 2020.

DRAFT HEAVY VEHICLE PARKING ORDINANCE:

As a result of comments from the Virtual Public Forum, the City Council asked that the previous draft heavy vehicle parking ordinance be amended to exempt tow trucks and other first responders that are required to bring vehicles home, to limit visitors from occupying recreation vehicles at residences, and to add language regarding the city's inability to enforce deed restrictions and homeowners association regulations. These amendments have been incorporated into the attached draft ordinance.

DRAFT RESIDENTIAL PARKING ON LAWNS ORDINANCE:

Many of the Virtual Public Forum Citizen responses and City Council concerns centered on the need to further regulate parking on residential streets and on residential properties. While outside the scope of this ordinance, staff will investigate options for addressing these concerns and bringing them forward for discussion at a later workshop.

Staff was provided guidance for amendments to the existing draft ordinance that include further clarification on grandfathered properties, exemptions of empty trailers, and educational outreach and enforcement once the ordinance is adopted.

- Grandfathered Properties: the ordinance has been amended to allow grandfathered properties to utilize existing gravel driveways and parking areas. These will not be required to come into conformance unless they meet the existing Code requirements for existing, non-conforming uses.
- Existing and Future Developed Properties: the ordinance has been amended to allow all existing properties to add additional parking spaces, those spaces beyond the required number of spaces as regulated by the property's zoning district, using an alternative parking surface material such as decomposed granite or pavers. The required spaces shall be all weather surfaces as defined in the Code.
- Empty Trailers: the ordinance has been amended to exclude empty trailers from parking on lawns, provided they are screened from public view.

- Educational Outreach: Staff will create inserts for water bills, social media blasts, and door hangers to inform our citizens of the requirements of these ordinances, which will not be enforced for 1 year.

Staff seeks guidance on proceeding with these ordinances.

ATTACHMENTS:

1. Draft Heavy Vehicle Ordinance
2. Draft Parking on Residential Lawns Ordinance

HEAVY VEHICLE PARKING REGULATIONS

§ 72.20 GENERALLY.

- (A) As used in this subchapter, the term “heavy vehicle” shall mean and refer to:
- (1) Any motor vehicle which is greater than 20 feet in length; or
 - (2) Any motor vehicle which is greater than 8 feet in width; or
 - (3) Any motor vehicle which is greater than 10 feet in height; or
 - (4) Any motor vehicle which exceeds a gross vehicle weight of 10,000 pounds (generally excludes one-ton vehicles with manufacturer's rated carrying capacity not to exceed 2,000 pounds); or
 - (5) Trucks, truck tractors, or the implement thereof which exceed a gross weight of 10,000 pounds (trailer plus its load).
- (B) Nothing herein shall be construed to permit parking in a manner, time, or location otherwise prohibited by law.
- (C) Nothing herein shall be construed to counter or take precedent over existing deed restrictions or restrictive covenants.

§ 72.21 PARKING CERTAIN HEAVY VEHICLES.

- (A) This section does not apply to:
- (1) Heavy vehicles owned or leased by the City while being used by employees or agents of the City in the performance of their City duties; or
 - (2) Heavy vehicles otherwise lawfully parked or left standing:
 - (a) At a construction site while construction is in progress; or
 - (b) By public utility companies at a location where public service utilities are being repaired, installed, maintained, relocated, or extended; or
 - (c) By an employee of a public utility, police department, fire department, ambulance service, or tow truck operator while that employee is on call.
- (B) It shall be unlawful for a person who owns or operates a heavy vehicle to park or leave same standing in whole or in part on any alley, public street or right of way.

- (C) It shall be unlawful for a person who owns or operates a heavy vehicle, except a recreational vehicle, to park or leave same standing in whole or in part on any residentially zoned property. It shall further be unlawful to occupy or treat as a residence or accessory dwelling unit a recreational vehicle on residentially zoned property.
- (D) It shall be unlawful for a person who owns or operates a heavy vehicle to park or leave same standing in whole or in part upon any commercial property which is not owned or leased by the owner or operator of the heavy vehicle, unless the vehicle is parked on a truck lot.
- (E) It shall be an affirmative defense to prosecution under paragraph (D) of this section that at the time of the alleged offense:
- (1) The vehicle was otherwise lawfully parked;
 - (2) The owner or operator of the vehicle was in the actual course and scope of loading, unloading, or providing goods or services to, or acquiring goods or services from, the occupant of property upon which the vehicle was parked;
 - (3) There were no other locations in the immediate vicinity where the vehicle could be lawfully parked; and
 - (4) The vehicle was removed from the property as soon as reasonably possible following completion of the loading, unloading, or provision or acquisition of goods or services.
- (F) It shall be an affirmative defense to prosecution under paragraphs (B), (C) and (D) of this section that at the time of the alleged offense the heavy vehicle was otherwise lawfully parked or stopped due to a mechanical defect which made it unsafe to operate the vehicle, provided that as soon as reasonably possible the driver or operator completed emergency repairs, effected a load transfer to another vehicle, or summoned tow removal equipment, as appropriate.

§ 72.23 RESERVED.

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 155.003 DEFINITIONS

All Weather Surface – Impervious surface cover consisting of asphalt, concrete, or other similar permanent hard surface material sufficient to prevent ruts, mud, dust, loose material, and other nuisances.

Alternative Parking Surface – All Weather Surface that can additionally be constructed with decomposed granite or pavers.

§ 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. Required spaces and berths shall be connected by an all weather surfaced driveway to a public street or alley.

§ 155.069 PARKING IN RESIDENTIAL AREAS

- (A) Except as provided herein, no person shall cause, allow, permit or suffer any vehicle, trailer, or recreational vehicle to be stopped or parked in the front, side, or rear yard of residentially zoned property except on an all-weather surface as defined in § 155.003 of this Code.
- (B) It shall be an affirmative defense to prosecution under this section 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, as soon as reasonably possible, completed emergency repairs or summoned tow removal equipment, as appropriate.
- (C) Parking spaces in addition to driveways and those parking spaces required in Chapter 155 Table 21-D are permitted in residentially zoned yards, provided they are improved with an alternative parking surface.
 - (1) Such additional parking spaces shall be limited to 50% of the area of the front yard or side yard.
 - (2) Such additional parking spaces shall be limited to 25% of the area of the rear yard.
- (D) The prohibition found in § 155.069 (A) does not apply to:
 - (1) The parking of vehicles owned or leased by the City while being used by employees or agents of the City in the performance of their City duties; or
 - (2) The parking of vehicles or trailers otherwise lawfully parked or left standing:

- a) At a construction site while construction is in progress; or
 - b) By public utility companies at a location where public service utilities are being repaired, installed, maintained, relocated, or extended; or
- (3) The parking of Agricultural machinery or implements; or
- (4) The parking of any vehicle, trailer, or recreational vehicle on an existing parking space. For the purpose of this section, an existing parking space means a clearly defined area where the soil has been compacted due to extended use so as not to create ruts when parked upon in wet weather and which is surfaced with gravel, provided said conditions existed prior to the effective date of this prohibition; or
- (5) The parking of any vehicle, trailer, or recreational vehicle on an existing driveway. For the purpose of this section, an existing driveway means a clearly defined area where the soil has been compacted due to extended use so as not to create ruts when driven upon in wet weather and is used to access an existing parking space, provided said conditions existed prior to the effective date of this prohibition; or
- (6) The parking of any trailer that is screened from public view, provided it is empty and does not pose a risk of fire or contamination of the soil or water table.