

ORDINANCE NO. (2023) 535

AN ORDINANCE TO REVISE THE RESIDENTIAL PARKING PERMIT SECTION OF THE CITY OF RALEIGH CODE OF ORDINANCES

WHEREAS, following the City's implementation of controlled parking residential areas, the City only issued residential parking permits to residents residing in single family detached housing units within those controlled parking residential areas;

WHEREAS, the City Council, upon recommendation by City staff, has determined a need to expand the issuance of residential parking permits to other low density dwelling units within controlled parking residential areas; and

WHEREAS, the City Council desires to amend the Raleigh Code of Ordinances to set forth those lower density units eligible for residential parking permits, together with other minor modifications set forth below.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Part 11, Chapter 2, Article J, Section 11-2182 is hereby amended to add the underlined language where noted below and to delete the language shown as stricken through:

Sec. 11-2182. – CONTROLLED PARKING RESIDENTIAL AREA.

(a) Definitions.

As used in this section the following definitions apply:

- (1) *Controlled parking residential area shall* mean an area designated herein for restricted residential *parking* pursuant to criteria established in this section.
- (2) *Residential parking permit ~~decal~~* shall mean a permit issued hereunder by the *City* and authorizing the *vehicle* bearing such permit to be *parked* for a period in excess of posted limits in a *controlled parking residential area*.
- (3) *Storage shall* mean any vehicle that has been parked on a *street* within a residential zoning district in the same block for seven (7) days or longer.

(b) Study.

Upon citizen request or on its own initiative, the *City may* study the feasibility and desirability of establishing or eliminating one or more *controlled parking residential areas*. A study *shall* consider, among other things:

- (1) The effect on the safety of residents of the area under consideration from intensive use by nonresidents for *parking* of vehicles, including the *storage* of vehicles.

(2) The need of the residents of the area to obtain adequate on-street *parking* adjacent to or close by their places of residence.

(3) The difficulty or inability of residents of the area to secure adequate on-street *parking* adjacent to or close by their places of residence because of widespread use of available *parking* spaces in that area by nonresident transient motorists.

(4) The impact of major public facilities and programs on the health, safety, and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street *parking* and gaining access to their places of residence by virtue of such facilities and programs.

(5) The likelihood of alleviating, by use of a *parking* permit system, any problem of unavailability of residential *parking* spaces.

(6) The desire of the residents in the area for the institution of a *parking* permit system and the willingness of those residents to bear the administrative costs incidental to the issuance of permits authorized by this section.

(7) The need for all residential permit spaces to be available in the area under consideration for use by visitors and the general public for at least sixteen (16) hours, with or without time restriction.

(8) Such other factors as the *Director shall* deem relevant.

(c) Petition and designation.

Procedures for submitting a petition and designation of the *controlled parking* residential are as follows:

(1) Petitions *shall* be on forms prepared and promulgated by the *City*. The petition *shall* identify the boundaries of and *streets* within the proposed *controlled parking* residential area and *shall* be signed by an adult resident from at least seventy (70) per cent of the ~~living~~ units eligible for a permit contained in each *block* of the proposed *controlled parking* residential area or by an authorized representative of these residents. The *Director shall* determine the showing necessary to establish a representative's authority. Completed petitions *shall* be submitted to the *Director* who *shall* determine their sufficiency. Any insufficient petition *shall* be remanded to the individual submitting it, with instructions for correction of deficiencies.

(2) If the *Director* proposes to establish a controlled *parking* residential area, residents within the area proposed for the designation *may* petition for the establishment of the area.

(3) A *controlled parking residential area* must contain either at least eight (8) contiguous *block* faces ~~abutted by property primarily in residential zoning districts~~ or must be a contiguous expansion of an existing *controlled parking residential*

area and the area is abutted by *property* primarily in residential zoning districts. A *block* face as used herein *shall* mean one side of a *street* between two (2) intersecting *streets*.

(4) No *controlled parking residential area* shall be established unless at least seventy (70) per cent of the households eligible for a permit within the proposed area have properly signed a petition in favor of the proposed restrictions.

(5) Upon establishment of a *controlled parking residential area* and in accordance with the *Council's* directions, the *Director* shall cause to be posted *parking* signs in the area, which signs *shall* prescribe times, locations and conditions under which *parking* may be by permit only.

(6) The *Council* may enact a temporary *controlled parking residential area* for a period of up to one (1) year only. In light of its temporary nature, the *Council* may apply special provisions to this temporary *controlled parking residential area* including provisions relating to permit fees. No temporary *controlled parking residential area* may operate longer than one (1) year. After the one-year temporary period expires, unless the *Council* provides otherwise, the *controlled parking residential area* will continue in place and all provisions applicable to a regular *controlled parking residential area* will apply.

(d) Permit ~~decal~~ display.

Residential parking permits shall be issued by the Director of Transportation electronically unless a physical permit is specifically requested by the resident. If issued physically, the permit ~~decal~~ shall be attached to the driver's side of the vehicle either on the rear bumper or back window of the *vehicle* for which it is issued and *shall* contain the *vehicle* license number, the permit's year of issue, and the identification number of the *controlled parking residential area* for which it was issued.

(e) Eligibility for permit ~~decal~~.

~~A resident of a controlled parking residential area is eligible to receive one (1) residential parking permit decal for each vehicle which is principally operated by the resident.~~ A resident within the boundaries of a controlled parking residential area that resides in a detached house, attached house, or townhouse, as such terms are defined in the City's Unified Development Ordinance, shall be eligible to receive one (1) residential parking permit for each vehicle that is principally operated by the resident. The *Director* shall verify the residence address of persons obtaining such ~~decals~~ permits and shall record on the face of the ~~decal~~ permit the license number of the *vehicle* and the letter designation of the *controlled parking residential area* for which it is issued. As proof of residency, the *Director* may require utility bills, notarized affidavits of the landlord, auto registration cards and other documentation deemed necessary naming the permittee and showing an address within the *controlled parking residential area*. *Residential parking permits* ~~decals~~ issued for vehicles used by nonresidents of

the *controlled parking residential area* or used for purposes of daily commuting to the area or for purposes of *storage* of a nonresident's *vehicle* are void.

Any care provider who provides regular medical or in-home care services for more than two (2) continuous hours within a 24-hour period to persons residing in a *controlled parking residential area* may apply to the *Director* for a *controlled residential parking permit*. Upon approval of the permit and proper display of the *parking ~~decal~~ permit* in accordance with this section, all *parking* rights and privileges extended to vehicles displaying a residential *parking permit ~~decal~~* shall apply. The *Director* may verify that medical and in-home care services are still being provided by the permittee or prospective permittee. As proof, the *Director* may require a certification that regular care is needed and being provided to persons residing in a *controlled parking residential area*. The permit under this subsection is made subject to the provision of such care by the permittee and shall automatically expire upon cessation of such care.

(f) Permit issuance fee.

The *Director* or designee shall issue *residential parking permits ~~decals~~* for an annual administrative fee established by the Council. The fee shall not be prorated for partial years. No *residential parking permit ~~decal~~* shall be transferred to another *vehicle*. The charge for replacement of damaged or faded permits ~~decals~~ shall be established by the Council except that a replacement ~~decal~~ *permit* shall be issued without cost if an individual returns a current used ~~decal~~ *permit*, or scrapings from the *permit ~~decal~~*, and shows proof of purchase to the *Director* or if an individual shows proof to the *Director* of change in registration number for the *vehicle*. *Residential parking permits ~~decals~~* shall be issued on a calendar year basis, and shall expire at midnight on December 31 of each year. Provided it shall not be unlawful to continue to *park* an authorized *vehicle* in a *controlled parking residential area* during the period between December 31 and February 14 inclusive, if a *residential parking permit* for the *vehicle* was issued for the previous immediate calendar year.

(g) Restrictions.

(1) No *person* shall display a *residential parking permit ~~decal~~* on a *vehicle* unless such *vehicle* displays the same *vehicle* license number as shown on the *residential parking permit ~~decal~~*; and any such use or display except as authorized herein shall constitute a violation of this Code by the permittee and by the *person* who so used or displayed the *residential parking permit ~~decal~~*.

(2) It shall constitute a violation of this Code for any *person* to falsely represent himself as eligible for a *residential parking permit ~~decal~~* or to furnish any false information in an application to the *City* in order to obtain a *residential parking permit ~~decal~~*.

(3) The *Director* is authorized to revoke the *residential parking permit* of any permittee found to be in violation of this section, and, upon *written* notification thereof, the permittee shall surrender such permit to the *Director*. Failure, when so

requested, to surrender a *residential parking permit*, so revoked, *shall* constitute a violation of this Code.

(h) Compliance with signs.

The *Council* may establish *parking* restrictions that apply within a *controlled parking residential area*. When *parking time limited* restriction signs are erected adjacent to *streets* in a *controlled parking residential area*, no person shall park a vehicle for longer than the posted time or on the same block more than once during the time restricted portion of the a calendar day, unless such *vehicle* has a properly displayed *residential parking permit* ~~deal~~ or has been issued an electronic permit for the area in which parked, provided that these provisions *shall* not apply to locations specified in §11-2172 (no *parking* zones), (§11-2171 (no-parking places), §11-2173 (no stopping or standing) §11-2174 (time limited parking), §11-2177 (loading zones), §11-2178 (bus zones), and §11-2202 (meter zones). A *residential parking permit* shall not guarantee or reserve to the holder a *parking* space within a designated *controlled parking residential area*.

(i) Visitor Parking Pass.

A resident within a residential controlled *parking* area may apply to the *Director* for a residential visitor *parking* pass which, if approved, *shall* be issued electronically to the resident, unless a physical permit is specifically requested. If a physical permit is issued, the permit's ~~deal~~ must be fully completed and placed face up on the dash of the visitor's vehicle so that it is clearly visible on the curb side of the vehicle. Each visitor *parking* pass *shall* be valid for a single twenty-four (24) hour time period. If multiple days are desired for a particular visitor, then the resident must obtain from the *City* additional visitor *parking* passes.

Section 2. This ordinance shall be effective immediately following its adoption.

Adopted: July 5, 2023

Effective: July 5, 2023

Distribution: City Manager – Adams-David, Moore
City Attorney – Kibler, Poole, Hargrove-Bailey
Transportation – Kallam, Currier
Clerk's Office – Taylor, Puccini