

APPLICATION FOR **CONDITIONAL USE LAWN PARKING PERMIT**

CITY OF SOUTH BEND, INDIANA
South Bend Municipal Code Chapter 14, Article 9

I. Check One: NEW RENEWAL

II. Check One: Conditional Use Lawn Parking Permit is for:

Notre Dame Home Football Game Day Parking** Other Event

****Filing dead line is noon (12:00p)
Wednesday before the game**

If Other Event, describe _____

III. LOCATION Address or description of parking area where Permit(s) is/are to be used:

Will ingress/egress require temporary ramps for driving over a curb? Yes No

IV. APPLICANT DATA

A. Applicant Name _____

B. Applicant Address _____

City _____ State _____ Zip _____

C. Mailing Address (If different from above) _____

City _____ State _____ Zip _____

D. Applicant Telephone Number _____

E. Applicant Fax Number _____

F. E-mail Address _____

G. Proof of Residency submitted: (describe) _____

Please Continue to Page 2 (back of sheet)

For Office Use Only

Application Filed _____

License Fee Paid _____

Application Fee Paid _____

License Number _____

Sent to BPW _____

Approval Date _____

Not Approved

Reason: _____

VI. NUMBER AND COST OF DAILY LAWN PARKING PERMITS

If parking 9 cars or less, the cost is \$3.00 per parking space per day.

If parking 10 or more cars, cost is a flat rate of \$50 per day.

			COST PER DAY
A.	Date: _____	Number of parking spaces _____	_____
B.	Date: _____	Number of parking spaces _____	_____
C.	Date: _____	Number of parking spaces _____	_____
D.	Date: _____	Number of parking spaces _____	_____
E.	Date: _____	Number of parking spaces _____	_____
F.	Date: _____	Number of parking spaces _____	_____
G.	Date: _____	Number of parking spaces _____	_____

Total _____
 Application fee \$25.00

VII. INCLUDE, WITH APPLICATION

Total Amount due _____

- A. A \$25.00 APPLICATION FEE.
- B. If parking 10 or more cars per day, provide a Lot Survey, Site Plan or similar legal document which shows:
 - 1. Location of lot lines and structures
 - 2. Setback of parking spaces of at least five feet (5') from all lot lines and structures.
 - 3. Lanes for ingress and egress to parking surfaces.
 - 4. The location of proposed parking spaces.
- C. Proof of Residency (i.e. Tax bill, lease contract, if leased - a letter or approval from landlord).

VII. AFFIRMATION

I, hereby, certify and affirm that all of the information I have given in this application is true and accurate to the best of my knowledge. I further certify and affirm that I have in no way attempted to mislead the City in this application by omitting facts known to me. I have read and understand the regulations of the Conditional Use Lawn Parking Permit found in the City of South Bend Municipal Code, Article 9, Chapter 14 and agree to abide by them.

Signature

Date

ORDINANCE FOR CONDITIONAL USE LAWN PARKING
CITY OF SOUTH BEND, INDIANA
South Bend Municipal Code Section 14-56

For purposes of this Article, the following definitions shall apply:

Chronic violation: Violation of this Article more than two (2) times by the same person.

Conditional Use Lawn Parking Permit: A document issued by the City giving conditional approval to permit the temporary parking of motor vehicles on lawns in a residentially zoned area.

Game Day: A date when the University of Notre Dame hosts a home football game.

Park or Parking: The standing of a motor vehicle, whether occupied or not, upon a right of way, driveway, front yard or side yard. See also Sec. 14-41 of this *Code*.

Residentially zoned area: SF1 Single Family & Two Family Dwelling as further addressed in *SBMC* § 21-02.01; SF2 Single Family & Two Family Dwelling as further addressed in *SBMC* § 21-02.02; MF1 Urban Corridor Multifamily District as further addressed in *SBMC* § 21-02.03; or MF2 High-Density Multifamily District as further addressed in *SBMC* § 21-02.04.

Side Yard: An open space, unobstructed to the sky, extending fully across the lot while situated between a side lot line and the established side building line

Special Event Lawn Parking: Temporary lawn parking for a special event in a residentially zoned area which is only permitted when a Conditional Use Lawn Parking Permit has been issued.

Sec. 14-56; Temporary Residential One-Day Conditional Use Parking Permit Procedures and Fees.

(a) *Application and Proof of Residency:* A person who desires to park or who desires to permit the parking of motor vehicle(s) on the non-public lawn area of a residentially zoned area must have a one-day Conditional Use Lawn Parking Permit. Such person must complete an application, file it with the Office of the Licensing Auditor, and pay a non-refundable application fee of five dollars (\$5.00). Proof of residency for the subject property shall be required which lists the residential address for which the temporary residential special event one-day permit is requested. Acceptable documents include:

1. Indiana Driver's License
2. Copy of a signed lease or real estate purchase agreement
3. Current utility bill; or
4. Current bank statement

which show the street address for the property in question. A copy of such document tendered shall be attached to the registration form.

(b) *Non-Refundable Fees for Parking Less Than Ten (10) Motor Vehicles:* If the applicant meets the requirements of this section for parking less than ten (10) motor vehicles, the Office of the Licensing Auditor shall issue a one-day Conditional Use Lawn Parking Permit to the applicant, upon the payment of a non-refundable fee of \$1.00 per parking space. All such one-day permits shall be subject to the conditions set forth in this Section. All fees collected by the Office of the Licensing Auditor shall be deposited into the General Fund.

(c) *Non-Refundable Fees for Parking Less Than Ten (10) Motor Vehicles For Home Football Season:* Permits for an entire Notre Dame home football season may be issued by the Office of the Licensing Auditor to qualifying applicants desiring to park less than ten (10) motor vehicles upon the payment of a non-refundable fee of \$1.00 per parking space times the number of remaining home football games. All fees collected shall be deposited into the General Fund.

(d) *Additional Documents and Reviews When Parking Ten (10) or More Motor Vehicles:* Any person who applies for a one-day Conditional Use Lawn Parking Permit seeking to park ten (10) or more motor vehicles must also provide a lot survey, site plan or similar legal document which shows the following:

1. Location of lot lines and structures;
2. Setback of parking spaces of at least five feet (5') from all structures and lot lines;
3. Lanes for ingress and egress to parking surfaces; and
4. The location of proposed parking spaces.

The above-listed information shall be referred to the Department of Public Works, along with a copy of the proof of residency document and the completed application form, for review and recommendation.

The Department of Public Works shall determine the maximum amount of motor vehicles which may be safely parked at such location based on the size of the lot, the information set forth on the tendered lot survey, site plan or similar legal document, and relevant public safety considerations. The Department of Public Works shall indicate the locations of the approved ingress and egress location(s) and any approved temporary ramp structures. All parking must comply with the approved document.

(e) *Non-Refundable Fees for Parking Ten (10) or More Motor Vehicles:* If the applicant meets the requirements of this section for parking ten (10) or more motor vehicles, the Office of the Licensing Auditor shall issue a one-day Conditional Use Lawn Parking Permit upon the payment by the applicant of a non-refundable fee of \$25.00. All such one-day permits shall be subject to the conditions set forth in this Section. All fees collected by the Office of the Licensing Auditor shall be deposited into the General Fund.

(f) *Non-Refundable Fees for Parking Ten (10) or More Motor Vehicles For Home Football Season:* Conditional Use Lawn Parking Permits for an entire Notre Dame home football season may be issued by the Office of the Licensing Auditor to qualifying applicants desiring to park ten (10) or more motor vehicles, upon the payment of a non-refundable fee of \$25.00 times the number of remaining home football games. All fees collected by the Office of the Licensing Auditor shall be deposited into the General Fund.

(g) *Filing Deadline:* No applications seeking a Conditional Use Lawn Parking Permit for Game Day parking shall be taken after 4:45 p.m. on the Thursday immediately prior to the Game Day.

(h) *Permit Required to be Displayed:* Conditional Use Lawn Parking Permit holders and the motor vehicle owners who have their vehicles properly parked at such location prominently displaying the permit in the inside front window of the residential building located thereon, or if there is no building said permit shall be prominently displayed separately; with such persons being exempt from the provisions of Section 14-42 entitled "Parking Prohibited in Residential Lawn Areas", and the zoning regulations set forth in Sections 21-02.11 and 21-07.04 of the *South Bend Municipal Code*.

(i) *Exemptions:* No Conditional Use Lawn Parking Permits are required for parking on an approved driveway or parking space.

(j) *Violation for Parking on Date Other Than Date Listed on Permit:* Any motor vehicle which is parked on the lawn of a residentially zoned area on a date other than the date listed on the Conditional Use Lawn Parking Permit issued under this Section shall be in violation of Section 14-42. The owner of such a vehicle shall be subject to the penalties set forth in Section 14-44, as well as applicable zoning provisions of Chapter 21 of the *South Bend Municipal Code*.

(k) *Restrictions:* All owners of any residentially zoned area who were issued a Conditional Use Lawn Parking Permit under this section shall not permit any vehicle to drive over an adjoining property during ingress or egress to their property.

(l) *Sight Distance and Impeding Traffic:* Motor vehicles parked pursuant to this section shall not interfere with the sight distance required for safe driving on a street, nor may parking of any vehicle impede pedestrian and/or vehicular traffic.

(m) *Driving Over Curbs:* No person shall operate or park any motor vehicle on any portion of a lot in any residential district in a way requiring driving the motor vehicle over the curb instead of through a curb cut; unless temporary ramp structures have been specifically authorized and approved by the Department of Public Works to be used, as evidenced on the Conditional Use Parking Permit. Visual events of driving over a curb shall be evidence of a violation of this paragraph, subjecting the person filing the application for the subject property being subject to a citation.

(n) *Repairing Lawn Ruts:* All owners of any residentially zoned area who were issued a Conditional Use Lawn Parking Permit under this section shall be required to repair all lawn ruts within thirty (30) days, weather permitting. All other lawn ruts must be repaired no later than April 30th of the following year.

(o) *Permit Holder Assumes All Risk and Peril:* Any person issued a permit under this section assumes all risk or peril. Such person may be responsible for any and all physical loss or damages incurred which may result from any lawn parking on such person's property. The City of South Bend is free and harmless from any liability loss, costs, damages or expenses, including attorney fees and related expenses.

(p) *Citations:* Any person violating any provision of this Section shall be issued a citation for each violation by a police officer or a Code Enforcement officer subjecting the violator to the penalty provisions of Section 14-58 of the *South Bend Municipal Code*.

Sec. 14-58; (Applicable excerpts) Penalties; Enforcement Procedures; Dedication of Fines.

(a) *Citation for Violation:* Any person, other than a sponsor, violating any provisions of this Article shall be issued a citation by a police officer or Code Enforcement officer subjecting the violator to the following penalties, unless otherwise provided:

1 st violation	\$ 50.00 fine
2 nd violation	\$100.00 fine
3 rd violation and every subsequent violation	\$200.00 fine

(b) Each violation of this Article shall be deemed a separate offense.

(e) *Responsibilities of the Legal Department:* The Office of the City Attorney is authorized to seek fines and injunctive relief not to exceed two thousand five hundred dollars (\$2,500.00) for chronic violations of this Article. The Office of the City Attorney shall provide a summary of such actions to the

Council's Community Relations Committee and the Council's Residential Neighborhoods Committee at the times set forth in Section 14-60.

(g) *Payment of Fines:* Any person issued a citation for violating any provision of this Article with a fine of two hundred fifty dollars (\$250.00) or less shall make payment through the Ordinance Violations Bureau. Failure to make payment within thirty (30) days of the issuance of such a citation shall result in the assessment of a late fee of fifty dollars (\$50.00). All fines greater than two hundred fifty dollars (\$250.00) which are not paid within thirty (30) days of the issuance of such a citation shall result in a late fee of one hundred dollars (\$100.00).

2nd Substitute Bill No. 44-07: Special Events in Residentially Zoned Area Ordinance

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(h) *Consequences of Chronic Violations:* A Sponsor who is cited under this Article for chronic violations shall lose the right to host, conduct or permit a Special Event requiring a permit under this Article for the remainder of that calendar year. When a person, who has been issued a Conditional Use Lawn Parking Permit, has been determined to be in chronic violation of this Article, the City shall have the authority to cancel the remainder of such permit and/or revoke any Conditional Use Lawn Parking Permit issued, upon proper notice of the same being issued to said person.

Sec. 14-59 Non-Transferability; Refusal to Issue and Revocation Hearings.

(a) Any person applying for a Conditional Use Lawn Parking Permit or Conditional Use Permit for a Special Event at a Boarding House under this Article is prohibited to transfer such document(s) to a different residential location. Such transfer shall be a violation of this Article subjecting the violator to the penalty provisions of Sec. 14-58.

(b) All refusals to issue a permit; suspension or revocation of permits issued under this Article shall be governed by the procedures set forth in Section 4-16 of the *South Bend Municipal Code*.