

ORDINANCE TO REVISE REQUIREMENTS FOR CONTROLLED PARKING RESIDENTIAL AREAS

THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

Section 1. Section 66-254 through section 66- 300 of the City Code is revised as follows:

DIVISION 3. CONTROLLED PARKING RESIDENTIAL AREA

Sec. 66-254. Definitions.

For the purpose of this division the following words and phrases have the meanings indicated unless the context clearly indicates otherwise:

Block face means all the lots abutting one side of a street beginning where the street intersects with another street and continuing to the next street intersection. In the case of a loop or circular street, where the street has only one street intersection, the two edges of the street can be thought of as two concentric circles; the shorter, inside edge abuts one block face, and the longer, outside edge abuts the second block face. In the case of a cul-de-sac, block face means all the lots abutting the street.

Controlled parking residential area or "CPRA" means the on-street parking spaces designated as a CPRA, in which the spaces abut at least two or more residential block faces in which on-street parking of motor vehicles (i) is restricted pursuant to this division or (ii) pursuant to a section of the City Code outside this division, is subject to time limits or is prohibited.

Permit is a license that exempts a motor vehicle on which the permit is displayed in accordance with this division from the 2-hour restriction on parking imposed by section 66-260.

Residential means residential in character or use.

Residential area means a portion of the city that is primarily residential.

Residential block face means a continuous portion of a block face, which continuous portion is primarily residential.

Sec. 66-255. Purpose.

In order to reduce hazardous traffic conditions resulting from the parking of motor vehicles in residential areas by persons visiting or working at nearby commercial, industrial or institutional facilities; to protect residential areas from polluted air, excessive noise, trash and refuse caused by the entry of such vehicles; to protect the individuals living in residential areas from unreasonable obstacles in access to their residences; to preserve the character of residential areas as residential areas; to promote efficiency in maintaining residential streets in a clean and safe condition; to preserve residential property values; and to preserve the safety of children, pedestrians and occupants of motor vehicles, and the peace, good order, comfort, convenience and

welfare of the residents of the city generally and of the residents of residential areas in particular; it is necessary to restrict the flow of traffic from commercial, industrial or institutional facilities or uses into nearby residential areas for parking purposes.

Sec. 66-256. Findings.

Restricting traffic from commercial, industrial or institutional districts or uses from entering residential areas for parking purposes will:

- (1) Reduce air pollution and other detrimental environmental effects;
- (2) Assure convenient access and parking to individuals living in residential areas, and especially those who may wish to leave their cars at home; and
- (3) Enhance the quality of life in residential areas by reducing noise, traffic hazards and litter.

Sec. 66-257. Determination of CPRAs.

(a) *Initiation of study.* On the initiative of the city manager, or when an individual who desires that a CPRA be designated on the street where he or she resides submits a letter of interest, the city manager may conduct a study pursuant to subsection (b). The letter of interest must indicate the nature of the problem and be in a format, and contain other information, as the city manager specifies.

(b) *Studies.* The study shall consider:

- (1) The effect on the safety of residents of the block faces abutting the proposed CPRA from the parking and use of motor vehicles by nonresidents of those block faces;
- (2) The need of the residents to obtain on-street parking near their places of residence, and the need of visitors to obtain adequate on-street parking near the places of residence they visit;
- (3) The difficulty of residents to obtain on-street parking near their places of residence because of the widespread use of parking spaces in that area by nonresidents, and the difficulty of visitors to obtain adequate on-street parking near the places of residence they visit in the residential block faces under consideration because of the widespread use of parking spaces in that area by nonresidents who are not visiting places of residence there;
- (4) The impact of major facilities and programs on the health, safety, and welfare of the residents and any unreasonable burdens placed on those residents in securing on-street parking and gaining access to their places of residence by virtue of such facilities and programs;
- (5) The likelihood that designating a CPRA may alleviate the nonavailability of parking spaces for residents and their visitors;

- (6) The fact that the streets in the residential block faces under consideration were constructed or improved by the city within the past 5 years (preceding the initiation of the study) and that the property owners of the lots abutting the residential block faces under consideration have been assessed all or some of the cost of the street construction or improvement; and
 - (7) The need for some parking spaces to be available in the area for use by nonresidents.
- (c) *Criteria for consideration.* If the city manager determines, based on the results of the study, that all or a portion of the study area would benefit from the designation of a CPRA, the city manager shall determine whether these criteria are met:
- (1) At least 70 percent of the legal on-street parking capacity of the residential block faces of the proposed CPRA must be occupied by parking or standing motor vehicles at any one time during the proposed restricted period. For the purpose of this subsection, a legal parking space is 21 feet in length except where a different length is in effect, and the restricted period shall comprise either (i) 8:00 a.m. to 5:00 p.m. on weekdays or (ii) 6:00 p.m. to 2:00 a.m. seven days each week, in order to address parking during weekday business hours or during evening and night-time entertainment hours, respectively.
 - (2) At least 25 percent of the motor vehicles parked or standing in the proposed CPRA are registered in the names of persons who do not live in residences of lots abutting the proposed CPRA.
 - (3) The designations of CPRAs shall be codified by entries in an official map book, under category 2 (Controlled Parking Residential Areas, pursuant to section 66-254 et seq.). The maps themselves and amendments that may be made to them will not otherwise be placed in the city code.
- (d) *Petition for CPRA.* If, after conducting a study pursuant to subsection (b) and determining the existence of the criteria listed in subsection (c), the city manager finds it is in the best interest of the city to designate a CPRA, the city manager shall solicit and receive a petition requesting the CPRA designation signed by an owner or an adult resident of a dwelling unit on a majority of the lots abutting the proposed CPRA. The city manager shall determine the sufficiency of each petition, and any insufficient petition shall be returned to the individual submitting it, with instructions for correction of deficiencies. For purposes of the petition, either spouse may sign as an owner when the dwelling unit is owned by tenants by the entireties.
- (e) *Designation of initial and additional CPRAs.* If the city manager receives a petition for the CPRA pursuant to subsection (d), the city council may designate the area a CPRA.
- (1) *Additional designation by city council.* Without requiring a study or requiring that the criteria in subsection (c) be met, the city council may designate as a CPRA, any on-street parking spaces abutting additional residential block faces near an existing CPRA where there is a substantial likelihood that persons going to

nearby commercial, industrial or institutional facilities will begin to park motor vehicles in on-street parking spaces abutting residential block faces near the existing CPRA and thereby substantially contradict the purpose of this division as set forth in section 66-255.

- (2) *Additional designation by city manager.* At any time after the designation of a CPRA by the city council, the city manager may designate additional on-street parking spaces abutting residential block faces near the CPRA without requiring a study, so long as (i) the additional CPRA meets the criteria in subsection (c), (ii) the cause of meeting those criteria (in terms of times of the day and days of the week) is the same cause for the designation by the city council, and (iii) the cumulative linear feet of on-street parking spaces added under this subsection do not exceed 20% of the total linear feet of the on-street parking spaces in the original CPRA. Such additional designations are deemed routine determinations pursuant to section 54.1 of the charter.
- (f) *Posting of signs.* The city manager shall post signs in the CPRA as needed to enforce this division.
- (g) *Permits.*
- (1) *Annual permit.* A resident of a lot abutting a CPRA is eligible to receive a permit for each motor vehicle that is primarily operated by him or her or that is registered in his or her name on the records of the North Carolina division of motor vehicles. As part of the application process, the resident must present the motor vehicle registration card for each motor vehicle for which a permit is desired and other information required by the city manager pursuant to section 1-11(b)-(c). Permits issued under this subsection shall be issued for a period commencing at 12:01 a.m. January 1, and expiring at midnight, December 31.
 - (2) *Visitor's permit.* Upon submitting an application prepared pursuant to section 1-11(b)-(c), any resident of a lot abutting a CPRA may obtain a temporary permit to be used by visitors to the resident's home; the permit shall be valid for the period specified in the permit, to a maximum of one week. If the visitor of a resident of a lot abutting a CPRA is visiting for more than one week, a visitor's permit may be issued for each week of the visit.
 - (3) *Special permit.* A special permit may be issued to nonresidents of lots abutting a CPRA upon submitting an application prepared pursuant to section 1-11(b)-(c) and a finding by the city manager that good cause exists, consistent with the purposes of this division. Good cause includes employment on a lot abutting the CPRA and use of a rental vehicle. Permits issued under this subsection shall be valid for the period specified in the permit, up to twelve months.
 - (4) *Permit contents and display.* The permit shall bear, in addition to other information deemed appropriate by the city manager, a unique permit identification number, the CPRA in which it shall be valid and an expiration date. If the city manager chooses to issue the permit in the form of a decal, it shall be attached to the left rear window of the motor vehicle for which issued. If the city manager chooses to issue the permit in another form, the city

manager shall specify on the permit how and where the permit must be displayed.

(5) *Restrictions; reissuance of permit.*

- a. No person shall materially falsely represent himself or herself as eligible for a permit or furnish any materially false information in an application in order to obtain a permit.
- b. Permits and decals are not transferrable; provided, however, that a holder of a permit who sells, trades or retires a motor vehicle may obtain a replacement permit by providing proof of eligibility for the permit under subsection (g)(1).
- c. Lost, stolen or destroyed permits may be reissued, if the permit holder supplies proof of eligibility for the permit under subsection (g)(1).

Sec. 66-258. Enforcement; exemptions.

- (a) Enforcement of restrictions imposed by a sign to be posted pursuant to section 66-257(e) shall not begin until 30 days after the sign has been posted. Replacement signs are effective immediately. A permit will not guarantee the holder a parking place; provide an exemption from any ordinances governing parking on city streets; or limit the city's authority to revoke any or all permits or to revise or repeal this division.
- (b) Motor vehicles driven by the following persons while engaged in the performance of their respective occupations are exempt from this division: (1) persons authorized by a governmental person, as defined by section 1-2, including the City of Durham; (2) firefighting personnel, law enforcement personnel, EMS personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, and emergency management workers (defined by G. S. 166A-19.60(e)); or (3) persons providing services to owners or residents of lots abutting a CPRA when the motor vehicle is conspicuously marked on the exterior to indicate a business or service .

Sec. 66-259. Revocation of permit.

- (a) The city manager may revoke the permit of any holder found to be in violation of this division, and, upon written notification thereof, the holder shall have ten days in which to file a notice of appeal or surrender the permit. Notice by mail is deemed given by the mailing of first-class mail addressed to the address on the application submitted to the city to request the permit. An appeal is deemed filed or permit surrendered when it is received by the city manager.
- (b) Notice of appeal shall be in writing and filed in the office of the city manager. The city manager shall schedule a hearing on the matter within 30 days after the notice of appeal is filed. The decision of the city manager shall be final.
- (c) Failure to file an appeal as provided for in this section waives the right to appeal.
- (d) Revoking a permit does not limit other remedies for violation of this division.

Sec. 66-260. Violations and penalties.

Except to the extent otherwise provided in section 66-258, no person shall park a motor vehicle in a CPRA for longer than two hours without a properly displayed permit or obtain or use a permit in a manner contrary to this division. Any person found in violation of this division shall be assessed a civil penalty as provided in section 66-370(c) and, to the extent applicable, section 1-9(b).

Sec. 66-261. Restrictions and penalties generally cumulative.

Nothing in this division limits prohibitions and restrictions that are imposed by any section of the City Code outside this division on the use of an on-street parking space in a CPRA. However, section 66-260 does not apply to a space where parking is prohibited at all times. Penalties for violation of this division and for violation of restrictions imposed by any section of the City Code outside this division are cumulative.

Section 2. This ordinance is effective upon adoption.