

III | RECOMMENDATIONS

RECOMMENDATION #5

TO ADDRESS VEHICLES PARKED ON UNIMPROVED SURFACES (GRASS, GRAVEL, DIRT)



ISSUE

In many of Chandler's older neighborhoods, vehicles parked on unimproved surfaces such as grass, gravel, dirt, etc. is not an uncommon sight. However, many residents submit complaints to the Code Enforcement Unit regarding this condition indicating that it creates a visual blight in their neighborhood.

BACKGROUND

By current informal code enforcement practice, informal enforcement approach is used including 7-day notice of violation and follow up to ensure compliance. As of April 27, 2012, the Code Enforcement Unit adopted a policy to enforce unimproved parking violations as a parking nuisance condition under the Neighborhood Preservation Code Chapter 30.

The Task Force was educated regarding the history of parking ordinances in Chandler which effect single family residential properties. The Task Force understood that due to the growth of Chandler, there are many housing units that have grandfathered rights to park on unimproved surfaces. See Section IV Appendix, Exhibit #1 History of Parking Ordinances for Single Family and Two Family Units which, was presented to the Task Force by Jeff Kurtz, City of Chandler Planning Administrator, to provide background on this issue.

During the Parking Task Force review process, Task Force members brought up additional parking concerns to consider. Due to the complexity of these concerns, they require more study than the current process allowed.

However, staff recommended that the key challenges associated with these issues be presented as part of this report and recommend future review in order to provide further education on these parking concerns to both the Neighborhood Advisory Committee and City Council.

TASK FORCE RECOMMENDED ACTION

The Task Force acknowledges the impact that unimproved surfaces for parking can have in Chandler neighborhoods. Conversely, the Task Force expressed concern that no maximum percentage currently exists for paving of the front yard.

The City should revise the "Unimproved Parking" violation by changing it from criminal to civil progressing to criminal. Additionally, the City should consider adopting an ordinance amendment to the Neighborhood Preservation Code Chapter 30 to include the following:

- Decriminalizing lawn parking.

The aforementioned ordinance amendments should be accompanied by enhanced enforcement procedures to include the following:

- Saturated education and enforcement approach involving Police and Code Enforcement.

LEGAL CONSIDERATION

Because the development standards in the zoning and parking ordinances have developed and changed over time, it is often difficult to prove a violation of improper on-site parking to a court because a particular residence may have on-site parking outside of the driveway or garage that is grandfathered or approved under an older version of the Zoning ordinance.

The Arizona appellate courts have interpreted state statutes requiring a city to repay attorney fees for civil code infractions for which a defendant has not been found responsible by the City Court. Decriminalizing zoning offenses opens the City to repayment of a defendant's attorney fees on these types of offenses as well as those defined as public nuisances under City Code Chapter 30.