

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

Re-referred to: Environmental Matters, March 8, 2010

Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

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,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Safety
 2 Section 12–202(a) through (c)
 3 Annotated Code of Maryland
 4 (2003 Volume and 2009 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Transportation
 7 Section 21–1006
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2009 Supplement)

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

12 **Article 66B – Land Use**

13 1.03.

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

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

17 (1) § 1.00(j) (Definition of “sensitive areas”);

18 (2) § 1.01 (Visions);

19 (3) § 1.02 (Consistency with **COMPREHENSIVE** plans);

20 (4) § **[1.03] 1.04** (Charter county – Comprehensive plans);

21 (5) § 3.02(h) (Planning Commission – Education);

22 (6) § 3.09 (Annual report – Preparation and filing);

23 (7) § 3.10 (Annual report – Smart Growth goals, measures, and
 24 indicators);

25 (8) § 4.01(b)(2) (Regulation of bicycle parking);

26 (9) § **4.04(C) (EXCEPTIONS RELATED TO THE MARYLAND**
 27 **ACCESSIBILITY CODE);**

28 **(10)** § 4.07(i) (Board of Appeals – Education);

29 **[(10)] (11)** § 5.03(d) (Easements for burial sites);

- 1 ~~[(11)]~~ **(12)** § 7.02 (Civil penalty for zoning violation);
- 2 ~~[(12)]~~ **(13)** § 10.01 (Adequate Public Facilities Ordinances);
- 3 ~~[(13)]~~ **(14)** § 11.01 (Transfer of Development Rights);
- 4 ~~[(14)]~~ **(15)** § 12.01 (Inclusionary Zoning);
- 5 ~~[(15)]~~ **(16)** Except in Montgomery County or Prince George’s County, §
6 13.01 (Development rights and responsibilities agreements);
- 7 ~~[(16)]~~ **(17)** For Baltimore County only, § 14.02; and
- 8 ~~[(17)]~~ **(18)** For Howard County only, § 14.06.1.
- 9 (c) This section supersedes any inconsistent provision of Article 28 of the
10 Code.
- 11 2.13.
- 12 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15
13 of this article do not apply in Baltimore City.
- 14 (b) The following sections of this article apply to Baltimore City:
- 15 (1) § 1.00(j) (Definition of “sensitive areas”);
- 16 (2) § 1.01 (Visions);
- 17 (3) § 1.02 (Consistency with **COMPREHENSIVE** plans);
- 18 (4) § ~~[1.03]~~ **1.04** (Charter county – Comprehensive plans);
- 19 (5) § 3.02(h) (Planning Commission – Education);
- 20 (6) § 3.09 (Annual report – Preparation and filing);
- 21 (7) § 3.10 (Annual report – Smart Growth goals, measures, and
22 indicators);
- 23 (8) § 4.01(b)(2) (Regulation of bicycle parking);
- 24 (9) § **4.04(C)** (**EXCEPTIONS RELATED TO THE MARYLAND**
25 **ACCESSIBILITY CODE**);
- 26 **(10)** § 4.07(i) (Board of Appeals – Education);

1 21-1006.

2 (a) (1) Each parking lot that is constructed or altered after October 1,
3 1996 shall conform with the requirements of the Maryland Accessibility Code adopted
4 under § 12-202 of the Public Safety Article.

5 (2) (I) As of October 1, 2010, each parking lot in the State shall
6 conform with the requirements of the Maryland Accessibility Code adopted under §
7 12-202 of the Public Safety Article.

8 (II) A PERSON MAY COMPLY WITH THIS PARAGRAPH BY
9 RESTRIPING THE PARKING LOT TO PROVIDE THE REQUIRED NUMBER OF
10 PARKING SPACES FOR INDIVIDUALS WITH DISABILITIES, INCLUDING PARKING
11 SPACES THAT ARE DISABLED VAN ACCESSIBLE.

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

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

19 (1) The vehicle bears a special registration plate, a removable
20 windshield placard, or a temporary removable windshield placard issued by the
21 Administration under § 13-616, § 13-616.1, or § 13-616.2 of this article or similarly by
22 another state, the District of Columbia, or another country; and

23 (2) The person is authorized to use the privileges conferred by the
24 special registration plate, removable windshield placard, or temporary placard under §
25 13-616, § 13-616.1, or § 13-616.2 of this article, or under the laws of another state,
26 the District of Columbia, or another country.

27 (c) Any restriping or repaving of a parking lot shall be considered an
28 alteration under the Maryland Accessibility Code adopted under § 12-202 of the
29 Public Safety Article.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.