

ORDINANCE NO. 2018-01

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA,
AMENDING THE EXISTING ORDINANCE FOR RESIDENTIAL PARKING
TO PROVIDE “CONTROLLED PARKING RESIDENTIAL AREAS”
LIMITED TO THOSE WHO LIVE IN PROXIMITY TO THE ZONED AREA.
PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST.
AUGUSTINE AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of St. Augustine is a small historic coastal City including five (5) Historic Preservation Zoning Districts, seven (7) National Register Historic Districts, thirty-three (33) Individually listed buildings and sites on the National Register and five (5) buildings that have National Historic landmark designation along with the Town Plan National Historic Landmark District; and

WHEREAS, the City's historic characteristics are the basis for a tourism economy generating millions of visitors a year primarily commuting via motor vehicles to the City; and

WHEREAS, the City's historic residential neighborhoods are characterized with nonconforming lots and constrained right-of-ways creating a need for on-street residential parking; and

WHEREAS, the City provides off-street and on-street parking for commuter vehicles in non-residential areas; and

WHEREAS, the City has investigated and determined that it is in the best interest of the City to establish controlled parking residential areas to restrict commuter vehicles in residential areas to provide convenient parking to residents, improve quality of life by reducing noise, traffic hazards and litter and to preserve the character of the City's historic neighborhoods; and

WHEREAS, by the adoption of this ordinance, the City Commission wishes to

alleviate chronic levels of commuter vehicle parking along streets with adjacent residential properties by establishing controlled parking residential areas and further finds that it is a reasonable exercise of its police power to prohibit the stopping, standing or parking of a vehicle in the controlled parking residential areas without the appropriate permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1 – DIVISION 3: RESIDENTIAL PARKING PERMITS and its subsequent sections are hereby created and shall be added under Chapter 24: Traffic, Article II: Stopping, Standing and Parking, as follows:

DIVISION 3. RESIDENTIAL PARKING PERMITS

Sec. 24-90. Declaration of necessity and purpose

It is hereby found and declared that:

- (1) It is in the best interests of the residents of the city to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for residential parking preference during certain hours of the day within certain areas meeting criteria set forth in this article;
- (2) Residential permit parking regulation is necessary to promote the health, safety, and welfare of the residents of the city by providing adequate parking spaces adjacent to or close by their places of residence;
- (3) It is in the public interest to:
 - a. Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access to other places;
 - b. Protect those areas from excessive noise;
 - c. Protect the residents of those areas from unreasonable burdens in gaining access to their residences;
 - d. Preserve the character of those areas as residential;

- e. Promote efficiency in the maintenance of these streets in a clean and safe condition;
- f. Preserve the value of the property in those areas;
- g. Preserve the safety of children and other pedestrians; and
- h. Promote traffic safety, clean air, and the comfort, health, convenience, and welfare of the inhabitants of the city.

Section 24-91. Definitions

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

Commuter vehicle means a motor vehicle parked in a residential area by a person not a resident of the designated residential area.

Impacted by commuter vehicles means:

- a) A condition whereby:
 - a. During any peak period, the number of vehicles parked or standing, legally or illegally, on the street in the area exceeds 50 percent of the parking capacity of the area. For the purpose of this criteria, a legal parking space shall be 20 linear feet measured parallel to the curb or pavement edge.
 - b. During the same period as in subsection (1)(a) of this section, 25 percent or more of the vehicles parking or standing on the streets in the area are not registered in the name of a person residing in the area. For purposes of this criterion, the latest available information from the state department of motor vehicles regarding registration of motor vehicles shall be used.

Controlled Parking Residential Area means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as cemeteries, parks, churches,

hospitals, and nursing homes. A residential area shall contain at least a city block.

Residential parking permit means a special permit issued under this division for the privilege of parking on a street designated as controlled parking residential area.

Resident means anyone residing within the city limits that can provide a current Florida driver's license or valid identification, a current motor vehicle registration which must be registered to the address in question, and two one of the following proofs of residency:

- Proof of ownership of their residentially utilized property ownership within the City limits; or
- Current lease for their residentially utilized property within the City limits; or
- Voter registration demonstrating their residency within the City limits; or
- A utility bill for their residentially utilized property within the City limits.

Seasonal Resident means anyone that owns a home in the city limits and resides here at least 6 months of the year. A current driver's license or valid identification, a current motor vehicles registration, and one of the proofs of residency listed under *Resident* must be provided.

Section 24-92. Creation of "Controlled Parking Residential Area"

- (a) A residentially zoned area shall be deemed eligible for designation as a "controlled parking residential area" for residential permit parking if parking there is impacted by commuter vehicles and off-street parking is limited.
- (b) The following objective criteria are established to be used in evaluating the need for restricted parking in a residentially zoned area/street in accordance with this division. For an area/street to be eligible for residential permit parking, that area must meet the following criteria:
 - 1) During peak periods, the number of vehicles parked or standing, legally or

illegally, on streets in the area is equal to 50 percent or more of the on-street parking capacity of the area. For purposes of this criterion, a legal parking space shall be 20 linear feet measured parallel to the curb or pavement edge; and

- 2) During the same period, 25 percent or more of the vehicles parking or standing on the streets in the area are not registered in the name of a person residing in the area. For purposes of this criterion, the latest available information from the state department of motor vehicles regarding registration of motor vehicles shall be used.
- 3) In determining whether an area identified as impacted and eligible for residential permit parking shall be designated as a controlled parking residential area, the following factors shall be considered:
 - a) The local needs with respect to clean air and environment in residential areas.
 - b) The possibility of a reduction in total vehicle miles driven in the city.
 - c) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
 - d) The proximity of public transportation to the residential area.
 - e) The desire and need of the residents for residential permit parking.
 - f) The need for parking regulation to maintain the residential character of neighborhoods.

(c) When the City Manager finds the criteria to designate have been met in a "controlled parking residential area", the City Manager shall cause the regulation to be recorded upon an appropriate map of the city and retained permanently in the office of the City Clerk. In addition, the City Manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations, and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a "controlled parking residential area", it shall be unlawful and a violation of this ordinance to park a commuter vehicle in an area restricted to permit parking only without having a valid residential parking permit affixed on the left rear window or bumper of the vehicle or license plate registered with the City.

Section 24-93. Issuance of Permits; Placement of Signs

- a) A permit shall be issued once the resident has completed the 'Residential Parking Permit' application, provided the required documentation, and paid the permit fees, if any, for the street they currently reside on. No more than two 'Residential Parking Permits' per household.
- b) Permit fees, if any, shall be approved by the City Manager. The City Manager or their designee shall calculate the permit fees based on the actual cost of manufacture and installation of pertinent signs, applications, permits and administrative costs in connection with the issuance of permits and present recommended fees.
- c) The application for a permit shall contain the name of the owner or operator of the motor vehicle, a copy of their driver's license, and a photostatic copy of the vehicle registration. The applicant must also provide a current form of residency which can include a utility bill, lease agreement, property deed, voter's registration or any other form of documentation with the name of the applicant and the address they are applying for. The permittee shall apply in person for the initial permit and shall present all required documentation. Personal appearance shall not be required for permit renewals with the same information required each year prior to expiration of the permit. Permits will be available as of December 20th of each year.
- d) The permit must be displayed on the lower left corner of the outside rear window or on the left rear bumper of the vehicle or the license plate may be registered with the City. For the permit to be valid it must be displayed as such on the vehicle listed on the completed application. Permits not displayed properly or on a vehicle other than listed will be null and void.
- e) Guest/Service permits. Upon application by such owner, up to two Guest/Service permits may be issued and used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for guests of such owner's residence. The permits shall be used only for the period during which business is to be conducted by the service vehicles or for the duration of stay of a guest to the residence for which the permit is issued. The application for a Guest/Service permit or

permits shall be completed by such owner. The permit or permits shall be valid until the end of the current calendar year and may be renewed in the same manner each successive year. A person must have a residential parking permit to be eligible to purchase a Guest/Service permit. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the guest or service vehicle observable through the front windshield of the vehicle or the license plate of the vehicle may be registered with the City. The permits shall be valid only for the period during which the service vehicle is conducting work at the premises or for the period of time a guest is at the premises.

Section 24-94. Parking in “Controlled Parking Residential Areas”

- a) The holder of a residential parking permit that is properly displayed shall be permitted to stand or park a motor vehicle in the appropriately designated parking area. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed to be clearly visible to enforcement personnel or the vehicle license plate may be registered with City. A residential parking permit shall not guarantee or reserve to the holder a parking space within the designated parking area.
- b) A residential parking permit shall not authorize the holder of the permit to park in spaces or areas designated by law as restricted or prohibited parking (loading zones, fire hydrants, disabled, or other such regulated areas), nor shall it exempt him from the observance of any traffic regulations, other than parking time limits.
- c) Time limits for parking in each controlled parking residential area shall be posted in plain view and shall be strictly enforced.

Section 24-95. Enforcement

Vehicles found within a controlled parking residential area during the time limits posted without a valid permit for that area:

- a) Shall be issued a uniform parking citation pursuant to this article; and
- b) May be towed pursuant to this article.

Section 24-96. Parking Permit Violations

It shall be unlawful for any person to represent that he is entitled to a residential parking permit when he is not entitled, or to hold or display such a permit at any time when he is not entitled.

Section 24-97. Revocation of Permits and Penalties

- a) The City Manager or his designee is authorized to revoke the residential parking permit of any individual found to be in violation of the provisions of this division.
- b) Failure to surrender a revoked permit within ten working days of written notification from the parking department shall carry the following penalties:
 - (1) The violator shall not be allowed to reapply for another permit for six months.
 - (2) Once restored, if the permit holder should once again have his permit revoked by the department, the resident would be restricted from applying for one (1) year.

Section 24-98. Removal of “Controlled Parking Residential Area”

The City Manager or his designee is authorized to remove a controlled parking residential area when 60 percent of residents in said area submit a signed petition requesting to dissolve the particular controlled parking residential area.

Section 24-99. Exemptions

Vehicles with valid handicapped license plates issued by the department of motor vehicles and displaying the internationally accepted wheelchair symbol, handicapped parking permit, or disabled veteran motor vehicle license plate are

exempt from the requirements of this division.

Section 25-00 Administrative Policy and Procedure

The Residential Permit Parking Program Policy Manual is hereby adopted and incorporated as part of this article. The City Manager is granted the authority to make amendments to said Policy Manual as the City Manager finds necessary. Copies of the Residential Parking Program Policy Manual shall be available upon request.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 3. Inclusion in the Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Sec. 166.041(4), Florida Statutes.