

Ordinance 2022-21
2022 Ordinance Book, Page 79

**ORDINANCE AMENDING CHAPTER 42 OF THE WINSTON-SALEM CITY CODE
RELATING TO PARKING OF CERTAIN VEHICLES PROHIBITED ON FRONT
LAWNS**

BE IT ORDAINED, by the Mayor and City Council of the City of Winston-Salem as follows:

Section 1: Chapter 42, Section 42-173, is hereby amended as follows:

Sec. 42-173. Parking of certain vehicles prohibited on front lawns.

- (a) It shall be prohibited for any person owning or having control of a motor vehicle, water craft, non-motorized camper or any trailer designed to either be pulled by a motor vehicle or to carry a water craft, camper or motor vehicle to park or allow to be parked at any time in the front yards (between a line drawn parallel to the street from the point of the dwelling that is closest to the street and the improved road surface) other than on an improved driveway or improved parking pad that is a minimum of ten feet in width. Additional continuous improved area may be provided but the total improved parking and driveway area shall not exceed 30 percent of the front yard area. Pre-existing improved driveways and pre-existing improved parking pads that exceed 30 percent of the front yard area, upon adoption of the ordinance from which this section is derived, shall be exempt from the front yard size limitation. Improved parking and driveway areas shall be maintained in a safe and sanitary condition and shall not contribute to soil erosion or tree damage. Improved parking and driveway area shall be installed so as to avoid creating standing water conditions, diverting runoff onto neighboring property or adversely impacting storm water quality.
 - (1) Circular improved parking and driveway areas for single-family residences under construction upon adoption of the ordinance from which this section is derived or constructed following adoption of the ordinance from which this section is derived shall not exceed 50 percent of the front yard area.
 - (2) Improved parking and driveway areas for cluster houses, single-family detached houses with ten feet or less separation between structures, or townhouses with attached garages, shall not exceed the width of the garage and shall not be greater than 40 feet from the point of the garage closest to the street.
 - (3) Contiguous lots of the same ownership shall be considered as one lot for the purpose of percentage calculations.
- (b) Application.
 - (1) This section shall apply only in a no parking on the lawn area.
 - a. Designation. Any person or persons owning property within the proposed no parking on the lawn area must submit a petition to the community development department.

- b. Petition form. The petition for designation of a no parking on the lawn area may be placed on a form or in a format approved by the city council.
 - c. Petition requirements. A petition for designation of a no parking on the lawn area must be favorably signed by at least 60 percent of the property owners located within the proposed area or the property owner's agent. The name, address, and telephone number of each signing property owner/property owner's agent must be provided in the petition as of the date the petition was signed. The petition must describe adequately the boundaries of the proposed no parking on the lawn area by using street names and permanent markers, where such exist, and must provide the name and the number of dwelling units for each multi-family property within the proposed no parking on the lawn area. The minimum no parking on the lawn area shall be 100,000 square feet in size. Boundaries of the no parking on the lawn area shall be continuous without isolated sections. Where a person or entity owns more than one parcel in the proposed no parking on the lawn area, the person or entity shall be allowed only one vote (signature) regardless of the number of parcels located in the area. In the event that a parcel is owned by more than one person, the person signing the petition shall affirm that the majority ownership are in favor of the no parking on the lawn area.
 - d. Petition consideration. Upon submission of a valid petition for designation of a no parking on the lawn area, the petition shall be considered by city council. A public hearing shall be held prior to consideration by city council. Notification of the public hearing shall be by first-class mail to property owners within the area/property owner's agent. The community development department will create and mail the letters to the property owners/tenants in the area. Postage and letter costs shall be paid by the petitioner.
- (2) Approval, denial or revocation of a no parking on the lawn area designation.
- a. The city council may approve the petition as requested or deny the same, in whole or in part, by modifying or restricting the no parking on the lawn area due to: (1) public comment; or (2) the revocation of a prior approved parking on the lawn area petition submitted by the petitioner; or (3) the existence of unverified or disputed signatures on the petition, or the existence of false or disputed information in the petition. Simultaneously with its approval of a petition for designation of a no parking on the lawn area, the city council shall adopt an ordinance amendment including that no parking on the lawn area in its list of established no parking on the lawn areas.
 - b. The city council, may consider the revocation of a no parking on the lawn area petition and designation that was previously approved if: (1) the petitioner or more than 50 percent of the residents within the no parking on the lawn area submit a petition to revoke the previously approved petition and no parking on the lawn area designation; or (2) the signatures on a petition previously approved by city council are determined to be forged or manufactured; or (3) other material information, as determined by city council, on the previously approved petition is determined to be false; or (4) the petitioner made a material misrepresentation, as determined by city council, that city council relied upon in approving the petition and no parking on

the lawn area designation. A public hearing shall be held prior to consideration by the city council.

- (3) Periodic review of no parking on the lawn areas.
- a. Unless otherwise provided, Approved no parking on the lawn areas shall be reviewed by city council every two years following adoption.
 - b. City council, after a public hearing, may continue approval of the no parking on the lawn area, modify the no parking on the lawn area, or revoke the no parking on the lawn area.
 - c. Notification of the public hearing shall be by posting on the City of Winston-Salem's website and inclusion in TV13 programming, insertion into the monthly meeting calendar, news releases, and communication to groups who have requested notification in writing.
 - b. City council, after a public hearing, may continue approval of the no parking on the lawn area, modify the no parking on the lawn area, or revoke the no parking on the lawn area.
 - c. Notification of the public hearing shall be by posting on the City of Winston-Salem's website and inclusion in TV13 programming, insertion into the monthly meeting calendar, news releases, and communication to groups who have requested notification in writing.
- (4) No parking on the lawn areas shall only apply in RS, RSQ, and RM zoning districts.
- (c) For purposes of this section, "improved" means surfaced with asphalt, concrete, brick or other suitable pavers. Gravel or crushed stone may be used if gravel is at least two inches deep throughout the vehicular use areas and the vehicular use area has a visible and definable edge made of landscape timbers, metal edging, vegetation such as low shrubs or decorative grasses or similar technique to distinguish the vehicular use area from the front or corner side yard.
- (d) The departments authorized to enforce the provisions of this section shall be designated by the city manager or his designee.
- (e) For purposes of the section, proof that the vehicle is owned by the person cited for a violation at the time of the alleged violation, shall constitute prima facie evidence that the vehicle was parked or left standing at the place charged by the owner; but, the owner shall have the right to introduce evidence to a person designated by the city manager showing that the vehicle was parked in violation of this section by another person without his consent.
- (f) Exceptions.
- (1) The provisions of this section shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible, nor do these prohibitions apply to vehicles belonging to persons under contract with the city to perform a public service. These exceptions, however, shall apply only when an emergency situation requires that such vehicles park in the prohibited areas.
 - (2) The provisions of this section shall not apply to moving vans and moving vehicles whose operators have been engaged to perform and are performing moving services including but not limited to loading and unloading the vans or vehicles.

- (g) Parking in the front yard on an unimproved surface may be allowed for a special event or circumstance but will require a permit issued by the community development department for such event or circumstance. Permitted events will be limited to two per calendar year, per residence.
- (h) Failure to correct real property conditions.
 - (1) Authorized city staff shall have the authority to enter upon any premises at reasonable times for the purpose of inspection and the enforcement of this section.
 - (2) Authorized city staff shall have the authority to summarily remove, abate or remedy real property violation of subsection (a). A notice shall be sent to the property owner of the land containing any deficiencies.
 - (3) The property owner receiving such notice shall have 30 days from the date of the notice to correct the deficiencies listed therein. If the individual does not correct such deficiencies, authorized city staff shall have authority to remove and correct them. The expense of the action shall be paid by the property owner considered to be the person in default. If the expense is not paid, it is a lien on the land or premises where the condition occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes. The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. The additional lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment.
 - (4) A civil penalty will be assessed to the owner of any parcel in violation of subsection (a) if the violation is not corrected before the expiration of the notice of violation; notification of such assessment shall be given to the property owner by the city. The civil penalty shall be \$150.00 or ten percent of the cost of abatement, whichever is greater. If, in accordance with the procedures set out in chapter 62, the city abates the nuisance, the costs of abatement in addition to the civil penalty imposed shall be assessed to the property owner.
- (i) Pursuant to a public hearing held in accordance with this city ordinance, it is hereby determined and declared that the following no parking on the lawn areas are established to protect the health, safety and welfare of the city's citizens:
 - (1) *Stonewall Neighborhood.* All properties located in the 3700 block of Chickamauga Drive; all properties located in 5600 and 5700 blocks of Chancellorsville Drive; all properties located in 5600 block of Bull Run Road; all properties located in 5700 block of Antietam Drive; all properties located in 5700 block of Harpers Ferry Road; and all properties located in 3600 and 3700 blocks of Appomattox Drive, together encompassing the entire Stonewall Neighborhood. The no parking on the lawn designation for the Stonewall neighborhood shall be permanent, and therefore exempt from periodic review by city council as set forth above.

Section 2: This ordinance shall become effective upon adoption.