09- O -0901

AN ORDINANCE
BY TRANSPORTATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV (ENTITLED "STOPPING, STANDING AND PARKING"), DIVISION 4 (ENTITLED "RESIDENTIAL PERMIT PARKING"), SO AS TO AMEND THE PROCEDURES TO BE FOLLOWED FOR THE ESTABLISHMENT OF RESIDENTIAL PERMIT PARKING AREAS WITHIN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Code of Ordinances provides a program at Chapter 150, Article IV, Division 4, that allows for residential permit parking on the streets of the City of Atlanta; and

WHEREAS, the Department of Public Works has determined that the program, as presently set out in the Code of Ordinances, requires revision to clarify requirements regarding the method for determining the boundaries of a particular residential permit parking area; and

WHEREAS, the Department of Public Works has determined that the program, as presently set out in the Code of Ordinances, requires revision to clarify requirements regarding the petitioning process to be followed by streets and/or neighborhoods that may seek to establish a residential permit parking area.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: Section 150-146 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-146. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

~~*Area of influence* means a circular area of 1,000 feet minimum and 3,000 maximum feet radius. It is measured from the core of an established traffic generator.~~

Block face means that portion of one side of a street located between ~~an~~ **two** intersecting streets ~~and the next occurring side street~~ or between the termination of a street and the first occurring side street.

Corner lot **means a lot that is located at the intersection of two or more streets within a residential permit parking area.**

~~*Commuter vehicle* means a motor vehicle, parked in a residential area, which is not registered to or operated by a resident of such area.~~

Curb parking space means a ~~24-foot long~~ section of street, adjacent to the curb or edge or roadway, where a motor vehicle may lawfully park.

Residential area means a contiguous or nearly contiguous area containing public roadways which are primarily abutted by residential property and non-business property, such as parks, churches and schools.

~~*Residential parking permit time* means the time during which 33 percent or more of the commuters are competing for the available curb spaces.~~

Residential permit parking area **means that area that has been defined by the department of public works through the establishment of clearly defined boundaries within which residents shall be eligible to purchase residential parking permits.**

Street address means the lot number assigned to a lot of record as shown on the official tax maps of the city.

Traffic generator means ~~an area~~ **a property or properties** which generate~~s~~ nonresidential traffic. This includes employment areas; college and universities; medical centers; ~~retail~~ **commercial** and entertainment areas and transit areas.

SECTION 2: Section 150-148 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-148. Petition required.

(a) Residents of a residential area who desire to have such area designated as a residential permit parking area shall submit to **the Office of Transportation** ~~traffic and transportation~~ a petition requesting such designation. To warrant consideration, the ~~requests~~ **petition** must be supported by the signature of one adult resident from 70 percent or more of the residences within the area, provided only one signature shall be allowed for each street address. Apartment buildings and other multiple-family dwellings shall be considered as one residence **for petitioning purposes** and shall be limited to one signature, which shall be the signature of the property owner or the signature of a person who is legally authorized to sign on behalf of the **property** owner.

~~(b) The petition shall clearly define the boundaries of the proposed residential permit parking area.~~

(b) The Office of Transportation shall define the boundaries of the proposed residential permit parking area and those boundaries shall be set out in the petition. Said proposed area shall be no less than two (2) contiguous block faces and within 1,500 feet of a traffic generator. All residences that either front or are located on corner lots along the block faces being considered for inclusion in the residential permit parking area shall be included in the petitioning process.

(c) The petition shall identify a resident petition coordinator and shall conform in form and content with requirements established by the **Office of Transportation.** ~~traffic and transportation~~

~~(d) Upon receipt of a petition referred to in this section, traffic and transportation shall undertake evaluations and studies as needed to determine whether such residential area is eligible for designation as a residential permit parking area.~~

SECTION 3: Section 150-149 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-149. Eligibility of area.

(a) Upon receipt of a petition referred to in this section, the Office of Transportation shall undertake evaluations and studies as needed to determine whether such residential area is eligible for designation as a residential permit parking area.

(b) ~~(a)~~ In establishing the eligibility of a proposed residential permit parking area, **the Office of Transportation** ~~traffic and transportation~~ shall consider the following factors:

(1) The availability of off-street parking including but not limited to driveways, garages, and other types of parking facilities for residents.

~~(2) The residential area proposed for designation as a residential permit parking area shall be restricted to the area of influence.~~

~~(3) Residents of a residential area who desire to have such area designated as a residential permit parking area shall submit to traffic and transportation a petition requesting such designation. To warrant consideration, the petition must be supported by the signature of one adult resident from 70 percent or more of the residences within the area of influence.~~

~~Only one signature shall be allowed for each street address. Apartment buildings and other multiple-family dwellings shall be considered as one residence and shall be limited to one signature, which shall be the signature of the property owner or the signature of a person who is legally authorized to sign on behalf of the owner.~~

~~a. Traffic and transportation shall clearly define the boundaries of the proposed residential permit parking area and this shall be stated on the petition.~~

~~b. The petition shall identify a resident petition coordinator and shall conform in form and content with requirements established by traffic and transportation.~~

~~c. Upon receipt of a request, traffic and transportation shall undertake evaluations and studies as needed to determine whether such residential area is eligible for designation as a residential permit parking area.~~

(2) ~~(4)~~ Studies of parking characteristics within the area ~~of influence~~ **considered for residential parking** must show that, during the time period of the proposed restrictions, curb parking space occupancy exceeds 75 percent and ~~commuter~~ **non-residential** vehicles represent at least 33 percent of the parked vehicles.

(3) ~~(5)~~ For the designated ~~area of influence~~ **residential permit parking area** to meet residential parking program requirements, it must receive at least 70 points based on a combination of lack of off-street parking, percentage of ~~commuters~~ **non-residential vehicles** and occupied parking spaces. The **Office of Transportation** ~~Traffic and transportation~~ shall develop the point system.

(4) ~~(6)~~ Designation of the area as a residential permit parking area will result in one or more of the following expectations for the area:

a. A reduction in ~~commuter~~ **non-residential** vehicles and the accompanying energy waste and air pollution.

b. A reduction in total vehicle miles traveled.

c. A reduction in traffic congestion and illegal parking.

d. An improvement in vehicular and pedestrian safety.

(b) Having determined that the requirements for a residential permit parking area are met, **the Office of Transportation** ~~traffic and transportation~~ shall assign an

appropriate and unique identification letter to the area and shall notify the petition coordinator that the area has been approved as a residential permit parking area.

SECTION 4: Section 150-150 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-150. Application for permit.

(a) The application for a resident parking permit shall provide the name of the owner or operator of the motor vehicle to be permitted; the residential address; the operator's state driver's license number; the motor vehicle make, model and license number; and other information requested on the application form. The applicant shall provide proof of residency as required by the **Office of Transportation**. ~~traffic and transportation.~~

(b) Visitor permits shall require no written application except as provided in section 150-153(c); however, the **Office of Transportation** ~~traffic and transportation~~ may require that previously issued and used permits be surrendered prior to replacement.

SECTION 5: Section 150-151 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-151. Permit terms; fees.

~~(a) All resident parking permits issued for a discrete residential permit parking area shall have a common expiration date. Full-term permits shall be valid for one year and must be renewed on an annual basis.~~

(a) Residential parking permits shall be valid for one year from the date of issuance.

(b) The permit fee shall be $20.00. ~~per year or for part of any year.~~

SECTION 6: Section 150-152 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-152. Issuance of permits.

Following approval of a residential permit parking area, **the Office of Transportation** ~~traffic and transportation~~ shall issue residen**tial parking** permits and visitor permits as follows:

(1) ~~Each residential permit parking area shall have a unique permit expiration date, and permits shall be renewed every year.~~ A permit shall be issued only to a motor vehicle owner or operator who resides on property **that is either** fronting **or is located on a corner lot along** ~~on~~ a block face located within the residential permit parking area. Upon application and payment of the applicable fee, residen**tial parking** permits shall be issued in accordance with the following limitations:

a. Two residential **parking** permits may be issued for each valid street address which consists of one residential structure containing only one dwelling unit.

b. One residen**tial parking** permit may be issued for each legally constituted and existing dwelling unit in any two-family or multiple-family dwelling facility at a valid street address within the residential permit parking area. This includes**, but is not limited to,** apartments, condominiums, attached dwellings, rowhouses, **and** townhouses. ~~and the like.~~

(2) Upon request, two visitor permits may be issued without charge to the recipient of a residen**tial parking** permit, and such visitor permits may be renewed or replaced in accordance with procedures established by the **Office of Transportation.** ~~director.~~

(3) A resident of a residen**tial parking** permit parking area who is eligible for a residen**tial parking** permit but does not apply for such permit may be issued two visitor permits by making application as provided in subsection ~~a.~~ **(2)** of this section and omitting information which is not applicable. No fee shall be charged for such visitor permits.

SECTION 7: Section 150-153 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-153. Permit form and display.

(a) The residen**tial** parking permit shall be a decal and shall be affixed only to the motor vehicle for which it was issued. The decal shall be permanently attached to the inside lower corner of the rear window, driver's side, and must be clearly visible from outside the vehicle. Information shown on the permit decal shall include but not be limited to the residen**tial** permit parking area identification letter, the permit number and the expiration date.

(b) The visitor **parking** permit shall be a temporary permit designed for use by transient visitors and guests of residents of a residential permit parking area. Except as provided in subsection (c) of this section, each visitor permit shall be valid for 15 days and shall provide all the rights and privileges of a residen**tial**

parking permit. The visitor **parking** permit shall be of a form and shall be displayed as determined by **the Office of Transportation.** ~~traffic and transportation.~~

(c) **The Office of Transportation** ~~Traffic and transportation~~ may issue a temporary **parking** permit, valid for not more than one year, for a vehicle operated by a person who provides health care services ~~or other essential services~~ on a regular basis at an address within a residential permit parking area. Such temporary permit shall be a visitor **parking** permit bearing special validation and which is issued by **the Office of Transportation** ~~traffic and transportation~~ upon satisfactory proof of need presented by the resident at such address. A temporary **parking** permit shall not be issued for use by a person who provides services for a commercial activity conducted at a residence.

~~(d) A vehicle bearing a resident permit for one residential permit parking area may display a visitor permit for a different residential permit parking area when the vehicle is in a valid visitor status within the area identified on the visitor permit.~~

SECTION 8: Section 150-154 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-154. Uniformity of parking regulations.

(a) Within each discrete residential permit parking area there shall be uniform parking regulations applied to all locations where parking is allowed. Upon approval of a residential permit parking area, **the Office of Transportation** ~~traffic and transportation~~ shall have parking regulation signs installed within the area indicating the time, location and conditions under which parking in excess of two hours shall be by permit only.

(b) Parking a motor vehicle on a street within a residential permit parking area shall be restricted to a two-hour period unless the motor vehicle displays a valid residential parking permit for that area during which the residential permit parking program is in effect. No residential permit parking program shall be established that exceeds a twelve hour period per day.

SECTION 9: Section 150-155 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-155. Adding or removing block faces.

(a) All block faces of a discrete residential permit parking area shall have identical parking regulations where parking is allowed, and such regulations shall not be removed or modified on individual interior block faces.

(b) The Office of Transportation ~~Traffic and transportation~~ may add or remove block faces along the boundaries of a residential permit parking area upon receipt of a petition in which more than 50 percent of the residences request such action. The petition shall conform to **the requirements of** section 150-149.

(c) Eligibility for a block face to be added to or removed from a residential permit parking area shall be determined by the **Office of Transportation,** ~~director, who~~ **which** shall, to the extent possible, avoid approving changes which will create an isolated block face. ~~, which is considered~~ **An isolated block face:** ~~as one which:~~

(1) Is not across the street from a residential permit parking area block face for its entire length; or

(2) **Occurs where** ~~N~~neither end of the block face is connected to an existing residential permit parking area block face by a continuous curb or edge of roadway.

(d) During the initial process of approving a residential permit parking area or, as related to the addition or removal of block faces, **the Office of Transportation** ~~traffic and transportation~~ may determine the appropriate status for any block face abutting a park or other property which has no street address or which has no resident qualified to sign a related petition.

SECTION 10: Section 150-156 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-156. Termination of parking area.

Upon receipt of an appropriate petition signed by a representative of 50 percent or more of the qualified street addresses, as identified in section 150-149(a), the city will terminate residential permit parking areas subject to the following conditions:

(1) The parking regulations which will replace those ~~installed~~ **established** as provided **for** in section 150-147, must be determined on a block-by-block basis by consultations between **the Office of Transportation** ~~traffic and transportation~~ and the affected residents prior to the termination of the residential permit parking area. The final determination shall be made by the **Office of Transportation.** ~~traffic and transportation.~~

(2) The city shall not refund any fees which residents have paid for permits, as provided for in section 150-151~~2~~, as a consequence of the termination of a residential permit parking area.

(3) Any street section which has been part of a residential permit parking area and which is subsequently terminated under this section shall be ineligible for inclusion in a future residential permit parking area for a period of 24 months after such termination.

SECTION 11: Section 150-157 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 150-157. Limitation on permit use.

A motor vehicle which displays a valid resident parking permit or visitor **parking** permit shall be allowed to stand or park in the residential permit parking area for which the permit has been issued without being limited by the two-hour time restriction established in **Section 150-154.** ~~this division.~~ Such permits shall not authorize a motor vehicle to stand or park in any place where or during any time when the stopping, standing or parking of a motor vehicle is prohibited or the area is designated for other uses.

SECTION 12: Section 150-158 of the City of Atlanta Code of Ordinances is amended, as set out below in bold text, to revise said section as follows:

Sec. 150-158. Penalties for violations.

(a) It shall be unlawful and a violation of this division for a person to furnish false information in an application for any permit authorized by this division or to represent falsely that such person is eligible for such permit.

(b) A person holding a valid **residential** parking permit issued pursuant to this division shall not allow the use or display of such permit on a vehicle other than that for which the permit was issued. Such conduct shall be unlawful and a violation of this division both by the person holding the valid permit and the person who so uses or displays the permit improperly.

(c) It shall be unlawful and a violation of this division for a person to produce or display a facsimile or counterfeit **residential** parking permit in order to evade time limitations on parking in a residential permit parking area.

(d) Violation of this section shall constitute an offense and shall be punishable as provided under section 1-8.

SECTION 13: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Transportation Committee

Caption: AN ORDINANCE TO AMEND CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV (ENTITLED "STOPPING, STANDING AND PARKING"), DIVISION 4 (ENTITLED "RESIDENTIAL PERMIT PARKING"), SO AS TO AMEND THE PROCEDURES TO BE FOLLOWED FOR THE ESTABLISHMENT OF RESIDENTIAL PERMIT PARKING AREAS WITHIN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Council Meeting Date: June 1, 2009

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The Atlanta City Code of Ordinances provides a program at Chapter 150, Article IV, Division 4, that allows for residential permit parking on the streets of the City of Atlanta. This legislation provides clarification with regard to procedures for the establishment of such a program in a residential area.

2. Please provide background information regarding this legislation.

The Department of Public Works has determined that the program, as presently set out in the Code of Ordinances, requires revision to clarify requirements regarding the method for determining the boundaries of a particular residential permit parking area and to clarify how the petitioning process is to work.

Revision is also required to clarify requirements regarding the petitioning process to be followed by streets and/or neighborhoods that may seek to establish a residential permit parking area.

3. **<u>If Applicable/Known:</u>**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

4. **Fund Account Center:**

5. **Source of Funds:**

6. **Fiscal Impact:**

7. **Method of Cost Recovery:**

This Legislative Request Form Was Prepared By: Saul Schultz

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: GREG PRIDGEON**

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: Transportation Committee

Chief of Staff Deadline: April 28, 2009

Anticipated Committee Meeting Date(s): May 13, 2009

Anticipated Full Council Date: June 1, 2009

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature:

Chief Procurement Officer Signature:

CAPTION

AN ORDINANCE TO AMEND CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV (ENTITLED "STOPPING, STANDING AND PARKING"), DIVISION 4 (ENTITLED "RESIDENTIAL PERMIT PARKING"), SO AS TO AMEND THE PROCEDURES TO BE FOLLOWED FOR THE ESTABLISHMENT OF RESIDENTIAL PERMIT PARKING AREAS WITHIN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 4/29/09 (date) Reviewed by: 5/3/09 (date)

Submitted to Council: _____