

HOUSE BILL 1416

R5, L6

0lr3397
CF SB 940

By: **Delegate Frush**

Introduced and read first time: February 22, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Parking for Individuals with Disabilities – Zoning**

3 FOR the purpose of making certain provisions related to exceptions to local zoning
4 ordinances for compliance with the Maryland Accessibility Code applicable to
5 certain local jurisdictions; clarifying that a local jurisdiction is required to
6 provide an exception to local zoning ordinances when necessary to bring an
7 existing parking lot into compliance with Maryland Accessibility Code
8 requirements for parking spaces for individuals with disabilities; providing that
9 a person may comply with Maryland Accessibility Code requirements governing
10 certain disabled parking spaces by restriping the parking lot; requiring a local
11 jurisdiction to grant an exception to certain local zoning ordinances for certain
12 parking lots under certain circumstances; requiring that a certain exception
13 process be used for compliance with certain provisions of the Maryland
14 Accessibility Code for certain development; making certain technical
15 corrections; and generally relating to local zoning ordinances governing parking
16 for individuals with disabilities.

17 BY repealing and reenacting, with amendments,
18 Article 66B – Land Use
19 Section 1.03, 2.13, and 4.04(c)
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Public Safety
24 Section 12–202(a) through (c)
25 Annotated Code of Maryland
26 (2003 Volume and 2009 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 21–1006
 2 Annotated Code of Maryland
 3 (2009 Replacement Volume and 2009 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article 66B – Land Use**

7 1.03.

8 (a) Except as provided in this section, this article does not apply to charter
 9 counties.

10 (b) The following sections of this article apply to a charter county:

11 (1) § 1.00(j) (Definition of “sensitive areas”);

12 (2) § 1.01 (Visions);

13 (3) § 1.02 (Consistency with **COMPREHENSIVE** plans);

14 (4) § ~~[1.03]~~ **1.04** (Charter county – Comprehensive plans);

15 (5) § 3.02(h) (Planning Commission – Education);

16 (6) § 3.09 (Annual report – Preparation and filing);

17 (7) § 3.10 (Annual report – Smart Growth goals, measures, and
 18 indicators);

19 (8) § 4.01(b)(2) (Regulation of bicycle parking);

20 (9) § **4.04(C) (EXCEPTIONS RELATED TO THE MARYLAND**
 21 **ACCESSIBILITY CODE);**

22 **(10)** § 4.07(i) (Board of Appeals – Education);

23 ~~[(10)]~~ **(11)** § 5.03(d) (Easements for burial sites);

24 ~~[(11)]~~ **(12)** § 7.02 (Civil penalty for zoning violation);

25 ~~[(12)]~~ **(13)** § 10.01 (Adequate Public Facilities Ordinances);

26 ~~[(13)]~~ **(14)** § 11.01 (Transfer of Development Rights);

27 ~~[(14)]~~ **(15)** § 12.01 (Inclusionary Zoning);

1 **[(15)] (16)** Except in Montgomery County or Prince George’s County, §
2 13.01 (Development rights and responsibilities agreements);

3 **[(16)] (17)** For Baltimore County only, § 14.02; and

4 **[(17)] (18)** For Howard County only, § 14.06.1.

5 (c) This section supersedes any inconsistent provision of Article 28 of the
6 Code.

7 2.13.

8 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15
9 of this article do not apply in Baltimore City.

10 (b) The following sections of this article apply to Baltimore City:

11 (1) § 1.00(j) (Definition of “sensitive areas”);

12 (2) § 1.01 (Visions);

13 (3) § 1.02 (Consistency with **COMPREHENSIVE** plans);

14 (4) § **[(1.03)] 1.04** (Charter county – Comprehensive plans);

15 (5) § 3.02(h) (Planning Commission – Education);

16 (6) § 3.09 (Annual report – Preparation and filing);

17 (7) § 3.10 (Annual report – Smart Growth goals, measures, and
18 indicators);

19 (8) § 4.01(b)(2) (Regulation of bicycle parking);

20 (9) § **4.04(C) (EXCEPTIONS RELATED TO THE MARYLAND**
21 **ACCESSIBILITY CODE)**;

22 **(10)** § 4.07(i) (Board of Appeals – Education);

23 **[(10)] (11)** § 5.03(d) (Easements for burial sites);

24 **[(11)] (12)** § 7.02 (Civil penalty for zoning violation);

25 **[(12)] (13)** § 10.01 (Adequate Public Facilities Ordinances);

1 [(13)] (14) § 11.01 (Transfer of Development Rights);
2 [(14)] (15) § 12.01 (Inclusionary Zoning); and
3 [(15)] (16) § 13.01 (Development Rights and Responsibilities
4 Agreements).
5 4.04.

6 (c) A local legislative body shall provide for exceptions to local zoning
7 ordinances when necessary to bring an existing parking lot into compliance with the
8 **REQUIREMENTS FOR PARKING SPACES FOR INDIVIDUALS WITH DISABILITIES**
9 **AND THE** van-accessible parking ratio requirement of the Maryland Accessibility
10 Code adopted under § 12-202 of the Public Safety Article.

11 **Article – Public Safety**

12 12-202.

13 (a) In this section, “Department” means the Department of Housing and
14 Community Development.

15 (b) (1) The Department shall adopt by regulation a State building code to
16 make buildings and facilities accessible and usable by individuals with physical
17 disabilities to the extent feasible.

- 18 (2) The regulations shall be developed in conjunction with:
- 19 (i) the Governor’s Committee on Employment of People with
20 Disabilities;
 - 21 (ii) the Maryland Rehabilitation Association; and
 - 22 (iii) the Maryland Society of Architects.

23 (c) The Maryland Accessibility Code shall be enforced by local jurisdictions
24 or any other governmental units with authority over buildings or facilities.

25 **Article – Transportation**

26 21-1006.

27 (a) (1) Each parking lot that is constructed or altered after October 1,
28 1996 shall conform with the requirements of the Maryland Accessibility Code adopted
29 under § 12-202 of the Public Safety Article.

1 (2) **(I)** As of October 1, 2010, each parking lot in the State shall
2 conform with the requirements of the Maryland Accessibility Code adopted under §
3 12–202 of the Public Safety Article.

4 **(II)** **A PERSON MAY COMPLY WITH THIS PARAGRAPH BY**
5 **RESTRIPING THE PARKING LOT TO PROVIDE THE REQUIRED NUMBER OF**
6 **PARKING SPACES FOR INDIVIDUALS WITH DISABILITIES, INCLUDING PARKING**
7 **SPACES THAT ARE DISABLED VAN ACCESSIBLE.**

8 **(III)** **IF RESTRIPING A PARKING LOT TO COMPLY WITH THIS**
9 **SUBSECTION REDUCES THE TOTAL NUMBER OF SPACES TO BELOW THE NUMBER**
10 **REQUIRED BY LOCAL LAW, THE LOCAL JURISDICTION SHALL GRANT THE**
11 **PROPERTY OWNER AN EXCEPTION TO THE RELEVANT LOCAL ZONING**
12 **ORDINANCE.**

13 (b) A person may not park a motor vehicle in a space designated for the use
14 of individuals with disabilities unless:

15 (1) The vehicle bears a special registration plate, a removable
16 windshield placard, or a temporary removable windshield placard issued by the
17 Administration under § 13–616, § 13–616.1, or § 13–616.2 of this article or similarly by
18 another state, the District of Columbia, or another country; and

19 (2) The person is authorized to use the privileges conferred by the
20 special registration plate, removable windshield placard, or temporary placard under §
21 13–616, § 13–616.1, or § 13–616.2 of this article, or under the laws of another state,
22 the District of Columbia, or another country.

23 (c) Any restriping or repaving of a parking lot shall be considered an
24 alteration under the Maryland Accessibility Code adopted under § 12–202 of the
25 Public Safety Article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That, for development
27 approved before the effective date of this Act, the exception process required under
28 Article 66B, § 4.04(c) of the Code, as amended by this Act, shall be used for compliance
29 with Maryland Accessibility Code requirements governing disabled parking instead of
30 any other relevant special exception or variance process required by other provisions
31 of State or local law.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2010.