

**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 within any zoning district~~ to park, store or permit the parking, ~~standing or storing storage~~ of a motor vehicle ~~or trailer, as defined in section 12-2 of this chapter,~~ upon the property without ~~the motor vehicle being located~~ on:

- a. ~~A~~ A level, solid and continuously paved concrete or asphalt surface specifically designed for parking; ~~and~~
- b. ~~The area of the~~ A paved parking surface ~~that is~~ shall not be less than the full dimensions of the vehicle ~~or trailer.~~

(2) The provisions of Section 12-115 (b) shall not apply where:

- a. Exempted by the City of Plano Zoning Ordinance, as amended;
- b. Allowed by a Certificate of Appropriateness for a property with Heritage designation;
- c. The City right-of-way consisting of bricks, pavers or similar materials and parking is otherwise allowed; or
- ~~(4)~~d. Alternative parking surfaces have been approved in writing by the City Engineer.

~~(2)~~(3) It shall be an offense to park, store or permit the parking, ~~standing or storing storage~~ of any of the following vehicles ~~between any portion of a residential dwelling and any right-of-way line upon property located within~~ a residential zoning district:

- a. ~~A~~ C 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; ~~or~~
- b. A Commercial motor 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; ~~or~~
- c. A Race car, dune buggy, farm equipment or other similar vehicle not designated for public street operation.

~~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) -CRIMINAL PENALTY

(1) It shall be an offense to intentionally or knowingly fail to comply with any provision of this section. Any person, firm, association or corporation violating any provision of Section 12-115 of this chapter shall be punished by a fine not to exceed

\$2,000.00. Each day that such violation under this section occurs shall constitute a separate offense.

(2) Repeat and Habitual Offenders.

- a. If it is shown on the trial of an offense under Section 12-115 that the defendant has previously been finally convicted of an offense under Section 12-115, on conviction the person shall be punished by a fine of not less than \$500.00 and not to exceed \$2,000.00.
- b. If it is shown on the trial of an offense under Section 12-115 that the defendant has previously been finally convicted of two or more offenses under Section 12-115, on conviction the person shall be punished by a fine of not less than \$1,000.00 and not to exceed \$2,000.00.
- (3)c. This subsection for Repeat and Habitual Offenders applies only to a person finally convicted of a second or subsequent offense within three years of the date on which the most recent preceding offense was committed.

(e)(d) AFFIRMATIVE DEFENSE

- (1)a. 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(b)(1), the prohibited conduct ~~occurred on~~ occurred on a parking surface that was on a gravel parking surface installed prior to November 1997 that is 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 and has been maintained in its original size and condition accordance with all adopted codes and ordinances.”