



**Kennesaw Enrichment and Enhancement Program
Meeting Agenda
June 20, 2023 6:00 PM
City Hall Training Room**

- 1. Call to Order / Roll Call**
- 2. Approval of the Meeting Minutes**
 - A. Approval of the May 23, 2023 Meeting Minutes.
- 3. Financial Report**
- 4. Old Business**
- 5. New Business**
 - A. Discuss Special Events Parking Ordinance.
- 6. Staff Comment**
- 7. Adjourn**

**MINUTES OF KENNESAW ENRICHMENT AND ENHANCEMENT PROGRAM
MEETING
CITY OF KENNESAW
Ben Robertson Community Center
May 23, 2023
6:00 PM**

1. Call to Order / Roll Call

Mr. Phillips called the meeting of the Kennesaw Enrichment and Enhancement Program to order at 6:05pm.

Members present: Mitch Phillips, Dennis Bradish, Mark Allen, Sharon Blandford, Carlene Fregeolle, Travice Obas, and Dwain Phelps

Staff/Councilmembers present: Luke Howe, James Friedrich and Tracey Viars

Staff/Councilmembers absent: Trey Sinclair

2. Approval of the Meeting Minutes

A. April 25, 2023 Meeting Minutes

Motion by Mr. Bradish to approve the April 25, 2023 meeting minutes, seconded by Ms. Obas. Vote taken, motion approved 4-0-3 (Mr. Phelps and Ms. Blandford were not present at this time and Mr. Allen abstained).

3. Old Business

4. New Business

5. Discussion

A. Luke Howe, Economic Development Director: Discuss Economic Development Initiatives, Business Incentives, and Vacant Properties

Economic Development Director Luke Howe provided the committee members with an informal conversation regarding the purpose of the City's Economic Development team, how they utilize incentives to bring in business, and the committee's focus on vacant properties. Mr. Howe listed three tools local Economic Development departments use which include abating occupational tax license fees, abating or reducing permit fees, and abating property taxes. Through the Georgia State Constitution, the City is allowed to increase some people's taxes through what is known as a blight tax, but there is a very high threshold for what qualifies as blight. It is important to note that incentives can be used to collateralize a project but cannot be used to capitalize on a project. Some of the vacant properties in the downtown area are being used for complex projects that are difficult to finance. Community banks are typically the main funding sources for these projects, but when the cost is in excess of 10 million dollars, that can be a heavy

ask. On the other hand, a 10 million dollar project is usually on the lower end for larger investment banks.

Mrs. Fregeolle commented that a lot of the vacant properties in the downtown area have been vacant for some time. Mr. Howe acknowledged this and said these projects take time and the lack of funding sources has only hindered the redevelopment process. Some properties, both vacant and in use, can also be moved if the property owners are amenable. Another issue that hinders the development of properties in downtown Kennesaw is the lack of existing brick and mortar infrastructure. Other neighboring cities already have existing infrastructure to be used for redevelopment which makes it easier for businesses to move in to a space when another business moves out. Mrs. Fregeolle asked about bringing a small movie studio to the City as a way to increase the City's economic development and branding. However, Mr. Howe mentioned they would need a large space to put their studio and that studio companies generally close themselves off from the rest of the community.

At last month's meeting, the KEEP committee was really interested in the viability of creating a vacant property register that incentivizes property owners to redevelop their vacant properties relatively quickly. However, it was Mr. Howe's professional opinion that registries like that are token programs that do not produce significant change. Ultimately, there is little that the KEEP committee can do that is not already being done when it comes to increasing economic development, business incentives or tackling the issue of vacant properties. Mr. Howe said there may not be a silver bullet solution, but he would provide the committee with a one-page summary of everything he can do under the law.

6. Staff Comment

Mr. Friedrich spoke with Mr. Phillips earlier in the day because Mr. Phillips wanted to propose moving next month's meeting date to June 20 since he will be out on vacation. This new special called meeting date was amenable to the other members. Motion by Mrs. Fregeolle to hold a special called meeting on June 20, 2023 seconded by Mr. Phelps. Vote taken, motion approved unanimously.

Mr. Friedrich suggested the committee look at transportation related issues in the City's Code of Ordinances and come up with topics of discussion for the June meeting. In July, Mr. Friedrich would see if he could get the Public Works Director to join and answer any questions the committee may have.

7. Adjourn

Motion by Mr. Allen to adjourn the meeting, seconded by Ms. Blandford. Vote taken, motion approved unanimously. The meeting adjourned at 7:18pm.

Sec. 6-6. - Consumption of alcohol; entertainment districts.

- (a) Except as provided in subsection (c) below, it shall be unlawful for any establishment licensed to sell or serve alcohol within the City of Kennesaw to dispense any alcoholic beverage in an open container for removal from the premises.
- (b) Except as provided in subsection (c) below, it shall be unlawful for any person to remove from any establishment licensed to sell or serve alcohol within the City of Kennesaw any open container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, within the corporate limits of the city.
- (c) Within any area of the City of Kennesaw designated as an "entertainment district," as depicted on the maps attached and incorporated into this ordinance by reference hereto, the following regulations shall apply:
 - (1) Any establishment within the boundaries of an entertainment district licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, and in no other type of open container, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such open container of alcoholic beverage at a time for removal from the premises.
 - (2) No person shall remove at one time more than one open container of alcoholic beverage from the licensed premises.
 - (3) No open container in which an alcoholic beverage is dispensed and removed from the licensed premises within an entertainment district shall exceed 16 fluid ounces in size.
 - (4) No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within an entertainment district any open container of alcoholic beverage that exceeds 16 fluid ounces in size.
- (d) It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alley, way or parking lot within the corporate limits of the city.
- (e) No alcoholic beverage purchased pursuant to this provision may be consumed outside the boundaries of an entertainment district or within an entertainment district on any parcel used as a church, day care center, or school, as designated by such facility's certificate of occupancy, unless specifically allowed by issuance of a special event permit in accordance with sections 6-71 or 6-72. Coolers containing alcoholic beverages in cans or bottles for personal consumption may be brought into permitted areas within the entertainment district only during events allowed by issuance of a special event permit in accordance with sections 6-71 or 6-72.
- (f)

The distance requirements set forth in sections 6-42 and 6-43 shall not apply to establishments licensed to sell or serve alcohol within an entertainment district as defined in this section.

- (g) Establishments licensed to sell or serve alcohol in open containers within an entertainment district may allow the removal of such open containers from the premises between the hours of 5:00 p.m. and midnight on weekdays and between the hours of 11:00 a.m. and midnight on weekends.
- (h) Any licensed establishment that allows patrons to leave the establishment with an alcoholic beverage in an open container as provided in this section shall maintain posted inside all exit doors for clear public view a map of the current boundaries of the entertainment district and a sign of at least 11 inches by eight and one-half inches that states the following:

"All patrons leaving this establishment with an alcoholic beverage in an open container do hereby assume full responsibility to consume such alcoholic beverage only if it has been served in a paper or plastic cup not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages within the entertainment district outlined on the map below. Any individual who leaves the entertainment district with an alcoholic beverage in an open container is in violation of the Kennesaw Code of Ordinances and may be subject to a citation, arrest, incarceration, and/or fine."

- (i) The provisions of this section shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws or ordinances.
- (j) No establishment licensed to sell or serve alcohol within an entertainment district will be required to offer open containers of alcohol for sale to its customers or to allow patrons to enter the establishment with open containers of alcohol purchased or obtained from outside the establishment.
- (k) The boundaries of any entertainment district within the City of Kennesaw shall be established by the mayor and council and may be amended from time to time by the mayor and council under the procedures set out in the City Charter for amending an ordinance.

(Ord. No. 2019-01, 1-22-19)

Sec. 86-12. - Parking.

(a) *Parking zones, signs and restrictions.*

- (1) The city manager, subject to the limitations of this chapter, is authorized to designate and maintain appropriate parking zones, no parking zones, parking signs and parking restrictions in conformity with state law and regulations.
- (2) The city manager shall submit all proposed parking zones, no parking zones, parking signs and parking restrictions to the mayor and council for approval. No proposed parking zones, no parking zones, parking signs and parking restrictions shall become effective until approved by the mayor and council and proper signage has been erected, installed or marked.
- (3) All current ordinances, resolutions, and authorizations regarding parking zones, no parking zones, parking signs and parking restrictions in effect on the effective date of this Code are hereby ratified and confirmed, saved from repeal, and continued in effect.

(b) *Parking prohibited.* No person shall park a motor vehicle, including a motorcycle, on any sidewalk within the city, or in a prohibited zone, or on a yellow curb, or in violation of any sign posted within the city.

(c) *Owner liable for violation of parking zones, signs and restrictions.* It shall be unlawful for any owner to allow, permit or suffer any vehicle registered in his name to stop, stand or park in violation of this section 86-12 regulating the parking of vehicles. Such owner shall be equally liable with the operator for such violation and in addition thereto may have his vehicle impounded, as provided in section 86-31.

(d) *Presumption in reference to violation of parking zones, signs and restrictions.* In any matter charging a violation of this section 86-12, proof that the particular vehicle described in the citation was parked in violation of this section 86-12, together with proof that the defendant named in the citation was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(e) *Duty of police as to illegally parked vehicles; notice.* Whenever any motor vehicle without a driver is found stopping, standing or parking in violation of any of the restrictions imposed by this section 86-12 regulating the parking of vehicles, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner or user, and shall conspicuously affix to such vehicle a notice in writing, on a form approved by the chief of police, for the owner and/or driver to answer to the charge against him at the time and place specified in the notice.

(f)

Notice to owner for failure to comply with notice attached to parked vehicle. If a violator of the restrictions on stopping, standing or parking under this section 86-12 regulating the parking of vehicles, does not appear in response to the notice affixed to such vehicle as provided for by subsection (e) of this section at the time and place specified, the police department shall send to the owner of such motor vehicle to which the notice was affixed a notice informing him that in the event such notice is disregarded a notice of hearing for contempt of court will be issued.

(g) *Violations.*

- (1) Enforcement of this section 86-12 shall be through a civil action in the municipal court by the issuance of a citation, which shall either be left with the vehicle or delivered to the person in possession thereof. For purposes of such civil action, it shall be presumed that the owner of said vehicle is in control and possession thereof. In the event any person is found to have violated this paragraph in such civil action, such person shall be subject to a fine of \$25.00, if paid within five days and \$40.00 if paid after five days; provided, however, that if a person is found to have violated this paragraph twice within 180 days of the first offense, such person shall be subject to a fine of \$50.00 if paid within five days, and \$75.00 if paid after five days; and the third or later citations, if received within 180 days of the first offense, such person shall be subject to \$100.00 if paid within five days and \$150.00 if paid after five days. For any new tickets received after the 180-day period, the parking fines set forth herein shall revert to the "First Citation" status after the expiration of 180 days from the first offense set forth herein for any other tickets written.
- (2) With regard to all parking areas for which a time limitation is established, it shall be deemed a separate violation thereof for each successive time period in which any vehicle is parked therein in excess of such limitation. All fines imposed as punishment for violation of section 86-12 shall be paid upon conviction thereof or after issuance of the ticket(s) as set forth in subsection (g)(1) to the municipal court clerk. Failure to pay such fines within this time period shall subject the person to contempt proceedings.
- (3) Any vehicle which has accumulated five or more citations for violation of this section 86-12 for which payment has not been made and which is then parked upon the public way or in any public place at any time within the city, may, at the option of any city police officer, be removed and stored until all such lawful citations have been paid and the cost of such impoundment, storage and other charges authorized by this code have been paid. If impoundment is utilized, a charge for such impoundment of \$150.00 shall be charged and paid prior to such release.
 - a. Prior to impoundment of such vehicle as provided in subsection (g)(3), written notice shall be mailed or delivered personally to the owner of any vehicle which has accumulated five or more outstanding citations for which payment has not been made. The notice shall be sent by certified mail and shall inform said owner of the date, nature and number of

outstanding citations, that such vehicle may be impounded, and that said owner will be provided with an opportunity to contest the validity of the proposed impoundment upon written request to the clerk of the municipal court within ten days of the mailing of the notice described in this subparagraph. Any owner who requests an opportunity to contest the validity of proposed impoundment of his/her vehicle shall be provided a hearing before the municipal court, which hearing shall be scheduled as soon as practicable, and enforcement of the provisions of subsection (g) shall be stayed pending the decision of the municipal court. For purposes of such hearing, the owner of such vehicle shall be presumed to be in possession and control of such vehicle at all times.

- b. As soon as a vehicle has been removed and stored under subsection (g), the city police officer or civilian parking enforcement officer taking such action shall so notify the chief of police, and the chief of police or his duly authorized representative shall notify, by registered mail, the registered owner of such vehicle within five business days of the impoundment. Said notice shall state the location of such vehicle and the requirements for release as set forth in this subsection (g).
- c. Any person having custody of a motor vehicle impounded pursuant to this subsection (g) shall not release it until the individual requesting its release presents satisfactory evidence of his/her right to possession and signs a receipt therefore. In addition, said vehicle shall not be released until all citations have been paid, as well as all other charges provided for in this subsection (g) or until the chief of police, or his duly authorized representative, shall have certified the posting of a bond equal to the total outstanding amounts due on all citations, as well as all other charges provided for in this subsection (g), with respect to such vehicle.
- d. Whenever any person requests the right to post bond pursuant to this subsection (g), such bond shall be given in cash and receipt given therefore. Such bond money shall be refunded in the amount of the fine which may be levied for each alleged violation of this subsection (g) upon payment of such fine or upon a finding that no violation occurred by the municipal court. Any bond shall be forfeited unless the person posting it appears in municipal court in accordance with his/her summons.

(h) *Evasion of parking regulations.*

- (1) *Markings.* Any person who shall attempt to evade or evades the parking ordinances of the city by erasing any marking placed on any portion of any motor vehicle from the purpose of hindering or preventing city authorities from ascertaining the length of time said vehicle has been parking shall be guilty of a violation of this section.
- (2) *Removal from one parking place to another.* Any person who shall remove any vehicle from one public parking place to another for the purpose of hindering or preventing the proper city authorities from enforcing the city's parking ordinance shall likewise be guilty of a violation of

this section.

- (3) *Application.* The parking areas referred to in this section are hereby declared to be all the parking spaces on the streets and parking lots owned, leased or controlled by the City of Kennesaw, the Kennesaw Downtown Development Authority (KDDA), the Kennesaw Development Authority (KDA), and/or the Urban Redevelopment Agency (URA).

(Ord. No. 2016-19, 8-15-16)

Ordinances Governing
SPECIAL EVENT PARKING
in the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 10-018
(January 12, 2010)

(Chapter Designator: SPECIAL EVENT PARKING)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
09-031	06/23/09	Adopt new ``Special Event Parking'' Chapter of the Code of the City of Arlington, Texas.
10-018	01/12/10	Amend Article II , <u>Accessory Special Event Parking Permits</u> , Section 2.02 , <u>Accessory Special Event Parking Permits</u> , by the addition of a new Subsection (C) relative to a requirement that final plans or other documents that will be archived must be submitted in electronic format; and the renumbering of the remaining subsections.

TABLE OF CONTENTS

ARTICLE I PURPOSE, AUTHORITY, DEFINITIONS

- Section 1.01 Purpose and Findings
- Section 1.02 General Authority and Duty of the
 Administrator
- Section 1.03 Definitions

ARTICLE II ACCESSORY SPECIAL EVENT PARKING PERMITS

- Section 2.01 Effective Area
- Section 2.02 Accessory Special Event Parking Permits
- Section 2.03 Operation of an Accessory Special Event
 Parking Area
- Section 2.04 Revocation of Permit
- Section 2.05 Procedures for Appeal of Denial or
 Revocation

ARTICLE III OFFENSES AND PENALTIES

- Section 3.01 Offenses
- Section 3.02 Penalty

ARTICLE I

PURPOSE, AUTHORITY, DEFINITIONS

Section 1.01 Purpose and Findings

The purpose of this Chapter is to promote the health, safety, and welfare of City of Arlington citizens and visitors and promote neighborhood integrity by addressing issues that occur when private property is used for the parking of motor vehicles by persons attending Special Events. The establishment of a Limited Access Zone and appropriate signs and barricades on public right-of-way during Special Events is intended to reduce neighborhood impact, improve traffic conditions, and increase the ability of residents to obtain neighborhood access and adequate parking. The establishment of Accessory Special Event Parking Permits for Special Event parking addresses the integrity of private property use for parking in areas that were not originally designed or intended for Special Event parking and the improper use of private property for parking, traffic problems created by cash handling at the parking lot, and litter problems created by a lot operator's failure to properly administer the lot and adjacent area after the Special Event. These provisions are intended to promote the safety of area visitors, residents and businesses, and provide a systematic approach to parking and traffic management for Special Events.

Section 1.02 General Authority and Duty of the Administrator

The Administrator shall implement and enforce this Chapter.

Section 1.03 Definitions

For the purposes of this Chapter, the following definitions apply:

Accessory Special Event Parking means the provision of Special Event parking to the public for a fee in a parking area that normally provides required or excess parking for the occupants, clients, customers, or employees of a particular Nonresidential Establishment.

SPECIAL EVENT PARKING

1.03

Accessory Special Event Parking Area means the area to be used for Accessory Special Event Parking as shown on the parking plan submitted by an applicant and approved by the Administrator.

Accessory Special Event Parking Permit means the completed document provided by the Administrator or designee after the requirements of the Chapter are accomplished.

Administrator means the person or persons designated by the City Manager to administer this Chapter.

Hearing Authority means a board, commission or committee listed in the Administration Chapter of the City Code, the City of Arlington Municipal Court or a person assigned the responsibility of conducting a hearing under this Chapter by the Administrator.

Limited Access Zone means the streets described in Section 2.01 of this Chapter.

Major Tourist Attraction means the definition set forth in the Zoning Chapter of the Code of the City of Arlington.

Nonresidential Establishment means a premise operating a use other than a Single-family, townhouse, duplex, or multi-family use.

Person means an individual, proprietorship, partnership, firm, corporation, association or other legal entity.

Property means property assessed as one unit in the Tarrant Appraisal District upon which any part of the Accessory Special Event Parking will occur, or upon which a sign has been posted during a Special Event indicating that parking is available for a fee.

Public Right-of-Way means the definition set forth in the Streets and Sidewalks Chapter of the Code of the City of Arlington.

Single-family, townhouse, duplex, or multi-family use means the definition set forth in the Zoning Chapter of the Code of the City of Arlington.

Scheduled Start Time of the Special Event means the time advertised for the Special Event to begin as set by its organizers. This definition includes the time listed on

admission tickets and other promotional material for the Special Event.

Special Event means the definition set forth in the Special Events Chapter of the Code of the City of Arlington.

(Adopt Ord 09-031, 6/23/09)

ARTICLE II

ACCESSORY SPECIAL EVENT PARKING PERMITS

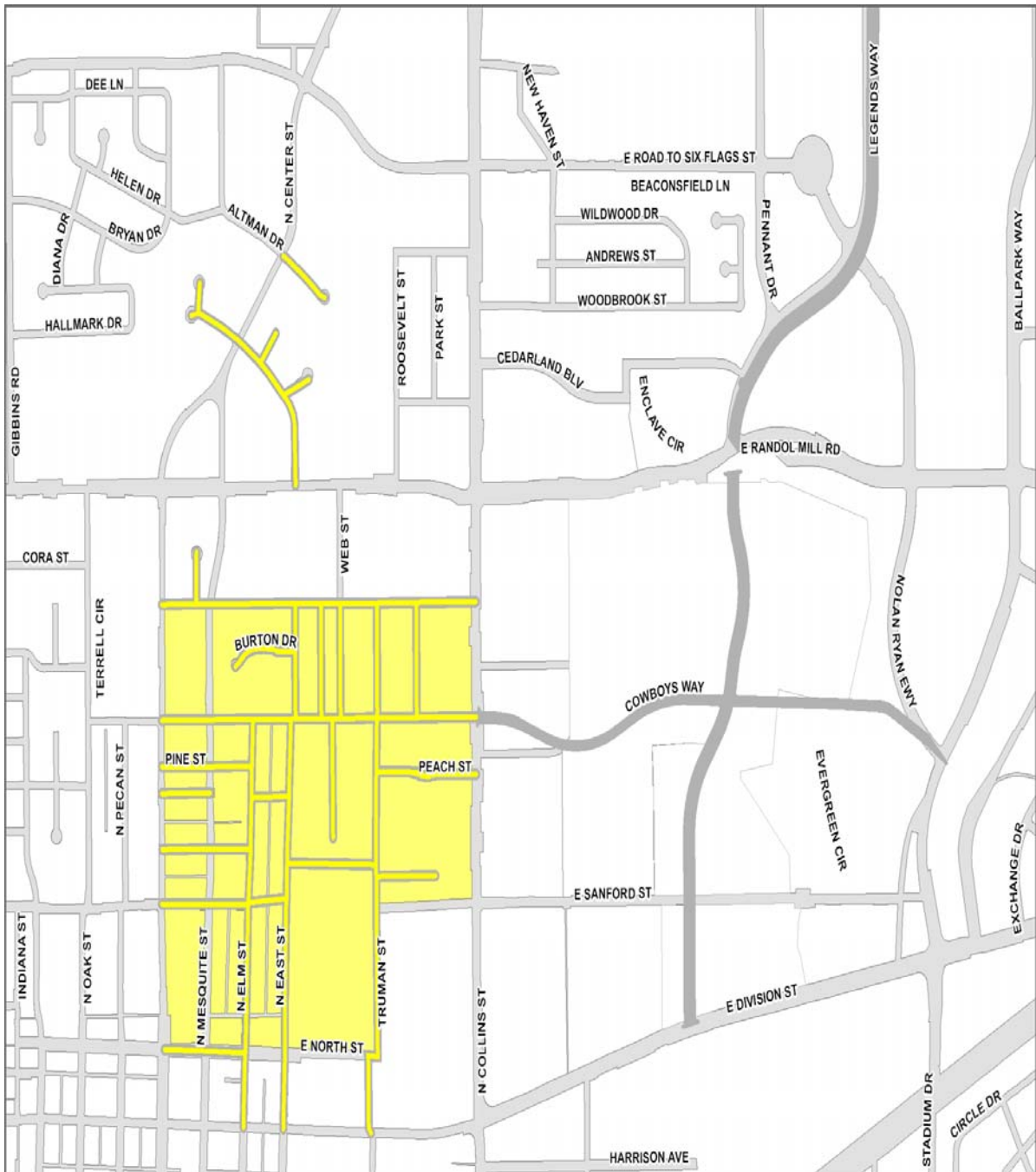
Section 2.01 Effective Area

- A. Accessory Special Event Parking Permits will be issued only to Property with an active or imminent nonresidential use as the main use of the Property. An Accessory Special Event Parking Permit will not be issued if sole access to the Accessory Special Event Parking Area is from public right-of-way within the Limited Access Zone.
- B. The Limited Access Zone includes the following public right-of-way:

Altman Drive from Center Street to its dead end to the east
Thannisch Drive from Center Street to its dead end to the west
Thannisch Drive from Center Street to Randol Mill Road
Thannisch Court from Thannisch Drive to its dead end
Avondale Court from Thannisch Drive to its dead end
Vonner Court from Thannisch Drive to its dead end
Marcellus Court from Slaughter Street to its dead end
Naomi Lane from Slaughter Street to its dead end
Burton Drive from East Street to its dead end
Lost Forest Drive from Rogers Street to Slaughter Street
Web Street from Rogers Street to Slaughter Street
Roosevelt Street from Rogers Street to Slaughter Street
Greystroke Drive from Rogers Street to its dead end
Truman Circle from Truman Street to its dead end
Slaughter Street from Center Street to Collins Street
East Rogers Street from Center Street to Collins Street
Pine Street from Center Street to North Elm Street
Cedar Street from Center Street to Mesquite Street
Cedar Street from North Elm Street to East Street
Maple Street from Center Street to North Elm Street
Sanford Street from Center Street to Collins Street
North Street from Center Street to Elm Street
Elm Street from Division Street to Rogers Street
East Street from Division Street to Rogers Street
Truman Street from Division Street to Slaughter Street
Peach Street from Collins Street to its dead end
Peach Street from Truman Street to its dead end

SPECIAL EVENT PARKING
2.01

- C. The following map is provided as a visual guide to the Limited Access Zone, but the street-by-street description above is controlling in the event of a conflict.



Section 2.02 Accessory Special Event Parking Permits

- A. No Person, other than a government entity or a Major Tourist Attraction, shall provide Special Event parking for a fee, including within the four-hour period before the Scheduled Start Time of the Special Event, or the two-hour period after the completion of the Special Event, without an Accessory Special Event Parking Permit or a certificate of occupancy for commercial parking or overnight parking facility.
- B. All applicants for an Accessory Special Event Parking Permit shall submit an application to the Administrator. The application for a permit must contain:
1. the applicant's name, address, phone number, email address, and valid sales tax identification number, or if exempt from paying sales tax the applicant's exemption information and income tax identification number;
 2. a description of the main use on the Property and an affidavit that the main use, as set forth in the certificate of occupancy for the Property, is an active use at the Property. If the application is based on an imminent main use, the applicant must provide evidence that the property owner has initiated redevelopment of the property for a nonresidential main use, such as evidence that the owner has started the platting process, started the site plan process, started the rezoning process, applied for a building permit, or other evidence indicating that a nonresidential main use will be operating on the Property within a year;
 3. the name of the Property owner, address, phone number and email;
 4. applicant's documentation for permission to use the Property for Accessory Special Event Parking (if Applicant is not the owner);
 5. proof of General Liability Insurance, including Independent Contractor's Liability, Completed Operations and Contractual Liability fully insuring Applicant's liability for injury to or death of third parties, extended to include personal injury liability coverage and for damage to property of third parties, with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 annual

aggregate. Each policy will require that 30 days prior to the expiration, cancellation, nonrenewal or any material change in coverage, a notice thereof shall be given to City, and will require that if the policy is canceled for nonpayment of premium, 10 days advance written notice shall be given to the City;

6. a parking plan indicating the address and name of the main use on the Property as shown on the signage for the main use, boundaries of the parking area, ingress and egress locations, the parking layout (no stacking is permitted, parking must be in existing striped parking spaces), and the cash handling area on the Property;
 7. an application fee in the amount set by City Council resolution;
 8. the name, address, phone number, and email of the Person responsible for the operation of the Special Event Parking Area, if not the owner or the applicant (the Property owner's identity, or the responsible Person's identity if different than the owner, must be proven by showing a valid Texas driver's license, military identification card, passport, or personal identification card issued by the Texas Department of Public Safety);
 9. the existence of any shared parking arrangement or parking agreement with any other Property owner; and
 10. any other information the Administrator determines necessary for the administration of this Chapter.
- C. Final plans or other documents that will be archived must be submitted in an electronic format specified by the Director of Community Development and Planning ("CDP Director") as a condition to issuance of any type of permit, approval, or other action related to the final plans or documents. The City may provide an electronic conversion service for a fee in the amount set forth by City Council resolution. The CDP Director shall provide a schedule indicating which documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.
- D. The permits expire one year from the date of issuance and may be renewed by application in accordance with

- this Chapter. If the application was made based on an imminent main use, then a conditional one-year permit may be granted, and at the time of conditional permit renewal, the applicant must provide evidence that shows progress of redevelopment; if no progress has been made, the conditional permit will not be renewed.
- E. If the application for a permit is denied, the applicant may appeal that decision as provided in this Chapter. A permit may be denied based on the Administrator's determination that the proposed Accessory Special Event Parking would adversely affect traffic management or public safety.
- F. The permits do not authorize the use of the lots for commercial parking other than for Special Events. (Amend Ord 10-018, 1/12/10)

Section 2.03 Operation of an Accessory Special Event Parking Area

- A. On the day of a Special Event, a temporary sandwich-board sign must be displayed in the Accessory Special Event Parking Area near each entrance to the parking area in the location(s) shown on the parking site plan. The sign must be at least 18 inches high and 24 inches wide (but no larger than 24 inches by 36 inches) with a maximum height from grade to the top of the sign of four feet, include a parking symbol at least 10 inches in height designated by the City, and include the following wording with the blanks filled in appropriately: "Special Event Parking Lot, Permit #____, Parking Fee \$____, Operator Phone No. ____." The parking fee must be in a font that is at least 6 inches in height. When the lot is full, the sign must be turned around to display wording visible from the street that the parking lot is full. The sign is a traffic management device and a display of permit, so no other wording is permitted on the front of the sign. The sign must be of a durable material, such as plastic, metal, wood, or like material, and must be professionally fabricated and maintained in good repair. No sign permit is required for this sign. The parking symbol, the wording, and the fee must be visible from the adjacent street. The parking fee must remain the same throughout the day of the Special Event unless decreased, and the amount charged for parking must not exceed the amount stated on the sign. The sign must be visible on the Special Event Parking Area from the time cars are admitted for Special Event

SPECIAL EVENT PARKING
2.03

Parking until the Property has been cleaned of litter at the end of the Special Event.

- B. The Accessory Special Event Parking Permit and parking plan must be available for immediate on-site inspection by City staff or public safety officers.
- C. The Accessory Special Event Parking Area must be paved, striped, and lit in compliance with standards prescribed in City ordinances for parking areas. Vehicles must be parked on approved surfaces only and in compliance with the parking plan. Minor deviations from City standards from lighting are permitted in a parking plan, such as the use of rented lighting, or the presence of additional lot attendants in lieu of required lighting, if the Administrator determines that the plan provides adequate lighting and security for the lot.
- D. The Accessory Special Event Parking Area must be staffed by at least two attendants who must be present on the Accessory Special Event Parking Area from the time the operator starts accepting cash payment on the lot for parking until the lot is full or the start of the Special Event, whichever occurs first. A minimum of one attendant must remain on the lot until one hour after the end of the Special Event. The number of attendants may be varied, and in some cases, adjacent Accessory Special Event Parking Areas may share attendants as shown on the parking plan, if the Administrator determines that the plan provides adequate staff for guiding vehicles in and out of the lot, and monitoring the Accessory Special Event Parking Area(s). The operator must provide clean-up service on the Accessory Special Event Parking Area and adjacent parkways to remove litter, trash, junk, or other debris found throughout the Accessory Special Event Parking Area. The attendants must be easily identifiable by uniform clothing indicating they are employed to provide Accessory Special Event Parking.
- E. The Accessory Special Event Parking must be operated in compliance with any conditions set forth on the Accessory Special Event Parking Permit.

Section 2.04 Revocation of Permit

The Administrator may revoke an Accessory Special Event Parking Permit issued under this Chapter for violation of any provision in this Chapter; for violating any federal,

state or local laws or ordinances during the Special Event; for making any material false representation in an application for an Accessory Special Event Parking Permit; if the main use ceases to operate; upon notice of required insurance policy cancellations or failure to renew coverage; or if the Administrator determines that the Accessory Special Event Parking at that location adversely affects traffic management or public safety. In the event of revocation, the procedures for appeal set out below apply commencing with the date the revocation notice is provided to the applicant.

Section 2.05 Procedures for Appeal of Denial or Revocation

A. Review by Administrator

1. Any applicant who is denied an Accessory Special Event Parking Permit, or Person whose permit is revoked (an "appellant") may, within five business days of the service of notice of such determination, file a written appeal from such determination with the Administrator.
2. The Administrator shall have twenty business days from the date on which the appeal was received in which to provide appellant a notice that the decision was affirmed, modified or reversed.
3. The notice to appellant shall be deemed served upon the appellant when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

B. Any appeals filed pursuant to this Chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the City, and any other papers material to the determination.

C. Judicial review of any such final decision may be obtained through the filing of an appropriate action with a court of competent jurisdiction.

(Adopt Ord 09-031, 6/23/09)

ARTICLE III

OFFENSES AND PENALTIES

Section 3.01 Offenses

- A. A Person commits an offense if he or she, or an entity's agent:
1. submits false documents, or otherwise makes a false statement of a material fact on an application for any permit submitted under this Chapter;
 2. provides Special Event parking for any vehicle during a Special Event in violation of this Chapter; each vehicle charged a fee for parking on a parking area during a Special Event in violation of this Chapter constitutes a separate offense;
 3. violates any other provision of this Chapter.
- B. In the prosecution of an offense under this Chapter, it is presumed that:
1. the applicant for the Accessory Special Event Parking Permit, and the Person named in the application as responsible for the operation of the Special Event Parking Area, are responsible for parking violations under this Chapter and for compliance with this Chapter in the operation of the Accessory Special Event Parking Area;
 2. the owner of the Property is responsible for parking violations under this Chapter; and
 3. all vehicles parked on Property during a Special Event have been charged a fee for parking if, during a Special Event, (a) a sign is present on the Property indicating that parking is available for a fee, or (b) in the absence of such sign on the Property, if there is signage in the vicinity of the Property indicating that parking is available for a fee and individuals are directing cars onto the Property to park.

Section 3.02 Penalty

- A. An offense under any provision of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

SPECIAL EVENT PARKING

3.02

- B. There shall be no requirement of a culpable mental state for a criminal offense under this Chapter.

(Adopt Ord 09-031, 6/23/09)

Ordinance No. 09-031

An ordinance adding the "Special Event Parking" Chapter to the Code of the City of Arlington, Texas, 1987, through the addition of Articles I through III; containing findings and other provisions relating to the foregoing subject; providing for a fine of up to \$500 for an offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and an effective date

WHEREAS, Special Events have a significant impact on City of Arlington traffic flow, concentration, parking, right-of-way use, park use, public facility use and private facility use; and

WHEREAS, it is necessary to manage Special Event traffic congestion, nonresidential parking lots, and the impact on residents and visitors; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Special Event Parking" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby adopted to read as follows:

ARTICLE I

PURPOSE, AUTHORITY, DEFINITIONS

Section 1.01 Purpose and Findings

The purpose of this Chapter is to promote the health, safety, and welfare of City of Arlington citizens and visitors and promote neighborhood integrity by addressing issues that occur when private property is used for the parking of motor vehicles by persons attending Special Events. The establishment of a Limited Access Zone and appropriate signs and barricades on public right-of-way during Special Events is intended to reduce neighborhood impact, improve traffic conditions, and increase the ability of residents to obtain neighborhood access and adequate parking. The establishment of Accessory Special Event Parking Permits for Special Event parking addresses the integrity of private property use for parking in areas that were not originally designed or intended for Special Event parking and the improper use of private property for parking, traffic problems created by cash handling at the parking lot, and litter problems created by a lot operator's failure to properly administer the lot and adjacent area after the Special Event. These provisions are intended to promote the safety of area visitors, residents and businesses, and provide a systematic approach to parking and traffic management for Special Events.

(1)

Section 1.02 General Authority and Duty of the Administrator

The Administrator shall implement and enforce this Chapter

Section 1.03 Definitions

For the purposes of this Chapter, the following definitions apply:

Accessory Special Event Parking means the provision of Special Event parking to the public for a fee in a parking area that normally provides required or excess parking for the occupants, clients, customers, or employees of a particular Nonresidential Establishment.

Accessory Special Event Parking Area means the area to be used for Accessory Special Event Parking as shown on the parking plan submitted by an applicant and approved by the Administrator.

Accessory Special Event Parking Permit means the completed document provided by the Administrator or designee after the requirements of the Chapter are accomplished.

Administrator means the person or persons designated by the City Manager to administer this Chapter.

Hearing Authority means a board, commission or committee listed in the Administration Chapter of the City Code, the City of Arlington Municipal Court or a person assigned the responsibility of conducting a hearing under this Chapter by the Administrator.

Limited Access Zone means the streets described in Section 2.01 of this Chapter.

Major Tourist Attraction means the definition set forth in the Zoning Chapter of the Code of the City of Arlington.

Nonresidential Establishment means a premise operating a use other than a Single-family, townhouse, duplex, or multi-family use.

Person means an individual, proprietorship, partnership, firm, corporation, association or other legal entity.

Property means property assessed as one unit in the Tarrant Appraisal District upon which any part of the Accessory Special Event Parking will occur, or upon which a sign has been posted during a Special Event indicating that parking is available for a fee.

Public Right-of-Way means the definition set forth in the Streets and Sidewalks Chapter of the Code of the City of Arlington.

Single-family, townhouse, duplex, or multi-family use means the definition set forth in the Zoning Chapter of the Code of the City of Arlington.

Scheduled Start Time of the Special Event means the time advertised for the Special Event to begin as set by its organizers. This definition includes the time listed on admission tickets and other promotional material for the Special Event.

Special Event means the definition set forth in the Special Events Chapter of the Code of the City of Arlington.

ARTICLE II

ACCESSORY SPECIAL EVENT PARKING PERMITS

Section 2.01 Effective Area

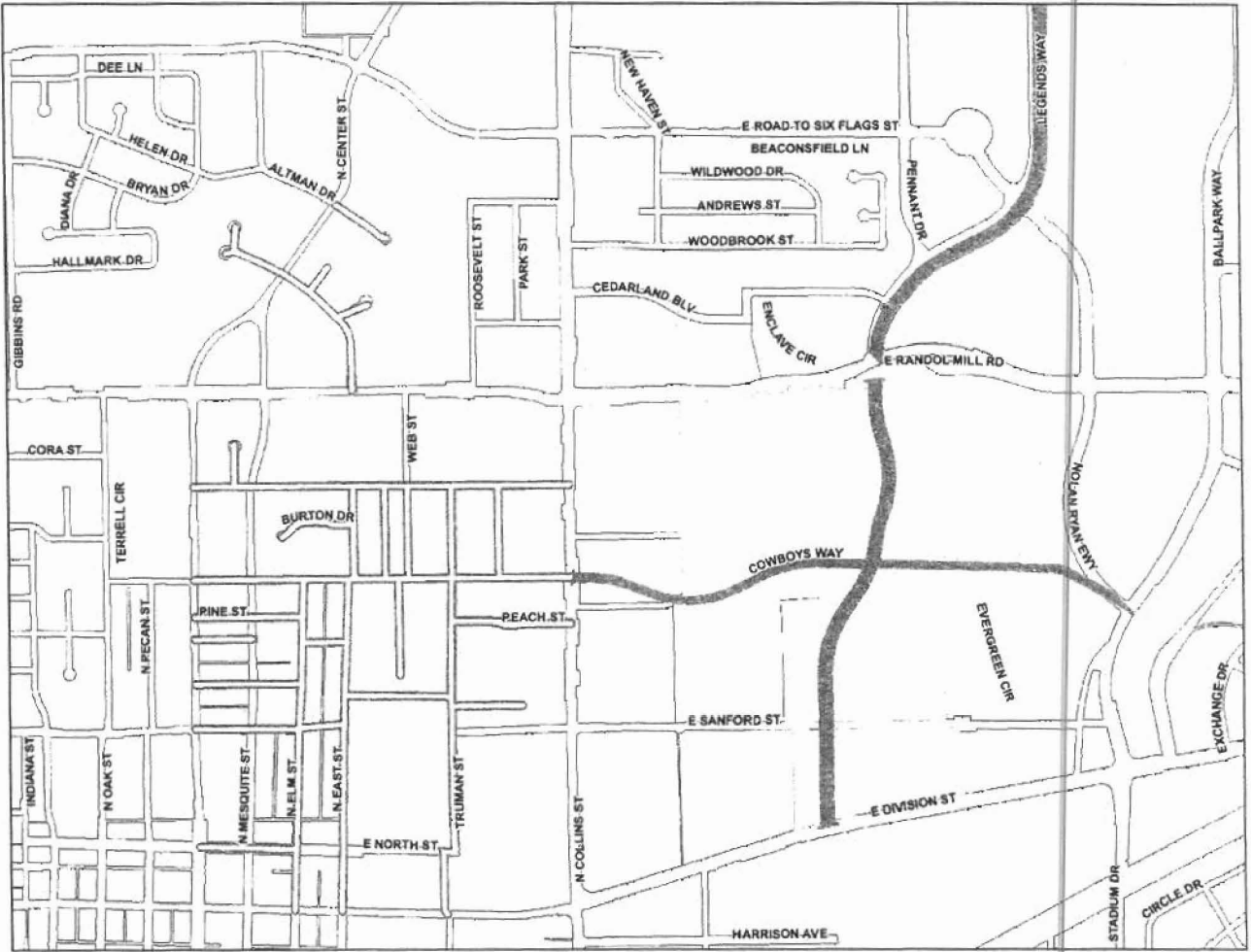
A. Accessory Special Event Parking Permits will be issued only to Property with an active or imminent nonresidential use as the main use of the Property. An Accessory Special Event Parking Permit will not be issued if sole access to the Accessory Special Event Parking Area is from public right-of-way within the Limited Access Zone.

B. The Limited Access Zone includes the following public right-of-way:

Altman Drive from Center Street to its dead end to the east
Thannisch Drive from Center Street to its dead end to the west
Thannisch Drive from Center Street to Randol Mill Road
Thannisch Court from Thannisch Drive to its dead end
Avondale Court from Thannisch Drive to its dead end
Vonner Court from Thannisch Drive to its dead end
Marcellus Court from Slaughter Street to its dead end
Naomi Lane from Slaughter Street to its dead end
Burton Drive from East Street to its dead end
Lost Forest Drive from Rogers Street to Slaughter Street
Web Street from Rogers Street to Slaughter Street
Roosevelt Street from Rogers Street to Slaughter Street
Greystroke Drive from Rogers Street to its dead end
Truman Circle from Truman Street to its dead end
Slaughter Street from Center Street to Collins Street
East Rogers Street from Center Street to Collins Street
Pine Street from Center Street to North Elm Street
Cedar Street from Center Street to Mesquite Street
Cedar Street from North Elm Street to East Street
Maple Street from Center Street to North Elm Street
Sanford Street from Center Street to Collins Street

North Street from Center Street to Elm Street
Elm Street from Division Street to Rogers Street
East Street from Division Street to Rogers Street
Truman Street from Division Street to Slaughter Street
Peach Street from Collins Street to its dead end
Peach Street from Truman Street to its dead end

- C. The following map is provided as a visual guide to the Limited Access Zone, but the street-by-street description above is controlling in the event of a conflict.



(5)

Section 2.02 Accessory Special Event Parking Permits

- A. No Person, other than a government entity or a Major Tourist Attraction, shall provide Special Event parking for a fee, including within the four-hour period before the Scheduled Start Time of the Special Event, or the two-hour period after the completion of the Special Event, without an Accessory Special Event Parking Permit or a certificate of occupancy for commercial parking or overnight parking facility.
- B. All applicants for an Accessory Special Event Parking Permit shall submit an application to the Administrator. The application for a permit must contain:
1. the applicant's name, address, phone number, email address, and valid sales tax identification number, or if exempt from paying sales tax the applicant's exemption information and income tax identification number;
 2. a description of the main use on the Property and an affidavit that the main use, as set forth in the certificate of occupancy for the Property, is an active use at the Property. If the application is based on an imminent main use, the applicant must provide evidence that the property owner has initiated redevelopment of the property for a nonresidential main use, such as evidence that the owner has started the platting process, started the site plan process, started the rezoning process, applied for a building permit, or other evidence indicating that a nonresidential main use will be operating on the Property within a year;
 3. the name of the Property owner, address, phone number and email;
 4. applicant's documentation for permission to use the Property for Accessory Special Event Parking (if Applicant is not the owner);
 5. proof of General Liability Insurance, including Independent Contractor's Liability, Completed Operations and Contractual Liability fully insuring Applicant's liability for injury to or death of third parties, extended to include personal injury liability coverage and for damage to property of third parties, with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 annual aggregate. Each policy will require that 30 days prior to the expiration, cancellation, non-renewal or any material change in coverage, a notice thereof shall be given to City, and will require that if the policy is canceled for nonpayment of premium, 10 days advance written notice shall be given to the City;
 6. a parking plan indicating the address and name of the main use on the Property as shown on the signage for the main use, boundaries of the parking area, ingress and egress locations, the parking layout (no stacking

is permitted, parking must be in existing striped parking spaces), and the cash handling area on the Property;

7. an application fee in the amount set by City Council resolution;
 8. the name, address, phone number, and email of the Person responsible for the operation of the Special Event Parking Area, if not the owner or the applicant (the Property owner's identity, or the responsible Person's identity if different than the owner, must be proven by showing a valid Texas driver's license, military identification card, passport, or personal identification card issued by the Texas Department of Public Safety);
 9. the existence of any shared parking arrangement or parking agreement with any other Property owner; and
 10. any other information the Administrator determines necessary for the administration of this Chapter.
- C. The permits expire one year from the date of issuance and may be renewed by application in accordance with this Chapter. If the application was made based on an imminent main use, then a conditional one-year permit may be granted, and at the time of conditional permit renewal, the applicant must provide evidence that shows progress of redevelopment; if no progress has been made, the conditional permit will not be renewed.
- D. If the application for a permit is denied, the applicant may appeal that decision as provided in this Chapter. A permit may be denied based on the Administrator's determination that the proposed Accessory Special Event Parking would adversely affect traffic management or public safety.
- E. The permits do not authorize the use of the lots for commercial parking other than for Special Events.

Section 2.03 Operation of an Accessory Special Event Parking Area

- A. On the day of a Special Event, a temporary sandwich-board sign must be displayed in the Accessory Special Event Parking Area near each entrance to the parking area in the location(s) shown on the parking site plan. The sign must be at least 18 inches high and 24 inches wide (but no larger than 24 inches by 36 inches) with a maximum height from grade to the top of the sign of four feet, include a parking symbol at least 10 inches in height designated by the City, and include the following wording with the blanks filled in appropriately: "Special Event Parking Lot, Permit #____, Parking Fee \$____, Operator Phone No. ____". The parking fee must be in a font that is at least 6 inches in height. When the lot is full, the sign must be turned around to display wording

visible from the street that the parking lot is full. The sign is a traffic management device and a display of permit, so no other wording is permitted on the front of the sign. The sign must be of a durable material, such as plastic, metal, wood, or like material, and must be professionally fabricated and maintained in good repair. No sign permit is required for this sign. The parking symbol, the wording, and the fee must be visible from the adjacent street. The parking fee must remain the same throughout the day of the Special Event unless decreased, and the amount charged for parking must not exceed the amount stated on the sign. The sign must be visible on the Special Event Parking Area from the time cars are admitted for Special Event Parking until the Property has been cleaned of litter at the end of the Special Event.

- B. The Accessory Special Event Parking Permit and parking plan must be available for immediate on-site inspection by City staff or public safety officers.
- C. The Accessory Special Event Parking Area must be paved, striped, and lit in compliance with standards prescribed in City ordinances for parking areas. Vehicles must be parked on approved surfaces only and in compliance with the parking plan. Minor deviations from City standards from lighting are permitted in a parking plan, such as the use of rented lighting, or the presence of additional lot attendants in lieu of required lighting, if the Administrator determines that the plan provides adequate lighting and security for the lot.
- D. The Accessory Special Event Parking Area must be staffed by at least two attendants who must be present on the Accessory Special Event Parking Area from the time the operator starts accepting cash payment on the lot for parking until the lot is full or the start of the Special Event, whichever occurs first. A minimum of one attendant must remain on the lot until one hour after the end of the Special Event. The number of attendants may be varied, and in some cases, adjacent Accessory Special Event Parking Areas may share attendants as shown on the parking plan, if the Administrator determines that the plan provides adequate staff for guiding vehicles in and out of the lot, and monitoring the Accessory Special Event Parking Area(s). The operator must provide clean-up service on the Accessory Special Event Parking Area and adjacent parkways to remove litter, trash, junk, or other debris found throughout the Accessory Special Event Parking Area. The attendants must be easily identifiable by uniform clothing indicating they are employed to provide Accessory Special Event Parking.
- E. The Accessory Special Event Parking must be operated in compliance with any conditions set forth on the Accessory Special Event Parking Permit.

Section 2.04 Revocation of Permit

The Administrator may revoke an Accessory Special Event Parking Permit issued under this Chapter for violation of any provision in this Chapter; for violating any federal, state or local laws or ordinances during the Special Event; for making any material false representation in an application for an Accessory Special Event Parking Permit; if the main use ceases to operate; upon notice of required insurance policy cancellations or failure to renew coverage; or if the Administrator determines that the Accessory Special Event Parking at that location adversely affects traffic management or public safety. In the event of revocation, the procedures for appeal set out below apply commencing with the date the revocation notice is provided to the applicant.

Section 2.05 Procedures for Appeal of Denial or Revocation

A. Review by Administrator

1. Any applicant who is denied an Accessory Special Event Parking Permit, or Person whose permit is revoked (an "appellant") may, within five business days of the service of notice of such determination, file a written appeal from such determination with the Administrator.
2. The Administrator shall have twenty business days from the date on which the appeal was received in which to provide appellant a notice that the decision was affirmed, modified or reversed.
3. The notice to appellant shall be deemed served upon the appellant when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

B. Any appeals filed pursuant to this Chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the City, and any other papers material to the determination.

C. Judicial review of any such final decision may be obtained through the filing of an appropriate action with a court of competent jurisdiction.

ARTICLE III

OFFENSES AND PENALTIES

Section 3.01 Offenses

- A. A Person commits an offense if he or she, or an entity's agent:
1. submits false documents, or otherwise makes a false statement of a material fact on an application for any permit submitted under this Chapter;
 2. provides Special Event parking for any vehicle during a Special Event in violation of this Chapter; each vehicle charged a fee for parking on a parking area during a Special Event in violation of this Chapter constitutes a separate offense;
 3. violates any other provision of this Chapter.
- B. In the prosecution of an offense under this Chapter, it is presumed that:
1. the applicant for the Accessory Special Event Parking Permit, and the Person named in the application as responsible for the operation of the Special Event Parking Area, are responsible for parking violations under this Chapter and for compliance with this Chapter in the operation of the Accessory Special Event Parking Area;
 2. the owner of the Property is responsible for parking violations under this Chapter; and
 3. all vehicles parked on Property during a Special Event have been charged a fee for parking if, during a Special Event, (a) a sign is present on the Property indicating that parking is available for a fee, or (b) in the absence of such sign on the Property, if there is signage in the vicinity of the Property indicating that parking is available for a fee and individuals are directing cars onto the Property to park.

Section 3.02 Penalty

- A. An offense under any provision of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).
- B. There shall be no requirement of a culpable mental state for a criminal offense under this Chapter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred (\$500) dollars, or Five Hundred Dollars for each offense, as specified in the ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

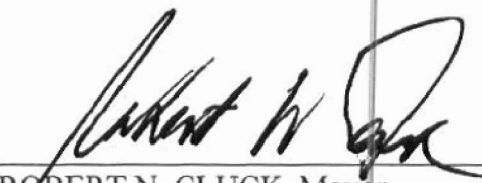
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

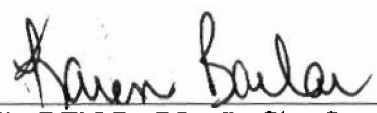
8.

This ordinance shall become effective upon second publication.

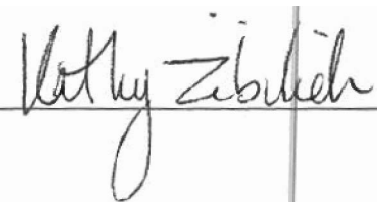
PRESENTED AND GIVEN FIRST READING on the **9th day of June, 2009**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **23rd day of June, 2009**, by a vote of **9 ayes** and **0 nays** at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 10-018

An ordinance amending the “Special Event Parking” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, Accessory Special Event Parking Permits, Section 2.02, Accessory Special Event Parking Permits, by the addition of a new Subsection (C) relative to a requirement that final plans or other documents that will be archived must be submitted in electronic format; and the renumbering of the remaining subsections; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Special Event Parking” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article II, Accessory Special Event Parking Permits, Section 2.02, Accessory Special Event Parking Permits**, by the addition of a new **Subsection (C) and the renumbering of the remaining subsections**, so that hereafter said Section 2.02 shall read as follows:

Section 2.02 Accessory Special Event Parking Permits

- A. No Person, other than a government entity or a Major Tourist Attraction, shall provide Special Event parking for a fee, including within the four-hour period before the Scheduled Start Time of the Special Event, or the two-hour period after the completion of the Special Event, without an Accessory Special Event Parking Permit or a certificate of occupancy for commercial parking or overnight parking facility.
- B. All applicants for an Accessory Special Event Parking Permit shall submit an application to the Administrator. The application for a permit must contain:
 - 1. the applicant's name, address, phone number, email address, and valid sales tax identification number, or if exempt from paying sales tax the applicant's exemption information and income tax identification number;
 - 2. a description of the main use on the Property and an affidavit that the main use, as set forth in the certificate of occupancy for the Property, is an active use at the Property. If the application is based on an imminent main use, the applicant must provide evidence that the property owner has initiated redevelopment of the property for a nonresidential main use, such

as evidence that the owner has started the platting process, started the site plan process, started the rezoning process, applied for a building permit, or other evidence indicating that a nonresidential main use will be operating on the Property within a year;

3. the name of the Property owner, address, phone number and email;
 4. applicant's documentation for permission to use the Property for Accessory Special Event Parking (if Applicant is not the owner);
 5. proof of General Liability Insurance, including Independent Contractor's Liability, Completed Operations and Contractual Liability fully insuring Applicant's liability for injury to or death of third parties, extended to include personal injury liability coverage and for damage to property of third parties, with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 annual aggregate. Each policy will require that 30 days prior to the expiration, cancellation, nonrenewal or any material change in coverage, a notice thereof shall be given to City, and will require that if the policy is canceled for nonpayment of premium, 10 days advance written notice shall be given to the City;
 6. a parking plan indicating the address and name of the main use on the Property as shown on the signage for the main use, boundaries of the parking area, ingress and egress locations, the parking layout (no stacking is permitted, parking must be in existing striped parking spaces), and the cash handling area on the Property;
 7. an application fee in the amount set by City Council resolution;
 8. the name, address, phone number, and email of the Person responsible for the operation of the Special Event Parking Area, if not the owner or the applicant (the Property owner's identity, or the responsible Person's identity if different than the owner, must be proven by showing a valid Texas driver's license, military identification card, passport, or personal identification card issued by the Texas Department of Public Safety);
 9. the existence of any shared parking arrangement or parking agreement with any other Property owner; and
 10. any other information the Administrator determines necessary for the administration of this Chapter.
- C. Final plans or other documents that will be archived must be submitted in an electronic format specified by the Director of Community Development and Planning ("CDP Director") as a condition to issuance of any type of permit, approval, or other action related to the final plans or documents. The City may provide an electronic conversion service for a fee in the amount set forth by City

Council resolution. The CDP Director shall provide a schedule indicating which documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.

- D. The permits expire one year from the date of issuance and may be renewed by application in accordance with this Chapter. If the application was made based on an imminent main use, then a conditional one-year permit may be granted, and at the time of conditional permit renewal, the applicant must provide evidence that shows progress of redevelopment; if no progress has been made, the conditional permit will not be renewed.
- E. If the application for a permit is denied, the applicant may appeal that decision as provided in this Chapter. A permit may be denied based on the Administrator's determination that the proposed Accessory Special Event Parking would adversely affect traffic management or public safety.
- F. The permits do not authorize the use of the lots for commercial parking other than for Special Events.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this

ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

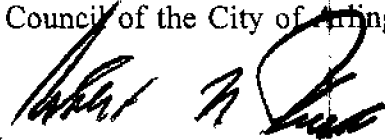
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 15th day of December, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 12th day of January, 2010, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 