

**Attachment #3**

## City Code References

**Sec. 24-172A. Amendment to site development plan.**

A request for amendment to an approved site plan shall be accompanied by as much of the information required by section 24-169 as is necessary to properly detail and permit action upon the specific request for amendment. At the time the application for amendment is filed, the applicant shall pay the prescribed fee and submit proper application and copies of the amendment proposal for processing the request. All amendment requests, except for minor amendments, shall be subject to a decision by the city planning commission.

- (a) *Amendment requests, other than minor amendment.* Amendment requests that are not minor amendment requests as set forth in subsection (b) of this section, are submitted to the planning commission and may be reviewed under either the consent agenda or the site plan agenda at the decision of the planning director or his/her designee. The planning commission, by a majority vote, may require a consent item to be placed on the site plan agenda with the required notification.
  - (1) Consent agenda items shall require the applicant to provide, by mail or personal delivery, written notice in a form approved by the city planning department to owners of property abutting and confronting the property that is the subject of the amendment request within two (2) business days of filing the request, and shall certify the same to the planning department.
- (b) *Minor amendment requests.*
  - (1) Requests for minor amendment shall be filed with the planning director or designee. Minor amendment requests shall be those requests specified in this subsection and shall be acted upon by the planning director or his/her designee.
  - (2) The applicant for a minor amendment shall provide, by mail or personal delivery, written notice in a form approved by the city planning department to owners of property abutting and confronting the property that is the subject of the amendment request within two (2) business days of filing the request, and shall certify the same to the planning department.
  - (3) Requests for minor amendment include:
    - (a) Resiting or relocation of buildings or structures including, but not limited to, garages and accessory structures on not more than three (3) contiguous lots, including moving or rotation of a building or structure's footprint, provided such moving or rotation does not shift a building or structure's footprint more than ten (10) feet in any direction.
    - (b) Resiting of a lot with a house type previously approved by the city planning commission.
    - (c) Approval of retaining walls/fences and other enclosures.
    - (d) Minor revisions to building elevation and site plan details which do not add onto buildings or expand footprints of previously approved buildings (other than items (b) and (e) of this subsection).
    - (e) Minor revisions to a single-family detached, semi-detached or attached dwelling that do not increase the square footage of a dwelling as originally constructed on any and/ or all floors by more than fifteen (15)

- percent and that have been approved by the homeowners' association of the subject property, if applicable.
- (f) Minor signage changes or additions.
  - (g) Minor landscaping or pedestrian and sidewalk access revisions.
  - (h) Addition of easements and parking areas or correction of easement and parking area locations.
  - (i) Revisions to forest conservation plan.
  - (j) Revisions or amendments delegated by the city planning commission.
- (4) Public reviews of the planning commission are not required for a minor amendment, provided, however, the planning director or designee shall, upon request, meet with the applicant and interested parties or consider written comments on the amendment.
- (5) A minor amendment may only be granted if:
- (a) The amendment does not violate the development standards of the property's zoning or increase the lawful nonconformity of any lot or building; and
  - (b) The amendment is in general harmony with the architectural and site design characteristics of the approved site development plan; and
  - (c) The amendment will not substantially impair the intent, purpose or integrity of the neighborhood or the planning documents for the applicable area.
- (6) The decision of the planning director (or designee) may be appealed to the city planning commission if filed with the planning department, in writing, within fifteen (15) days after the decision is mailed by the planning director. The planning commission, in its discretion, may hold a public review on the decision of the planning director, or order written statements and oral argument in lieu of a public review. The planning commission may approve, approve with modification, or disapprove the requested amendment(s) and shall state the reasons for its action in writing.

*(Ord. No. O-11-06, 10-3-06)*

Gaithersburg, Maryland, Code of Ordinances >> Part II - THE CODE >> **Chapter 24 - ZONING >> ARTICLE XI. OFF-STREET PARKING AND LOADING >>**

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

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[Sec. 24-218. General requirements.](#)

[Sec. 24-219. Parking requirement schedule.](#)

[Sec. 24-220. Construction, maintenance, screening, drainage and lighting requirements.](#)

[Sec. 24-221. Parking for handicapped persons.](#)

[Sec. 24-222. Enforcement.](#)

[Sec. 24-222A. Parking waivers.](#)

**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:

Residential	Parking Spaces Required
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.

Educational and Religious	Parking Spaces Required
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
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
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 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.
	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.

Use	Weekday		Weekend		Night Time
	Day 6 a.m. – 6 p.m.	Evening 6 p.m. –Midnight	Day 6 a.m. – 6 p.m.	Evening 6 p.m. –Midnight	Midnight– 6 a.m.
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

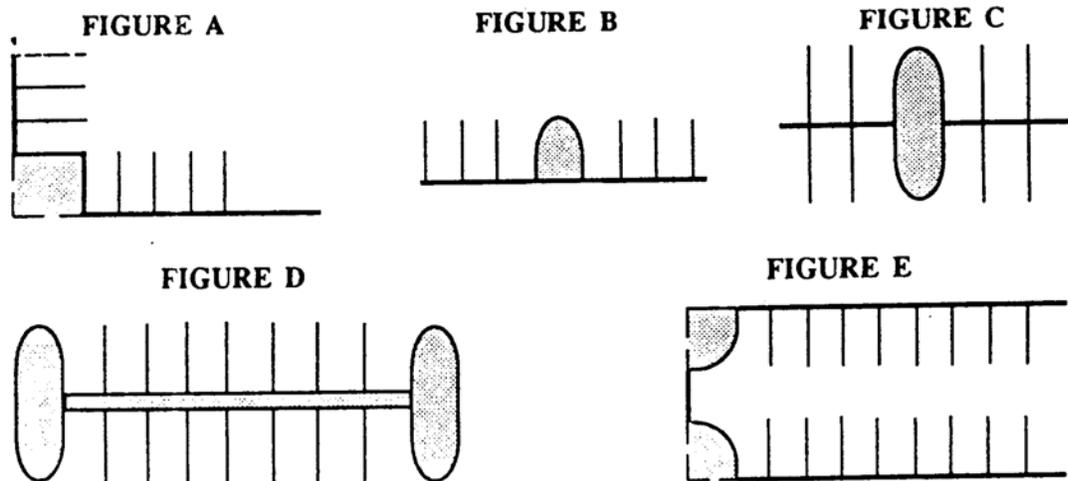
parking spaces less than ten (10) feet in width or one utilizing a new parking ratio shall meet the following design criteria for the parking lot area only:

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)*