

ORDINANCE NO. O-1-15

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL TO REPEAL AND REENACT WITH AMENDMENTS CHAPTER 24, ARTICLE XI OF THE GAITHERSBURG CITY CODE ENTITLED, "OFF-STREET PARKING AND LOADING," SECTIONS 24-218 THROUGH 24-222A

**Text Amendment CTAM-6190-2014**

BE IT ORDAINED by the Mayor and City Council of Gaithersburg, in public meeting assembled, that Chapter 24, Article XI of the City Code entitled "Off-Street Parking and Loading", is hereby repealed and reenacted with amendments to read as follows:

**CHAPTER 24**

**ARTICLE XI. OFF-STREET PARKING AND LOADING**

**Sec. 24-218. General Requirements.**

(a) There shall be provided, at the time of erection, enlargement or structural modification of any building or structure, off-street parking spaces, either within or without a structure with adequate provision for ingress and egress, in accordance with the requirements contained in this article. Except as otherwise provided, each parking space shall consist of a standard parking stall to be a minimum of nine (9) feet wide. Retail centers, offices and other uses, where a mix of short-term and long-term parking occurs, shall use the nine-foot wide standard stall. Provided, however, different stall widths may be required or permitted based upon the proposed use as follows:

- (1) *Low turnover stall* - for residential, employee and commuter parking areas where long-term parking generally occurs may be a minimum of eight and one-half (8½) feet wide.

More than one type of stall may be used or required, based upon the use of the property, with the authorization of the city planning commission or its designee pursuant to section 24-218(f).

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>Single strikethrough</del>	<i>Deleted from existing law by original bill.</i>
<u><u>Double underlining</u></u>	<i>Added by Amendment.</i>
<del><u>Double strikethrough</u></del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

(b) For any building or part thereof used for commercial, industrial, hospital or institutional purposes, adequate off-street parking space for loading and unloading shall be provided in such amount and at such locations as required by the planning commission at the time of site development plan approval, considering the size and proposed use of the building. Such space shall be in addition to other requirements contained in section 24-219.

(c) No required parking area or loading space shall be used or permitted to be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.

(d) Parking spaces as required in this article shall be on the same lot with the main building or structure, or for buildings other than dwellings, located not more than six hundred (600) feet therefrom. Any parking space shown on a site development plan heretofore or hereafter approved by the planning commission which abuts the side or rear lot line, or faces the front of a lot in a residential zone, shall be screened from such lot by an earth berm, planting, a fence, a solid wall or a combination of two (2) or more of the a foregoing as specified by the planning commission in approval of the site development plan.

(e) All off-street parking facilities, except those for single-family detached use, shall consist of modules which comprise a drive aisle and one or two (2) rows of parking spaces as shown in Figure A below and consistent with the following standards:

(1) One-way module - shall be composed of a linear area at least fifty-five (55) feet wide to accommodate two (2) rows of angled parking and a single, one-way aisle.

Two-way module - shall be composed of a linear area at least sixty (60) feet wide to accommodate two (2) rows of angled or perpendicular parking and two-way aisles.

Single-loaded module - where only one (1) row of parking is provided, the module width in each of the above cases may be reduced by seventeen (17) feet.

(2) Each edge of a perpendicular or angled parking stall shall be defined by double parallel lines spaced to provide a clear area of twelve (12) inches between lines. Each stall shall be seventeen (17) feet in length.

(3) Angled stalls are defined as those stalls where the angle between the center line of the parking stall and the center line of the driveway serving it does not exceed seventy-five (75) degrees. Parallel stalls are defined as those stalls

that are parallel to the drive aisle serving the stall. Perpendicular stalls are defined as those stalls where the angle between the center line of the parking stall and the center line of the driveway serving it is ninety (90) degrees. All entry and exit portions of driveways connecting to public streets shall be consistent with section 19-15(e) of this Code.

(f) If any parking area consisting of spaces ten (10) feet wide or wider shall hereafter be redesigned to provide parking spaces less than ten (10) feet wide pursuant to this section, the new design shall be first approved by the planning commission.

(g) All required parking spaces, access and circulation drives shall have a paved surface in accordance with the requirements of this article. All off-street parking, loading and storage areas must be striped in a visible color. The planning commission, in addition, may require in its approval of the site development plans, directional arrows and traffic signs on site as necessary for site traffic control.

(h) All driveways constructed after the effective date of this ordinance, in connection with single-family residential dwellings, with the exception of those dwellings zoned MXD, shall meet the following requirements:

- (1) The minimum length of a driveway shall be twenty (20) feet. The minimum length of a driveway serving a garage or carport shall be twenty-four (24) feet, measured from the garage or carport to the property line or the back of the sidewalk, whichever is closer to the garage.
- (2) The maximum slope of any residential driveway shall be ten (10) percent where the driveway serves a garage or carport and six (6) percent where the driveway is used as the required off-street parking. A waiver of this requirement can be granted by the director of public works and engineering.
- (2) Paving requirements for residential driveways shall comply with section 24-220(b).

(i) No off-street parking lot, area or facility shall be reduced in area or encroached upon by buildings, structures or vehicular storage or any other use where such reduction or encroachment will reduce the area below that required by this article.

**Sec. 24-219. Parking requirement schedule.**

*(a) Special computation requirements.*

- (1) When any land or building is used for two (2) or more purposes, and section 24-219(c) of this article is not applied, the number of parking spaces required shall be the sum of the requirements for various individual uses, computed separately in accordance with this article.
- (2) For the purpose of this article, the number of employees shall be the average number of persons employed taking into consideration day, night and seasonal variations.
- (3) Whenever in this Code any particular zone contains requirements for parking areas, or there are other provisions which vary from the provisions of this article, the more restrictive requirement shall apply.
- (4) In the Olde Towne District, as defined in Section 24-161, no on-site parking shall be required for either change in use or the redevelopment of improved property, effective for five years after (ENTER DATE OF ORDINANCE ADOPTION).
- (5) A minimum of one bicycle space for each 25 parking spaces is required.
- (6) For parking facilities with more than 50 parking spaces, a minimum of 2% of the spaces shall be designated for motorcycles/scooters.

*(b) Parking schedule.* Off-street parking space shall be provided as follows. Parking ratios for commercial uses are minimums. Maximum commercial parking permitted is 10% more than required minimums, unless otherwise indicated, or by approval of the Planning Commission:

<b><i>Residential</i></b>	<b><i>Parking Spaces Required</i></b>
Single-family and two-family	2/DU (Dwelling Units)
Multiple-family apartments and	

apartment hotels:*	
Efficiency	1/DU
1 B.R.	1.25/DU
2 B.R.	1.5/DU
3. B.R. and larger	2/DU  *Plus one spaces for each 400 square feet of assembly area required.
Hotels*, motels*, tourist cabins, rooming and boarding houses	1/guest room or rooming unit  Plus one space for each 400 square feet of assembly/restaurant area provided.
Housing for elderly and/or handicapped	1/2DU
Dormitories	1 per 3 residents
Townhouses	2.5/DU provided however that each garage space within townhouse developments shall be counted as one-half of a parking space.
Urban Cottage	
Unit Size	Dwelling Unit Count:
0 to 699 square feet	1.0/DU
700 to 899 square feet	1.75/DU

900 to 1200 square feet	2.0/DU
Bed and breakfast	1/guest room in addition to single-family residential requirement.
<b><i>Educational and Religious</i></b>	<b><i>Parking Spaces Required</i></b>
Child or elderly day care facilities accommodating more than eight (8) individuals	1½/employee
Churches, synagogues, funeral homes or other places of worship	1 per 4 seats provided plus one per employee
Convents, monasteries and nunneries	1 per 10 residents
Educational institutions, private	
Elementary and junior level	1/employee
Senior high level*	1/employee plus 1 per 10 students plus 1 per 4 seats provided for stadiums, auditoriums and assembly halls
Colleges and universities*	1 per 3 residents plus 1 per 3 employee plus 1 per 4 nonresidents  *Plus 1 per 4 seats provided for stadiums, auditoriums and assembly halls.

Trade schools and vocational instruction	Determined by planning commission at site plan review
<b><i>Cultural and Recreational</i></b>	<b><i>Parking Spaces Required</i></b>
Athletic fields and tennis courts	10 to 20 per field or 2 per court
Commercial stadiums, grandstands and race tracks	1 per 4 seats provided plus 1 per 2 employees
Libraries, museums, art galleries, and historical sites	1/500 square feet of gross floor area
Meeting halls, convention and exhibition halls	1/250 square feet of gross floor area
Private clubs and lodges	1/300 square feet of gross floor area
Recreational, cultural and community centers	1/250 square feet of gross floor area
Skating rinks and dance halls (stand-alone or more than 25% of gross leasable area of a retail center)	1/100 square feet of gross floor area
Swimming Pool, Commercial	1/200 square feet of water surface area
Swimming Pool, Community	1/300 square feet of water surface area
Theaters (indoor)	1/4 seats plus 1/employee

<b><i>Health, Welfare and Philanthropic</i></b>	<b><i>Parking Spaces Required</i></b>
Animal hospitals and kennels	1/300 square feet of gross floor area
Convalescent, rest, nursing homes, sanitarium, care for aged and disabled	1/4 beds
Hospitals	To be determined by Planning Commission
<b><i>Manufacturing, Storage, Wholesale</i></b>	<b><i>Parking Spaces Required</i></b>
Production or processing of materials, goods or products	1/1,000 sf of gross floor area plus 1 per vehicle stored on site
Warehousing and wholesaling	1/1,000 sf of gross floor area plus 1 per vehicle stored on site
<b><i>Commercial Establishments, Retail Sales, Service, Trade or Merchandising</i></b>	<b><i>Parking Spaces Required</i></b>
Automobile and other motor vehicle sales	1/500 square feet of gross floor area
Automobile and other motor vehicle repair, car wash and service stations	2.5/bay
Automobile, truck and trailer rental	1/rental vehicle or unit plus 1/300 square feet of gross floor area

Commercial establishments devoted to retail sales, service, trade or merchandising (except restaurants)	1 per 225 of gross floor area devoted to retail sales, service, trade, merchandising or restaurants and located on any floor of a building which may be entered approximately at grade, 1 per 500 square feet of gross floor area devoted to retail sales, service, trade, merchandising or restaurants and located on any floor other than that which may be entered approximately at grade, only if the business is separate entity from the business entered at grade. Maximum for restaurants of 1/100 square feet of gross floor area.
Retail centers	For retail centers exceeding 200,000 square feet of gross floor area or restaurants with carry-out or drive-through service, a 10% reduction in required parking
Offices, general, business, professional, medical/dental, and financial	1 per 300 square feet of gross floor area
Stores selling furniture, carpet, appliances or mattresses exclusively	1 per 500 square feet of gross floor area
Health and fitness establishments	1 per 200 square feet of gross floor area

All uses not listed above shall be determined by planning commission at site plan review or prior to issuance of occupying permits.

(c) *Shared parking for developments containing a mix of uses.*

(1) When any land and/or buildings are contiguous to one another, and are used for two (2) or more purposes, or when any individual building has component uses that operate at different peak periods, the number of parking spaces shall be computed by multiplying the minimum appropriate percentage, as shown in the following parking credit schedule for each of the four (4) time periods shown. The number of parking spaces required for

the mixed use development is then determined by adding the results in each column. The column total that generates the highest number of parking spaces becomes the parking requirement.

Use	Weekday		Weekend	
	Day 6 a.m.— 6 p.m.	Evening 6 p.m.— Midnight	Day 6 a.m.— 6 p.m.	Evening 6 p.m.— Midnight
Industrial/office/warehouse	100%	10%	10%	5%
General retail/Service/Restaurant	50%	90%	100%	70%
Hotel/motel	70%	100%	75%	100%
Club/Dance Hall	50%	100%	100%	100%
Education	100%	50%	50%	50%
Theaters	40%	100%	80%	100%
Religious Assembly	25%	50%	100%	50%
All Other	100%	100%	100%	100%

- (2) The following conditions shall apply to any parking facility for a development containing a mix of uses:
- a. The city planning commission shall determine at the time of site plan approval that shared parking is possible and appropriate at the location proposed. Particular attention is needed to assure that sufficient and convenient short-term parking will be available to commercial establishments during the weekday daytime period. The shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served.
  - b. Parking for the handicapped may not be shared or included in any shared parking calculation.
  - c. When properties are not under shared ownership, a shared parking agreement made between different owners of the properties involved shall be recorded in the land records of Montgomery County, Maryland. Shared parking facilities located on a separate lot from the establishments being served must meet the requirements of section 24-218(d) of this article.
  - d. All subsequent requests for use and occupancy for an approved shared parking development must be reviewed by the planning department in order

to determine if there is a substantial change in use which would require the new use and shared parking chart to be approved by the planning commission or by the minor amendment process.

- e. A parking facility, for the purposes of this article, is defined as a surface parking lot or group of lots, an above ground or underground parking structure or garage.

**Sec. 24-220. Construction, maintenance, screening, drainage and lighting requirements.**

Every area hereafter constructed and maintained for off-street parking purposes shall comply with the following requirements:

- (a) The minimum grade of such parking areas shall be one and one-half (1½) percent. The maximum grade of any such parking areas, shall be six (6) percent; provided, that this shall not prohibit driveways connecting one portion of a parking area to another from having a grade not exceeding eight (8) percent.
- (b) Every parking lot or other nonstructural off-street parking area shall be paved in accordance with one of the following standards, as deemed appropriate by the city manager or his designee:
  - (1) Two (2) inches of bituminous concrete surface course over a four-inch bituminous concrete base course of an approved subgrade.
  - (2) Two (2) inches of bituminous concrete surface course over three (3) inches of bituminous concrete base course over six (6) inches of crushed stone graded aggregate base course on an approved subgrade.
  - (3) Other materials or construction methods which are demonstrated to the satisfaction of the city manager or his designee to be the equivalent of the structural standards referred to in (1) and (2) of this subsection.

The thickness of bituminous concrete or crushed stone courses stated in the standards (1) and (2) shall be the minimum

Standard (1) shall be used for all residential parking.

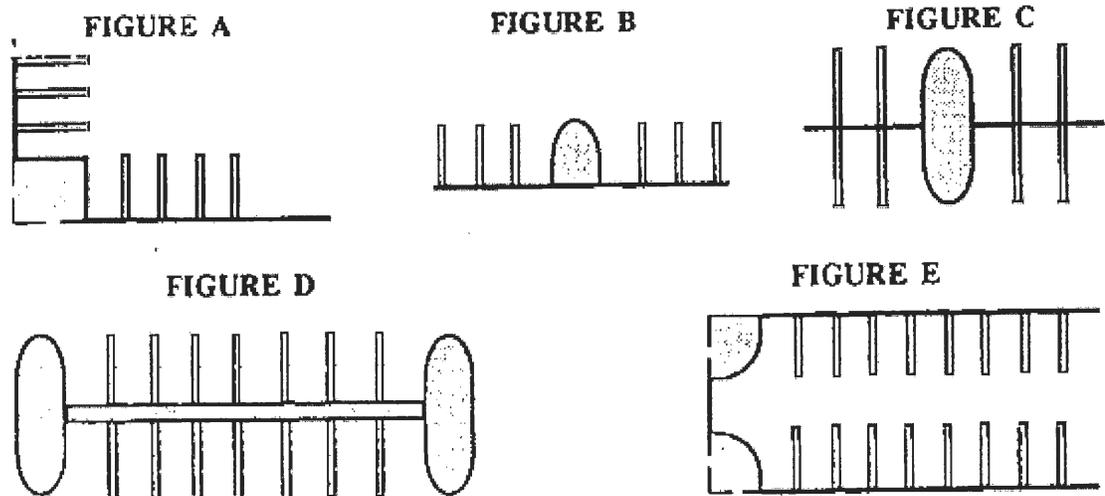
- (c) Every parking lot or other off-street parking area shall be so designed, constructed and maintained that surface water will neither accumulate, except in accordance with an approved stormwater management plan, nor damage or impair abutting properties and public streets.
- (d) Lighting of off-street parking lots, areas and facilities shall be installed and maintained in a manner not to reflect or cause glare into abutting or facing residential premises, nor cause reflection or glare which adversely affects safe vision of operators of motor vehicles on adjoining streets and roads. Adequate lighting shall be provided if the parking lot, area or facility is to be used at night. Where such lighting now exists or is hereafter installed on poles or other structures within or adjacent to parking areas, such poles or structures shall be protected from damage by motor vehicles by curbs, posts or other installations designed to prevent such damage.
- (e) Commercial, industrial, or multi-family residential surface parking lots hereafter constructed and existing commercial or industrial parking lots modified to include parking spaces less than ten (10) feet in width or one utilizing a new parking ratio shall meet the following design criteria for the parking lot area only:

A landscaped separation shall be defined as a single planting strip or group of planting islands and/or environmental site design for stormwater management that serve as an architectural edge which creates smaller parking areas within the overall parking facility and contain shade trees or shrubs.

A minimum of ten (10) percent of surface parking lot areas shall be devoted to planting area and/or environmental site design for stormwater management. For the purposes of this article, the planting areas shall be defined as all planting islands and corner areas, a minimum of nine (9) feet in width and containing shade trees, that separate parking spaces and drive aisles within a parking lot as shown in Figures A through E of this subsection. This planting area may count toward additional green area requirements called for in other sections of this chapter.

*Parking lot design standards:*

- (1) The design must: demonstrate an effective proposal for screening the proposed use or activity from the adjoining properties, as applicable; enhance views to, from and within the site; create visual interest for the users of the proposed project; define outdoor spaces; complement the proposed architectural style; achieve functional and aesthetic requirements for buffer areas; provide adequate environmental site design for stormwater management; and preserve, wherever possible, existing trees and other significant vegetation.
- (2) Plant material must be used that is: located and properly spaced to achieve required screening, compatible groupings, and other effective purposes; not injurious to persons or pedestrians or vehicular circulation; and enhances natural habitats and wildlife corridors.



**Figures A—E**

- (f) The edges or perimeters of existing or hereafter installed parking areas having impervious surfaces shall be protected with curbs or wheel stops or some other installation so as to prevent vehicles from being driven over the edge or perimeter of the impervious surface.
- (g) Every parking lot, area or facility shall be maintained in such a manner as to prevent injury to persons or damage to property and

further shall be maintained so as to prevent the accumulation of litter and debris.

- (h) Multi-family residential, commercial or industrial parking lots, areas or facilities hereafter constructed or modified shall contain the necessary waste and/or recycling containers, based upon the expected needs of the users of said parking facility. These containers shall be enclosed on all four (4) sides with appropriate fencing or walls and screened from view.

Sec. 24-221. Parking for handicapped persons.

Parking spaces for handicapped persons shall be provided in accordance with the standards specified in the Maryland Building Code for the Handicapped as contained in the Code of Maryland Regulations 05.02.02, dated January 1, 1985, and as subsequently amended.

Sec. 24-222. Enforcement.

In the event of any failure to comply with the provisions of this article:

- (a) The planning commission shall deny approval of any submitted site development plan and no building permits shall be issued for any nonconforming development plan;
- (b) The board of appeals may revoke any special exception or variance where compliance with this article is a condition of their approval; or
- (c) The city manager may order the closing of any parking lot, area or facility or part thereof and such order shall be enforceable by appropriate legal or equitable proceedings in a court of competent jurisdiction.

Notwithstanding anything to the contrary contained in this article, the regulations set forth in sections 24-214, 24-216 and 24-217 shall not apply with respect to single-family and two-family dwelling units.

Sec. 24-222A. Parking waivers.

- (1) The planning commission may waive any requirement of this article, in whole or in part, which is not necessary to accomplish the objectives of this article. The waiver may be granted, after a public meeting has been conducted, only upon a finding by the planning commission that such a waiver would not be detrimental to the public health, safety and general welfare. In conjunction with the granting of any waiver, the planning commission may attach such conditions or safeguards as it deems necessary to protect and enhance the public health,

safety and welfare. In granting reductions of the total number of spaces required, the planning commission may consider the following criteria:

- a. The units are located in the Central Business District (CBD) Zone; Corridor Development (CD) Zone; Mixed Use Development (MXD) Zone; or other overlay district or zone that facilitates a mix of uses and incorporates traditional neighborhood development (TND) standards as defined in 24-22.3 of this chapter;
- b. The development site is located within 1500 feet of an existing transit station or has direct access to modal linkages;
- c. The construction of either on-site or off-site parking for use by the general public;
- d. The development site is within an established Transportation Management District or established parking district;
- e. The applicant pays fee-in lieu;
- f. The applicant adequately demonstrates that additional parking can be provided should the city require it in the future;
- g. The development provides bicycle, motor scooter, electric personal assistive mobility device (EPAMD), car share program, and/or other non-traditional vehicle parking spaces and facilities in lieu of required automotive parking;
- h. The unit mix or type of use has unique characteristics and the applicant can demonstrate that parking can be met by other means; or
- i. Additional parking cannot reasonably be provided on the site

(2) In granting increases to the maximum number of parking spaces permitted, the planning commission may consider the following criteria:

- a. The development site is located in an area with Minimum or no proximity to transit alternatives

- b. The development provides parking for the general public above the parking required for on-site uses.
- c. The applicant adequately demonstrates that financing for the development is contingent upon the requested number of parking spaces
- d. A parking agreement with adjacent property owners requires an additional number of parking spaces
- e. The unit mix or type of use has unique characteristics that requires additional parking

(3) In cases where a parking waiver request constitutes 10% or less of the required minimum or maximum number of parking spaces, a parking waiver may be granted by staff in compliance with Section 24-172A(b). In granting reductions in the total number of spaces required, staff may consider the same criteria used by the Planning Commission under Section 24-222A(1).

(4) Existing parking waivers will remain in effect until such time as a change to the parking chart is approved by the Planning Commission. Where the application of this section for an existing approved site plan would result in a total number of parking spaces that exceeds the maximum permitted by Section 24-219(b), the parking shall be considered conforming and will not require a waiver.

ADOPTED by the City Council this 2nd day of February, 2015.



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JUD ASHMAN, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, this 2nd day of February, 2015. APPROVED by the Mayor of the City of Gaithersburg, this 2nd day of February, 2015.



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JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled, on this 2nd day of February, 2015 and the same was APPROVED by the Mayor of the City of Gaithersburg, on this 2nd day of February, 2015. This Ordinance will become effective on the 23rd day of February, 2015.



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Tony Tomasello, City Manager