

ORDINANCE AMENDING CHAPTER 42, ARTICLE IV ENTITLED STOPING,
STANDING AND PARKING

BE IT ORDAINED by the City council of the City of Winston-Salem as follows:

Section 1: Sec. 42-173 Reserved is hereby written to read 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% of the front yard area. Pre-existing improved driveways and pre-existing improved parking pads that exceed 30% of the front yard area, upon adoption of this ordinance, 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.

(b) Application.

(1) This ordinance 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 and Business 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 70% of the property owners/tenants located within the proposed area. The name, address, and telephone number of each signing property owner/tenant 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.

d. Petition approval. 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/tenants within the area. The Community and Business 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) Denial or Revocation of Petition for Designation of a No Parking on the Lawn Area.

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.

b. The City Council, upon the written request and after a public hearing, may revoke a No Parking on the Lawn Area petition that was previously approved if: (1) the petitioner or more than 50% of the residents within the No Parking on the Lawn Area submit a petition to revoke the previously approved petition; 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 granting the petition.

(3) 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 and Business Development Department for such event or circumstance. Permitted events will be limited to two per calendar year, per residence.

Section 2: Sec. 42-175 is hereby amended by adding the following subsection:

Sec. 42-175. Civil penalties of violations of parking ordinance.

- (11) Violations of section 42-173 (parking of certain vehicles prohibited on front lawns) - \$25.00 each vehicle.

Section 3: This ordinance shall become effective upon adoption.