

Resolution No.: 18-962
Introduced: November 14, 2017
Adopted: November 14, 2017

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Executive Regulation (ER) 24-16, Residential Permit Parking Guidelines

Background

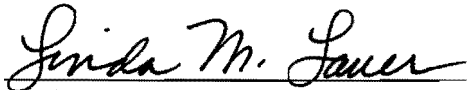
1. The Montgomery County Code authorizes the County Executive to adopt regulations under Method (2).
2. Regulation 24-16 would: increase the number of transferable visitor permits per household from one to two; split the previous Employee and Contract Work Permit into two separate permits—Employee Permits and Contract Work Permits; add a new Temporary Medical Condition Permit; redefine Metro Impact Areas to include areas around future Purple Line stations; and allow for the removal of residential permit parking restrictions if 50% of the residents vote to do so, rather than a two-thirds vote.
3. Executive Regulation 24-16 was advertised in the July 1, 2017 Montgomery County Register. No public comments were received. The proposed regulation is unchanged from the advertised regulation.
4. The Council received Executive Regulation 24-16 in a memorandum from the Executive dated October 10, 2017.
5. On November 9, 2017, the Transportation, Infrastructure, Energy, and Environment Committee recommended approval of ER 24-16.
6. The Council reviewed the regulation under Method (2) of County Code §2A-15.
7. Under Method (2), the Council may approve, disapprove, or extend the time for action within 60 days of receiving the regulation. In the absence of Council action, the regulation is deemed approved as submitted.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council approves Executive Regulation 24-16, Residential Permit Parking Guidelines.

This is a correct copy of Council action.

A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above the printed name.

Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Residential Permit Parking Guidelines	Number 24-16
Originating Department Department of Transportation	Effective Date November 14, 2017

Montgomery County Regulation on:

RESIDENTIAL PERMIT PARKING GUIDELINES

DEPARTMENT OF TRANSPORTATION

Issued By: County Executive
Regulation No. 24-16
COMCOR No. 31.48.01

Authority: Code Section 31-48
Supersedes: Executive Regulation No. 12-13AM
Council Review: Method 2 under Code Section 2A-15
Register Vol. 34 No. 7

Comment Deadline: July 31, 2017
Effective Date: November 14, 2017
Sunset Date: None

Summary: This regulation sets guidelines for establishment of residential permit parking on county maintained roads where on-street parking generated by public facilities or commercial districts has adversely affected residents. Guidelines cover which areas can be designated, request procedures and the permit process.

Address: Written comments on this Regulation should be sent to:

Chief, Division of Traffic Engineering and Operations
Montgomery County Department of Transportation
100 Edison Park Drive 4th Floor
Gaithersburg, Maryland 20878

Staff Contact: For further information or to obtain a copy of this regulation, contact Department of Transportation Permit Parking Program Staff 240-777-2190.



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Section 1. Definitions

As used in this Executive Regulation, the following definitions apply:

Block – That property abutting both sides of a street that lies between the nearest intersecting streets or the nearest intersecting street and railroad right-of-way, un-subdivided acreage or body of water or between any of the aforementioned and any other barrier to the continuity of development. Dimensions may also be determined by unique block number. In all other circumstances not specifically addressed, the Director of the Department of Transportation or Director's designee shall have the final determination.

Applicant Block – Block of residents that initiates process to establish a residential permit parking area.

Eligible Block – Block within the boundaries of an established residential permit parking area that does not currently have residential parking restrictions.

Participant Block – Block within the boundaries of a residential permit parking area on which permit parking restrictions have been installed. Residents of this block are qualified to purchase permits.

Block Face – One side of the street on a block.

Contract Work – Scheduled work on a residence that may require multiple visits by a contractor or commercial enterprise for an extended period which is not recurring in nature.

Curb Occupancy – The total amount of legal on-street parking on a particular residential block or block face that is occupied. This measurement is expressed as a percentage.

Intra-commuting – Practice of residents from one section of a residential permit parking area travelling to and parking on blocks in another section of that same residential permit parking area in an attempt to gain easier access to some facility or feature.

Permit – A unique identification assigned to a specific vehicle that allows that vehicle to park within the boundaries of an explicit residential permit parking area where permit parking restrictions exist. The permit could be in the form of a placard, sticker or electronically matched to a vehicle's license plate number or some other sort of identification method.



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Metro Impact Area – Any neighborhood within a 4,000 foot radius of [a] an existing or approved metro or light rail station that could be impacted by commuting motorists to that station.

Approval of the metro or light rail station is determined by the appropriate transportation agency.

[The] A metro impact area takes into account homeowner/civic association boundaries as well as natural, and infrastructure boundaries. It [A metro impact area] does not include special taxing districts, municipalities, private developments or government complexes within which the Montgomery County Department of Transportation has no jurisdiction.

Non-local Vehicles – Vehicles not registered to addresses within 1,000 feet of the applicant block(s) or within Montgomery County. This can include vehicles belonging to residents who are intra-commuting.

Residential Permit Parking Area (RPPA) – The area encompassed by a legal boundary determined by the Department of Transportation and established by executive order. It could encompass not only the applicant block(s), but also surrounding blocks and streets. A unique name identifier is given to each area.

Section 2. Overview of the Residential Permit Parking (RPP) Program

The Montgomery County RPP Program is designed to mitigate adverse on-street parking effects generated by public facilities or areas that have been zoned as commercial or business districts on surrounding neighborhoods. The program is not a mechanism to resolve on-street parking issues created by adjacent or neighboring residential properties. As a result, this program is not available to all residents within Montgomery County.

Outside of a Metro Impact Area only single-family dwelling units are eligible to participate in the program. Inside of a Metro Impact Area single-family and multi-family dwelling units may request residential permit parking. However, multi-family dwelling units are only eligible upon a determination by MCDOT that the property/properties within the requested area have inadequate off-street parking available based on zoning regulations. [For those eligible multi-family dwelling units in a Metro Impact Area, residential permit parking can only be installed adjacent to the property line(s) of the property or properties.]

Within a neighborhood participating in the RPP Program, residential permit parking restrictions **cannot** be installed:

1. On roads where parking has been prohibited for safety or operational reasons as determined by MCDOT. On roads where MCDOT has restricted parking during certain periods for operational purposes, permit parking may be allowed. However, permits do not authorize parking during the periods when all parking has been restricted by MCDOT.



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2. On a Block or Block Face zoned for a non-residential use or that is undeveloped.
3. Adjacent to properties that do not function as residences but are zoned for residential use. This would include but are not limited to parks, churches and public facilities.
4. On privately maintained roadways.
5. Within the boundaries of a Parking Lot District (PLD).

Section 3. Establishment of a Residential Permit Parking Area

A request to establish a residential permit parking area (RPPA) may be made by a Montgomery County resident or group of residents. The resident must be a homeowner or tenant on the Applicant Block for which they are requesting the residential permit restriction.

The request for the establishment of a RPPA must be in writing and include the following:

1. A clear statement of the time of day during which it is believed that the volume of non-local on-street parking is highest.
2. If multiple residents submit the request for one Applicant Block, a designated contact must be identified by name, address, telephone number and email address (if available). This resident will be the primary contact through which MCDOT will communicate.
3. A statement of support from requested area's homeowner or civic association president or traffic committee representative. If no such community organization exists, the request must include a petition with at least 50% of the households on the Applicant Block signing in favor.

The request can be mailed, first class, postage prepaid to:

Chief, Division of Traffic Engineering and Operations
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878

The request can also be emailed to MCDOT at TrafficOps@montgomerycountymd.gov or faxed to 240-777-2080.



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Section 4. MCDOT Requirements Necessary to Proceed to Public Hearing

Upon receiving the written request from an Applicant Block[(s)], MCDOT staff will conduct an investigation of traffic conditions on the Applicant Block[(s)] to determine if residential permit parking is warranted. As part of its investigation, MCDOT must determine that the following requirements have been satisfied before proceeding to a public hearing [on the request]:

Inside of a Metro Impact Area

A statement of support or petition (as described in Section 3) will be the only requirement.

Outside of a Metro Impact Area

In the event that a parking restriction (e.g. two-hour parking, 7 AM – 7 PM, Monday – Friday) is already in place on the Applicant Block, a statement of support or a petition (as described in Section 3) is all that will be required. The existing non-permit parking restriction must be in place for at least one (1) year before residents can request the establishment of a RPPA.

Where parking restrictions have not already been installed, the following Curb Occupancy criteria as measured and evaluated by MCDOT must be satisfied for the Applicant Block[(s)]:

1. When total Curb Occupancy exceeds 50%, at least 50% of the vehicles must be non-local.
2. When total Curb Occupancy exceeds 40%, at least 75% of the vehicles must be non-local.

Section 5. Creation or Modification of RPPA Boundaries

Creation of RPPA Boundaries

If the criteria in Section 4 are satisfied for the Applicant Block[(s)], MCDOT will draft a boundary for the potential RPPA to present at a public hearing. The proposed boundary may include more than the Applicant Block[(s)] since on-street parking often migrates to adjacent Blocks after parking restrictions have been installed.

In cases where an Applicant Block is within an existing or future Metro Impact Area, MCDOT will determine if additional neighborhoods within the 4,000-foot radius should be included in a proposed RPPA. Since this could encompass a large area, MCDOT will use the criteria listed below to determine if multiple RPPAs should be proposed and presented at a public hearing.



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The following criteria will be used by MCDOT staff when drafting the boundaries of the proposed RPPA(s).

1. Civic and homeowner association boundaries.
2. Natural boundaries such as parks and bodies of water.
3. Infrastructure boundaries such as major or arterial roads.
4. Walking distance from a public facility and existence of pedestrian amenities such as sidewalks and marked crosswalks.

When the Applicant Block consists of a multi-family dwelling or multi-family dwellings, the proposed boundary will only consist of the Block Face adjacent to the multi-family dwelling property or properties. RPPAs for multi-family dwellings must remain separate from RPPAs for single-family dwellings.

Modification of RPPA Boundaries

In lieu of creating a new RPPA, MCDOT may propose a modification to an existing RPPA if an Applicant Block[(s)] has satisfied **Section 3** and **Section 4**. The determination of whether to modify an existing RPPA or create a new one will be made by the [hearing examiner] County Executive [following a public hearing].

Residents may also request that the boundaries of an existing RPPA be modified to mitigate intra-commuting issues. All requests of this nature must follow the procedure outlined in **Section 3** [and it must be verified by MCDOT that intra-commuting is occurring] and meet curb occupancy criteria in Section 4.

Section 6. Hearing Procedure

Prior to the creation or modification of a RPPA, a public hearing must be held. Upon determination that an Applicant Block[(s)] satisfies all criteria set by **Section 3** and **Section 4**, the following procedure must be followed by the MCDOT:

1. Notify applicant and the homeowner/civic association(s) of the MCDOT's findings and proposed RPPA boundary.



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2. Receive hearing fee of \$250.00 from the requesting party.
3. Schedule the required public hearing.
4. Advertise the public hearing in a general local circulation newspaper and on Montgomery County's Official Web Site.
5. Post public hearing notice signs on site at least 30 days prior to the hearing date.

Following the public hearing, the Hearing Officer will submit a report and recommendation to the County Executive. The County Executive's decision must be sent in writing to any interested person, including the applicant, and all persons who submitted written statements or comments before, during or after the public hearing or who spoke at the public hearing.

Section 7. Procedure for Installing, Removing or Modifying Permit Parking Restrictions

Following the approval of a RPPA, residents of Eligible Blocks may petition for the installation of residential permit parking restrictions. MCDOT will provide a petition form after a specific permit parking restriction has been selected by the residents and approved by MCDOT. For a permit parking restriction to be installed on a block, at least two-thirds of the households on that block must sign in favor of the restriction. Modification to a residential permit parking restriction on a Participant Block would follow the same procedure.

Residents of a Participant Block[s] may request the removal [or modification] of a residential permit parking restriction[s]. [As with the installation of these restrictions,] MCDOT will provide a petition form on which a majority of the households (over 50% of the block) must sign in favor of having the permit parking restriction removed. [and at least two-thirds of the households on the block must sign in favor of the removal or modification. All completed petitions can be returned to MCDOT utilizing one of the contact methods provided in Section 3.]

Once a residential permit parking restriction has been installed for a Participant Block, that restriction will remain for at least one (1) year before MCDOT will consider a petition for its removal. A Participant Block that has petitioned to have a permit restriction removed may not petition for the reinstatement of a permit restriction for at least one (1) year from the date the restriction is removed. Residents may request that a restriction be modified at any time.



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Section 8. Permits

Only residents of Participant Blocks are eligible to obtain Permits. Residents living within the boundaries of a RPPA on roadways where parking is prohibited for safety or operational reasons may obtain Permits following approval from MCDOT. Residents living within the boundary of a RPPA with an address on a privately maintained roadway are not eligible to purchase Permits.

Residents living within a Participant Block **are not** required to purchase Permits. The RPP Program is voluntary and residents may forgo the purchase of Permits if they believe them unnecessary. However, any vehicle parked on a Participant Block without a Permit during restricted hours is subject to ticketing.

Residents living within a Participant Block may register their vehicle(s) for Permits as follows:

1. Online through the MCDOT web page at any time;
2. Over the telephone during hours set by MCDOT; or
3. In person at one of the sales offices during standard business hours

Permits become active immediately following registration. Prices for the various types of Permits are set by the Montgomery County Council.

A. Resident Permits

Each person residing at an address on a Participant Block is eligible to purchase a Permit for each vehicle they have registered to that address. These Permits are renewed annually. MCDOT utilizes Maryland Motor Vehicle Administration (MVA) records to determine whether a vehicle is eligible for a Permit and therefore residents need only provide their vehicle(s) license plate number(s).

B. Permits for New Residents and Students and Military Personnel

For residents moving into a home on a Participant Block, a one-time 30-day temporary Permit may be obtained at no charge for all vehicles registered to the new home owner or tenant. A permanent Permit may be obtained upon the vehicle(s) being registered at the new address.

Students and military personnel who will be living at an eligible address temporarily and therefore will not be updating their vehicle registration may purchase Permits after submitting approved documentation electronically through the MCDOT web page or in person to a sales office. These Permits will be renewed annually.



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C. Transferable Visitor Permits

[One (1) transferable] Two (2) visitor Permits may be purchased per eligible address and [is] are renewed annually. [This] These Permits can be assigned to any number of vehicles (one vehicle at a time) for a variety of time periods.

D. Employee Permits

Residents operating an approved home-based business or residents with an in-home employee(s), such as a nanny or caretaker, may purchase up to two (2) transferable permits for their employees which must be renewed annually. Residents operating a home-based business must provide MCDOT with a copy of their certificate of registration. Residents with in-home employee(s) must provide MCDOT with the proper tax documentation.

[D.] E. [Employee and] Contract Work Permits

[One (1) employee Permit may be purchased per eligible address. This Permit is to be renewed annually. This Permit is applicable only for persons directly employed at an eligible address. Approved tax documentation is required for this Permit, which must be submitted electronically through the MCDOT web page or at a sales office during standard business hours.]

Up to five (5) Contract Work Permits may be purchased by a resident living at an eligible address. These Permits can last up to 6 months and are transferable. Any resident applying for Contract Work Permits must submit the proper documentation electronically through the MCDOT web page or at a sales office during standard business hours before a Permit(s) will be issued. Residents can reapply for these Permits for projects exceeding 6 months.

F. Temporary Medical Condition Permits

Up to three (3) temporary and transferable permits may be requested by a resident for situations where medical assistance is necessary for someone dwelling in their home. These permits can be used by family, friends and/or professional health caretakers in cases of temporary illness or when home health care services such as medical treatments, respite care, elder care or hospice care is necessary. A resident must provide MCDOT with documentation/confirmation indicating medical or health care services are needed prior to approval of these permits. Initially, these permits can be obtained at no charge and will last up to 3 months. If a resident requires these



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permits for longer than three months, additional documentation/confirmation must be provided to MCDOT to purchase these permits.

[E.] G. Temporary Visitor Permits

Temporary visitor Permits may be obtained upon request by residents at no charge. These Permits, which are subject to MCDOT approval, can last up to seven days from date of issue.

[F.] H. Exemptions

Non-resident commercial and/or service vehicles that are clearly marked are exempt from permit restrictions when conducting temporary activity within the area.

Public utility vehicles are exempt from permit restrictions when performing necessary work within the area.

[G.] I. Permit Abuse

Residents found registering vehicles for transferable visitor Permits or purchasing employee Permits for reasons other than their intended use may have their Permit purchasing privileges suspended for a time period determined by the MCDOT. Temporary Permits will also be unavailable to these residents during this time period.

Approved:

Isiah Leggett
County Executive

Oct 9, 2017
Date

Approved as to Form and Legality
Office of the County Attorney

By:

Date: 9-29-17