

MEMORANDUM

TO: Mayor and City Council
Planning Commission

FROM: Caroline Seiden, Planner
Martin Matsen, Planning Chief
Trudy Schwarz, Community Planning Manager

VIA: John Schlichting, Director, Planning and Code Administration

RE: November 3, 2014 Consolidated Joint Public Hearing for CTAM-6190-2014
and CTAM-6191-2014

DATE: October 17, 2014

The November 3, 2014 Consolidated Joint Public Hearing of the Mayor and City Council and the Planning Commission regarding text amendments CTAM-6190 and CTAM-6191-2014 is the culmination of a year-long effort by staff, City committees, the Planning Commission and the Mayor and Council to review and revise the City’s off-street parking requirements and the approval process for those requirements. The City’s parking ordinance has not been comprehensively revised since 1993. Updating the parking ordinance is one of the Action Items of the City’s Planning and Development Strategic Plan.

After a kick-off presentation to the Mayor and City Council in May 2013, staff spent several months comparing the City’s parking ordinance to those of surrounding jurisdictions, compiling feedback from City staff and analyzing the effect of proposed changes. Revisions were proposed in multiple areas of the ordinance including parking ratios for various uses, the approval process for minor changes to parking charts, a moratorium on parking requirements in Olde Towne, and other comprehensive changes.

Once the Planning staff’s recommended changes were complete, meetings were held with the Gaithersburg-Germantown Chamber of Commerce and several City committees to give preliminary recommendations and to gather feedback. Staff finalized its recommendations in the form of two draft text amendments and held additional public meetings with the Mayor and City Council and Planning Commission to review the final recommendations. The Council then voted to sponsor both text amendments at its October 6, 2014 meeting.

Text amendment CTAM-6191-2014 proposes amendments to Chapter 24 (City Zoning Ordinance), Article I, entitled, “In General,” § 24-1, entitled, “Definitions,” Article V, entitled “Site Development Plans,” § 24-172A.(b), entitled “Minor Amendment Requests” so as to allow staff to grant minor parking waivers and changes to parking requirements.

Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #4

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #4

Text amendment CTAM-6190-2014 proposes an Ordinance of the Mayor and City Council to repeal and re-enact with amendments Chapter 24, Article XI of the Gaithersburg City Code, entitled, “Off-Street Parking and Loading,” §§ 24-218 through 24-222A so as to comprehensively revise the City’s off-street parking requirements.

The following is a summary of the proposed changes to Chapter 24, listed by Section:

CTAM-6191-2014 (CTAM-6191-2014, Exhibit #2)

§ 24-1 – *Definitions*. The ordinance proposes to change the definition of “Gross Floor Area” to exclude balconies of all depths from a gross floor area calculation.

§ 24-172A(b) – *Minor amendment requests*. Proposed changes to this section would establish a method, under the Staff Approval process, whereby staff may grant parking waivers of up to ten (10) percent of the required parking for a site and approve changes to shared parking charts in conformance with Section 24-219(c).

CTAM-6190-2014 – Repeal and Re-enact Article XI (CTAM-6190-2014, Exhibit #2)

§ 24-218(a). - *General requirements*. The ordinance proposes to remove the ten (10) foot wide “high turnover stall,” leaving the standard stall width at nine (9) feet and a “low turnover stall” of eight and one-half (8 ½) feet wide.

§ 24-218(d). – *General requirements*. The ordinance proposes to increase the distance that required parking may be from a lot from “not more than 300 feet” to “not more than 600 feet,” thereby providing additional opportunity to maximize the use of underutilized parking in the vicinity of a site that demands more parking.

§ 24-219(a) – *Special computation requirements*. Restaurant Classes A, B and C are proposed to be eliminated in the parking ordinance altogether and restaurants are proposed to be parked at the same ratios as other commercial establishments devoted to retail sales, service, trade and merchandising.

Three additions to this section are proposed:

1. A minimum of one bicycle space for each 25 parking spaces is required.
2. For lots with more than 50 parking spaces, a minimum of two percent (2%) of the spaces shall be designated for motorcycles/scooters.
3. 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 the effective date of the ordinance.

§ 24-219(b) – *Parking Schedule*. The ordinance proposes adding maximum parking ratios that are ten percent (10%) more than the minimum parking requirements, unless otherwise

indicated, or by approval of the Planning Commission. The maximum for a restaurant use is suggested to be 1 per 100 sf of gross floor area, rather than ten percent (10%) more than the minimum.

One major goal was to simplify the chart by consolidating land use categories and eliminating ratios for certain land uses altogether. Consolidating land use categories should allow vacant spaces to fill more quickly and provide more predictability to businesses considering commercial space in the City.

§ 24-219(c)(1) - *Shared parking for development containing a mix of uses.* – This section was updated to reflect changes in recommended restaurant parking requirements, and to add additional uses to the chart. Additionally, the “Night Time” column was eliminated since that time period is irrelevant in determining the highest number of parking spaces.

§ 24-219(c)(2) – This section was re-ordered at the suggestion of the Planning Commission in order that the language be better aligned with the Planning Commission approval process.

§ 24-220(b) – *Construction, maintenance, screening, drainage and lighting requirements.* At the suggestion of Public Works, the paving standard changed from one and one half (1 ½) inches to 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 approved subgrade.

§ 24-222A(1) – *Parking waivers.* An additional criterion is proposed for consideration of a parking waiver:

“Additional parking cannot reasonably be provided on site.”

§ 24-222A(2) and (4) – *Parking waivers.* These sections were added to provide criteria for waiving maximum parking requirements, and to address the status of current parking waivers under the new ordinance.

In addition to the attachments referenced in this memorandum, a copy of the existing Parking Ordinance is attached for your reference (**CTAM-6190-2014, Exhibit #8**).

chs/CHS

Attachments

Index of Memoranda CTAM-6190-2014
Exhibits for CTAM-6190-2014

Index of Memoranda CTAM-6191-2014
Exhibit for CTAM-6191-2014

**INDEX OF MEMORANDA
CTAM-6190-2013**

1. Application for CTAM-6190-2014
2. Draft Text Amendment – CTAM-6190-2014
3. Minutes of the October 6, 2014 Mayor and City Council Meeting
4. Memorandum to Mayor and City Council and Planning Commission, October 17, 2014
5. Letter to Gaithersburg Gazette dated October 7, 2014, requesting a Legal Ad in the October 15 and 22, 2014, issues
6. Notice of Joint Public Hearing, as shown on City of Gaithersburg web site, October 10, 2014
7. PowerPoint Presentation for November 3, 2014 Consolidated Joint Public Hearing for CTAM-6190-2014 and CTAM-6191-2014
8. Current Chapter 24, Article XI, Off-Street Parking and Loading



PLANNING AND CODE ADMINISTRATION

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plancode@gaitersburgmd.gov · www.gaitersburgmd.gov

TEXT AMENDMENT APPLICATION

All information must be complete to initiate processing of application

APPLICANT

Name Caroline Seiden

Street Address 31 S. Summit Avenue

City Gaithersburg State MD Zip Code 20877

Telephone Numbers: Work 301-258-6330 Cell _____ E-mail Address cseiden@gaitersburgmd.gov

REQUESTED SPONSOR

Mayor and City Council Planning Commission

This change involves Article XI, Section 24-218 through 24-222A of the City Code.

REASON FOR REQUEST

Repeal and Re-enact Article XI, "Off-Street Parking and Loading," in order to update the parking requirements and processes whereby parking is approved.

SUBMISSION REQUIREMENTS

- Draft Ordinance of Proposed Change
- Supporting Material (*optional*)

ORDINANCE NO. _____

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

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 re-enacted 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) 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.

Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #2

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* * *	<i>Existing law unaffected by bill.</i>

(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 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)

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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.*

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- (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:

Residential	Parking Spaces Required
Single-family and two-family	2/DU (Dwelling Units)
Multiple-family apartments and apartment hotels.*	

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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

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900 to 1200 square feet	2.0/DU
Bed and breakfast	1/guest room in addition to single-family residential requirement.
Educational and Religious	Parking Spaces Required
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.

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Trade schools and vocational instruction	Determined by planning commission at site plan review
Cultural and Recreational	Parking Spaces Required
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

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Theaters (indoor)	1/4 seats plus 1/employee
Health, Welfare and Philanthropic	Parking Spaces Required
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
Manufacturing, Storage, Wholesale	Parking Spaces Required
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
Commercial Establishments, Retail Sales, Service, Trade or Merchandising	Parking Spaces Required
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

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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.*

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- (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.

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- 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.

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- (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

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*Heading or defined term.*

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*Deleted from existing law by original bill.*

*Added by Amendment.*

*Deleted from existing law or the bill by amendment.*

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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.

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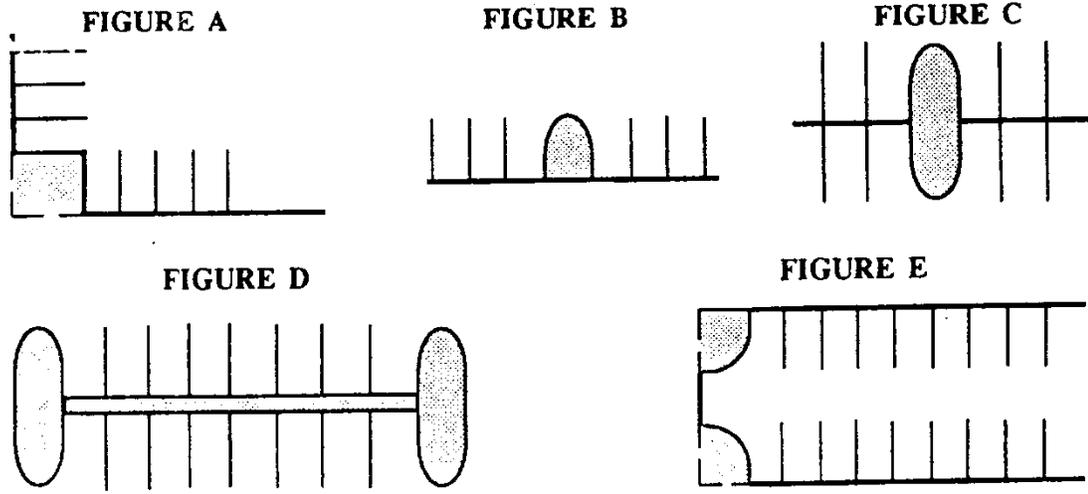
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Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.



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.

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| * * * | <i>Existing law unaffected by bill.</i> |

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;

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| <u>Double strikethrough</u> | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

- 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

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| <u><u>Double underlining</u></u> | <i>Added by Amendment.</i> |
| <u>Double strikethrough</u> | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

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 of the City of Gaithersburg, this XX day of XX, 2014.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED, to the Mayor of the City of Gaithersburg, this XX day of XX, 2014.
APPROVED, by the Mayor of the City of Gaithersburg, this XX day of XX, 2014.

SIDNEY A. KATZ, MAYOR

| | |
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| Single strikethrough | <i>Deleted from existing law by original bill.</i> |
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| <u>Double strikethrough</u> | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

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 XX day of XX, 2014 and the same was APPROVED, by the Mayor and City Council of the City of Gaithersburg, on this XX day of XX, 2014. This Ordinance will become effective on the XX day of XX, 2014.

Tony Tomasello, City Manager

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Existing law unaffected by bill.

XIII. STAFF GUIDANCE

A. Sponsorship of an Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article I, Entitled "In General," § 24- 1, Entitled "Definitions," and Article V, Entitled "Site Development Plans," § 24-172A.(b), Entitled "Minor Amendment Requests"

Planner Seiden presented the draft text amendment submitted for sponsorship. On July 14, 2014, the Mayor and City Council and Planning Commission received planning staff's initial recommendations regarding updates to the City's parking ordinance. A follow-up presentation was made during the Mayor and City Council regular session on September 15, 2014. The proposed text amendment includes amendments to the Zoning Ordinance (Chapter 24 of the City Code) outside of Article XI, specifically the sections referenced above. Staff sought sponsorship of the text amendment and direction to schedule a joint public hearing for November 3, 2014.

Motion was made by Cathy Drzyzgula, seconded by Ryan Spiegel, that an Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article I, Entitled "In General," § 24- 1, Entitled "Definitions," and Article V, Entitled "Site Development Plans," § 24-172A.(b), Entitled "Minor Amendment Requests", be introduced.

Vote: 5-0

B. Sponsorship of an Ordinance to Repeal and Reenact with Amendments Chapter 24 (City Zoning Ordinance), Article XI, Entitled, "Off-Street Parking and Loading," §§ 24-218 Through 24-222A

Planner Seiden presented the draft text amendment submitted for sponsorship related to off-street parking. On July 14, 2014, the Mayor and City Council and Planning Commission received planning staff's initial recommendations regarding updates to the City's parking ordinance. A follow-up presentation was made during the Mayor and City Council regular session on September 15, 2014. The recommended text amendment proposed to repeal and re-enact Article XI of the Chapter 24 (City Zoning Ordinance) of the City Code. Staff sought sponsorship of the text amendment and direction to schedule a joint public hearing for November 3, 2014.

Clarification was requested on the difference between parking spots allocated for single family homes being two spaces and townhomes being two and a half. Staff responded that townhomes with garages are not always used for parking and that the garage is classified as a half parking space. Staff noted that said text amendment does not address residential parking.

Motion was made by Michael Sesma, seconded by Jud Ashman, to sponsor an Ordinance to Repeal and Reenact with Amendments Chapter 24 (City Zoning Ordinance), Article XI, Entitled, "Off-Street Parking and Loading," §§ 24-218 Through 24-222A, be introduced.

Vote: 5-0

Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #3

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #3



October 7, 2014

Mark Johnson,
Legal Advertising Manager
The Gazette Newspaper
2-A North Market Street
Frederick, Maryland 21701

Dear Mr. Johnson:

Please publish the following legal advertisement in the **October 15 and October 22, 2014**, issues of the *Gaithersburg Gazette*.

Sincerely,

Caroline Seiden, Planner
Planning and Code Administration

ASSIGN CODE: CTAM-6190-2014

NOTICE OF JOINT PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on CTAM-6190-2014, filed by Caroline Seiden, on

**MONDAY
NOVEMBER 3, 2014
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests an Ordinance of the Mayor and city Council to repeal and Re-enact with Amendments Chapter 24, Article XI of the Gaithersburg City Code, Entitled, "Off-Street Parking and Loading," §§ 24-218 through 24-222A so as to amend the off-street parking requirements.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

Caroline Seiden, Planner
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-258-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Sidney A. Katz

CITY COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #5



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- [SERVICES](#)
- [CALENDARS](#)
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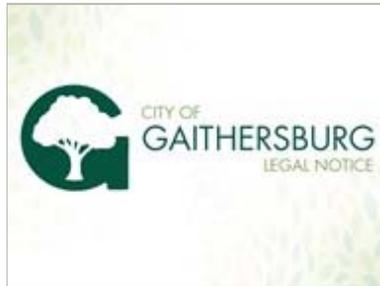
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Joint Public Hearing Notice: Off-Street Parking and Loading, 11/3/2014

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Posted: October 14, 2014



The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **Mayor and City Council**

Application Type: **Text Amendment**

File Number: **CTAM-6190-2014**

Applicant: **Caroline Seiden for Mayor and City Council**

Day/Date/Time: **Monday, November 3, 2014, at 7:30 P.M.**

Place: **Council Chambers, Gaithersburg City Hall, 31 South Summit Avenue**

The application requests an Ordinance of the Mayor and city Council to repeal and Re-enact with Amendments Chapter 24, Article XI of the Gaithersburg City Code, Entitled, "Off-Street Parking and Loading," §§ 24-218 through 24-222A so as to

**Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #6**

amend the off-street parking requirements ([a copy of the draft ordinance can be viewed here](#)). This is an opportunity to publicly participate, other than providing written testimony which must be submitted before the public hearing record closes. Contact the Planning and Code Administration if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Location

City Hall

[31 South Summit Avenue](#)

[Gaithersburg, Maryland 20877-2038](#)

Contact Information

Planning Commission

Staff Liaison

[Martin Matsen](#)

301-258-6330



Consolidated Joint Public Hearing

CTAM-6190 and 6191-2014

Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #7

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #7

Proposed Changes

- Consolidate Uses and Categories
- Require Maximums (10% > Minimums)
- Extend Off-Site Parking to 600 Feet
- Require Bicycle and Motorcycle/
Scooter Parking
- Streamline Process and Allow Staff Approval for:
 - ✓ 10% parking waiver
 - ✓ Modifications to Shared Parking Chart
- 5-Year Moratorium on Parking Requirements in
Olde Towne

Section 24-172A(b)

- *(3) Requests for minor amendments include:*
 - *(k) Parking waivers of up to ten (10) percent of the required parking for a site, with consideration of the criteria listed in Section 24-222A(1)*
 - *(l) Shared parking chart amendments in conformance with Section 24-219(c)*

Section 24-218

- *(a) Remove 10 foot wide “high-turnover stall”*
- *(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 600 feet therefrom.”*

Section 24-219(a)(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).”

Section 24-219(a)

Additional Changes

- (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*

Section 24-219(b)

- *“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.”*

Section 24-219(b) Proposed Ratios

| Use | Current | Proposed |
|--------------------|---|---|
| Hotel | 1/guest room + 1/400 sf assembly | 1/guest room + 1/400 sf assembly/restaurant |
| Office | 1/300 GFA | 1/300 GFA |
| Medical/Dental | 4/practitioner + 1 per 2 employees | 1/300 GFA |
| Commercial | 1/180 GFA | 1/225 GFA |
| Commercial Centers | 4.5/1000 under 250K
5/1000 (250K - 400K)
5.5/1000 400K – 1M | 1/225 GFA
Allow 10% reduction in centers over 200K |
| Restaurant | Class A: 13/1000
Class B: 16/1000
Class C: 16/1000 | 1/225 GFA
Allow Maximum of 1/100 GFA |

Section 24-219(c)

Shared Use Parking

| 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% |

Section 24-222A(2)

- *In granting **increases to the maximum number of parking spaces** permitted, the planning commission may consider the following criteria:*
 - *The development site is located in an area with minimum or no proximity to transit alternatives*
 - *The development provides parking for the general public above the parking required for on-site uses*

Section 24-222A(2) – cont'd

- *The applicant adequately demonstrates that financing for the development is contingent upon the requested number of parking spaces*
- *A parking agreement with adjacent property owners requires an additional number of parking spaces*
- *The unit mix or type of use has unique characteristics that requires additional parking*

Section 24-222A(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).”

Goals of Proposed Parking Ordinance Amendments

- Assist in City's Economic Development Goals
- Streamline Approval Process
- Reduce Inefficiencies in Parking Requirements
- Promote Shared Parking Across Uses and Properties
- Encourage Alternative Means of Transportation

(c) The city manager or his designee shall have the right to inspect the premises of any applicant for a home based business registration or special exception, and once approved, to inspect the premises for conformance with the provisions of this Article X or any other applicable governmental code. The continued refusal or the unavailability of the premises for inspection or the violation of any provision of the zoning ordinance or condition of approval shall be grounds for revocation of any approved registration or a request to the board of appeals to revoke any home based business special exception. The city manager or the city board of appeals, where applicable, may suspend or revoke any home based business registration that:

- (1) No longer conforms to the provisions of this article or conditions under which the registration was approved or the special exception granted; or
- (2) Was found to be issued upon false or mistaken information supplied by the applicant; or
- (3) Is determined to be in violation of any governmental code or regulation relating to the operation of the business or premises. A person aggrieved by a decision of the city manager may, within thirty (30) days after a decision or action is rendered, appeal the decision to the city board of appeals. Appeals shall be governed by the provisions of Article VII, Chapter 24 of this Code.

(d) The board of appeals may revoke the special exception of any material impact home based business pursuant to the provisions of Article VII of this Chapter 24.
(Ord. No. O-8-98, § 3, 8-3-98)

Sec. 24-217A. Previously registered home occupations.

Any home occupation use which is authorized by a current, valid registration may continue to operate without conforming to the requirements of this Article X of Chapter 24 for a period of twelve (12) months from the effective date of this article. Upon the expiration of this twelve-month period, all home based businesses must conform to the provisions of this article.
(Ord. No. O-8-98, § 3, 8-3-98)

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) *High turnover stall* - for multi- or single-use buildings devoted primarily or exclusively to service or convenience uses including, but not limited to, Class B restaurants, banks and convenience stores must be ten (10) feet wide.
- (2) *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) 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 three hundred (300) 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 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.
- (3) 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.

(j) Notwithstanding any other provision to the contrary contained in this chapter, the requirements of this article may be waived in whole or part by the city council for any proposed original or new use or reuse of a building, structure, premises or lot located within the Olde Towne District as defined in section 24-161 or for any lot upon which there exists a structure designated by the historic district commission as a historic resource. The waiver applicable herein may be granted upon the application of the owner or occupant and only upon a finding by the city council, after public hearing, that such waiver would not be detrimental to the public health, safety or general welfare and that such parking cannot reasonably be provided on-site. The city council may attach such conditions or safeguards to protect and enhance the public welfare as it may deem necessary. Any waiver granted hereunder shall expire with any

subsequent change in use or reuse of the building, structure, premises or lot. No waiver granted hereunder shall affect the authority of the city council to create a parking lot district and apply the requirements and standards relating to such district, including, but not limited to, the assessment or taking of properties to which a waiver applies.

(Ord. No. O-13-80; Ord. No. O-18-82, § 5; Ord. No. O-16-86, § 1, 12-8-86; Ord. No. O-1-90, 1-2-90; Ord. No. O-6-93, 4-19-93)

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) Restaurants located within or as part of a retail center and which in the aggregate contain less than fifteen (15) percent of the gross leasable floor area of said center shall be considered retail uses and the parking requirement calculated on the basis of retail use. In all other cases, the computation of parking ratio requirements for restaurants that fall between any classification not listed below shall be determined at the discretion of the planning commission. Restaurants shall be classified in this section as follows:
 - a. *Class A:* High-turnover, midday. Sit-down restaurants where at least ninety (90) percent of the services are provided on the premises and all customer services to the patron are performed by a waiter or waitress at a table. There shall be at the time of occupancy of any such restaurant a minimum of thirteen (13) parking spaces for each one thousand (1,000) square feet of gross floor area within the establishment.
 - b. *Class B:* Carry-out, drive-in or fastfood restaurants where food is served in nonreusable containers at any counter or window. There shall be at the time of occupancy of such restaurant a minimum of sixteen (16) parking spaces for each one thousand (1,000) square feet of gross floor area within the establishment. Provided, however, food sales establishments containing less than one thousand (1,000) square feet of gross floor area within a shopping center or mall wherein not more than a single variety of prepared food is sold which does not require cooking or heating shall be deemed a commercial retail establishment and the parking requirements therefor shall apply.
 - c. *Class C:* Cafeteria-style restaurants where prepared foods are self-served and consumed on the premises at a table. There shall be at the time of occupancy of any such restaurant a minimum of sixteen (16) parking spaces for each one thousand (1,000) square feet of gross floor area within the establishment.

- (4) 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.

(b) *Parking schedule.* Off-street parking space shall be provided as follows:

| <i>Residential</i> | <i>Parking Spaces Required</i> |
|---|---|
| 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 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. |

| <i>Educational and Religious</i> | <i>Parking Spaces Required</i> |
|--|-----------------------------------|
| Child or elderly day care facilities accommodating more than eight (8) individuals | 1½/employee |
| Churches, synagogues or other places of worship | 1 per 4 seats provided |
| 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 |

Educational and Religious

Parking Spaces Required

| | |
|--|---|
| 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 |

Cultural and Recreational

Parking Spaces Required

| | |
|---|---|
| Arcades and amusement centers (indoor) | 1 per 100 square feet of floor area |
| Athletic fields and tennis courts | 1 per 10 persons in capacity |
| Botanical and zoological gardens | Determined by planning commission at site plan review |
| Bowling alleys | 4/lane |
| Commercial recreation restaurants | 1 per 100 square feet of gross floor area devoted to amusement and recreation machines and devices; and 16 per 1000 square feet of gross floor area devoted to restaurant use |
| Commercial stadiums, grandstands and race tracks | 1 per 4 seats provided plus 1 per 2 employees |
| Golf courses | Determined by planning commission at site plan review |
| Libraries, museums, art galleries, and historical sites | 1/400 square feet of gross floor area |
| Meeting halls, convention and exhibition halls | 1/100 square feet of gross floor area |
| Private clubs and lodges | 1/300 square feet of gross floor area |
| Recreational and community centers | 1/80 square feet of gross floor area |
| Skating rinks and dance halls | 1/100 square feet of floor area |
| Swimming pools (excluding private pools) | |
| Commercial | 1/40 square feet of water surface area |
| Community | 1/70 square feet of water surface area |
| Theatres (drive-in) | 10 percent over vehicle capacity |
| Theatres (indoor) | 1/4 seats plus 1/employee |

Health, Welfare and Philanthropic

Parking Spaces Required

| | |
|---|---|
| Animal hospitals and kennels | 1/400 square feet of gross floor area |
| Convalescent, rest, nursing homes, sanitarium, care for aged and disabled | 1/4 beds plus 1/employee |
| Hospitals | 1/patient bed plus 1/2 employees plus 1/physician |

Health, Welfare and Philanthropic

Parking Spaces Required

| | |
|---|---|
| Medical and dental offices clinics | 1/200 square feet of gross floor area plus 3/medical practitioner |
| Philanthropic and charitable institutions | 1/employee plus 1/400 square feet of visitors' floor area |

Transportation, Communications and Utilities

Parking Spaces Required

| | |
|--|---|
| Air, rail, motor and water freight terminals | 1/2 employees |
| Airports, heliports and helistops | Determined by planning commission at site plan review |
| Cartage and express facilities | 1/employee plus 1/vehicle maintained on site |
| Rail and bus passenger terminals | 1/100 square feet of waiting area |
| Sewage treatment plants | 1/employee |
| Public utility and service uses | 1/employee |

Manufacturing, Storage and Wholesale

Parking Spaces Required

| | |
|--|--|
| Building material sales | 1/employee plus 1/300 square feet of sales area |
| Mail order house | 1/employee |
| Printing and publishing | 1/employee |
| Production or processing of materials, goods or products | 1/employee plus 1/vehicle stored on the premises plus 1/300 square feet of sales area |
| Temporary buildings for construction purposes | 1/occupant |
| Testing, repairing, cleaning, servicing of materials, goods and products | 1/employee |
| Warehousing and wholesaling | 1/employee plus 1/vehicle stored on premises or 1/500 square feet of gross floor area plus 1/vehicle stored, whichever shall be greater. |

Commercial Establishments, Retail Sales, Service, Trade or Merchandising

Parking Spaces Required

| | |
|---|---|
| Automobile and other motor vehicle sales | 1/employee plus 1/600 square feet of gross floor area |
| Automobile and other motor vehicle repair, laundry and service stations | 2/bay plus 1/employee |
| Automobile, truck and trailer rental | 1/rental vehicle or unit plus 1/employee |
| Banks and financial institutions | 1 per 300 square feet of gross floor area |

Commercial Establishments, Retail Sales, Service, Trade or Merchandising

Parking Spaces Required

Commercial establishments devoted to retail sales, service, trade or merchandising (except restaurants)

1 per 180 square feet of gross leasable area devoted to retail sales, service, trade or merchandising and located on any floor of a building which may be entered approximately at grade, 1 per 400 square feet of gross leasable area devoted to retail sales, service, trade or merchandising and located on any floor other than that which may be entered approximately at grade.

Retail centers

2.5 spaces per 1000 square feet of gross leasable area devoted to retail sales, service, trade or merchandising located on any floor other than that which may be entered approximately at grade.

4.5 spaces per 1000 square feet of gross leasable area in centers containing not more than 250,000 square feet of floor area devoted to retail sales, service, trade or merchandising.

5 spaces per 1000 square feet of gross leasable area in centers with more than 250,000 but not exceeding 400,000 square feet of floor area and centers with more than 1 million square feet of floor area devoted to retail sales, service, trade or merchandising.

5.5 spaces per 1000 square feet of gross leasable area in centers containing more than 400,000 but not exceeding 1 million square feet of floor area devoted to retail sales, service, trade or merchandising.

Commercial greenhouses and nurseries

1/employee plus 1 per 300 square feet of gross floor area, plus 1 per 1000 square feet of outdoor sales area.

Offices

Parking Spaces Required

Offices, general, business and professional (nonmedical)

1 per 300 square feet of gross floor area

Offices, medical and dental

4/practitioner occupying offices plus 1 per 2 employees.

Offices

Parking Spaces Required

Provided, however, an office for mental health practitioners including, but not limited to, psychologists, psychiatrists and therapists, containing less than 2,000 square feet of gross floor area and having no more than 2 full-time practitioners, shall be deemed general office use and the parking requirements therefor shall apply.

Additional Uses

Parking Spaces Required

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, 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 five (5) 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.

| <i>Use</i> | <i>Weekday</i> | | <i>Weekend</i> | | <i>Night Time</i> |
|--|-----------------------------------|---|-----------------------------------|---|-----------------------------|
| | <i>Day
6 a.m.—
6 p.m.</i> | <i>Evening
6 p.m.—
Midnight</i> | <i>Day
6 a.m.—
6 p.m.</i> | <i>Evening
6 p.m.—
Midnight</i> | <i>Midnight—
6 a.m.</i> |
| Industrial/office/warehouse | 100% | 10% | 10% | 5% | 5% |
| General retail | 60% | 90% | 100% | 70% | 5% |
| Hotel/motel | 75% | 100% | 75% | 100% | 75% |
| Class A restaurant | 50% | 100% | 100% | 100% | 10% |
| Class B restaurant | 100% | 100% | 100% | 100% | 10% |
| Class C restaurant | 50% | 100% | 100% | 100% | 10% |
| Commercial recreation establishment and theatres | 40% | 100% | 80% | 100% | 10% |
| All other | 100% | 100% | 100% | 100% | 100% |

- (2) The following conditions shall apply to any parking facility for a development containing a mix of uses:
 - a. The mixed use property and shared parking facility must be owned by the same developer/owner or must be the subject of a recorded shared parking agreement made between different owners of the properties involved. Any changes to the agreement must be approved by the planning commission. There can be no greater than five hundred (500) linear feet, measured along the most appropriate walking route between the shared parking facility and the entrance to the

establishments being served. 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.

- b. Parking for the handicapped may not be shared or included in any shared parking calculation.
- c. 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.
- 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 to be approved by the planning commission after finding that sufficient parking will be available for the new use.
- e. A parking facility, for the purposes of this article, is defined as a surface parking lot or group of lots, a parking structure or garage.

(Ord. No. O-13-80; Ord. No. O-10-81, § 9, Ord. No. O-15-81; Ord. No. O-17-82, § 3; Ord. No. O-14-83, § 2, 7-18-83; Ord. No. O-9-85, § 2, 8-5-85; Ord. No. O-20-87, 9-8-87; Ord. No. O-12-89, 9-5-89; Ord. No. O-5-93, 4-12-93; Ord. No. O-6-93, 4-19-93; Ord. No. O-17-93, 11-15-93; Ord. No. O-18-10, 8-2-2010, eff. 8-23-2010)

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, including access and circulation areas, shall be one and one-half (1½) percent. The maximum grade of any such parking areas, including access and circulation 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 ten (10) 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; or

- (2) One and one-half (1½) 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; or
- (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.
- (4) The standards set forth above shall be applied in the following manner:
 - a. The thickness of bituminous concrete or crushed stone courses stated in the standards shall be the minimum thickness acceptable.
 - b. When standards with crushed stone courses are used, the thickness of the crushed stone course shall be based on an engineering analysis, prepared by the developer's engineer, of soil type, projected traffic, service life, and other engineering considerations.
 - c. 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:

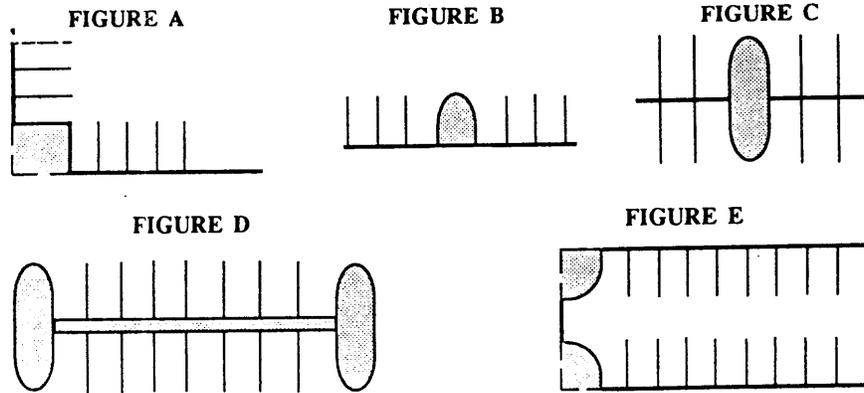
A landscaped separation shall be defined as a single planting strip or group of planting islands and/or environmental site design for stormwater management that serve as an architectural edge which creates smaller parking areas within the overall parking facility and contain shade trees or shrubs.

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.

(Ord. No. O-13-80; Ord. No. O-21-87, 9-8-87; Ord. No. O-6-93, 4-19-93; Ord. No. O-5-10, 4-5-2010)

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. (Ord. No. O-13-80; Ord. No. O-13-89, 11-6-89; Ord. No. O-6-93, 4-19-93)

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.

(Ord. No. O-13-80)

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 in 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; and
 - h. The unit mix or type of use has unique characteristics and the applicant can demonstrate that parking can be met by other means.
- (Ord. No. O-6-93, 4-19-93; Ord. No. O-13-93, 11-1-93; Ord. No. O-4-95, 6-5-95; Ord. No. O-18-10, 8-2-2010, eff. 8-23-2010)

ARTICLE XII. PRESERVATION OF HISTORIC RESOURCES*

Sec. 24-223. Purpose.

It is the purpose of this article to: (1) safeguard the heritage of the city by preserving sites, structures, or districts which reflect elements of cultural, social, economic, political, archaeological or architectural history; (2) strengthen the local economy; and (3) promote the preservation and appreciation of those sites, structures, and districts for the education and welfare of the residents of the city.

(Ord. No. O-12-96, 12-2-96; Ord. No. O-23-10, 9-7-2010)

Sec. 24-224. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Appurtenances and environmental setting. The entire parcel, as of the date on which the historic resource is designated by resolution of the mayor and city council and structures thereon, on which is located a historic resource. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, garden and lawns), rocks, pasture, cropland, and waterways.

City manager. The city manager or designee.

Commission. The historic district commission of the city, as described hereinafter.

Demolition by neglect. The willful failure to provide ordinary and necessary maintenance and repair to a designated historic site or a historic resource, not including appurtenances and

***Editor's note**—Ord. No. O-23-10, adopted Sept. 7, 2010, amended Art. XII in its entirety to read as herein set out. See also the Code Comparative Table.

Previously, Ord. No. O-12-96, adopted Dec. 2, 1996, repealed Art. XII, §§ 24-223—24-233, preservation of historic resources, and enacted similar new provisions as herein set out. Former provisions derived from Ord. No. O-12-81; Ord. No. O-9-92, adopted Jul. 20, 1992; Ord. No. O-4-84, adopted Mar. 5, 1984; Ord. No. O-15-87, adopted Jul. 6, 1987; Ord. No. O-13-88, adopted Dec. 5, 1988; and Ord. No. O-3-95, adopted Apr. 10, 1995.