

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1416

(Delegate Frush)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Parking for Individuals with Disabilities - Zoning

This bill requires local legislative bodies, including those of charter counties and Baltimore City, to provide the same zoning ordinance exceptions process currently applicable to van-accessible parking requirements for enforcement of the parking spaces for individuals with disabilities requirements in the Maryland Accessibility Code. In addition, the bill allows for compliance with the Accessibility Code parking space requirements by restriping a parking lot to provide the required number of parking spaces; if the restriping reduces the total number of parking spaces below that required by local law, the relevant jurisdiction is required to grant the property owner an exception to the zoning ordinance.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances as State-owned parking lots are expected to be in compliance with the Maryland Accessibility Code by October 1, 2010.

Local Effect: Local government operations are minimally affected to alter current zoning practices, including procedures for granting exceptions. The bill may also result in fewer matters being heard by local zoning authorities as exceptions are *required* to be granted where compliance with the Accessibility Code results in a zoning violation under local law. The bill is not anticipated to materially affect local finances as locally owned parking lots are expected to be in compliance with the Maryland Accessibility Code by October 1, 2010.

Small Business Effect: Potential meaningful benefit for small business parking lot owners that do not currently meet the Maryland Accessibility Code standards. In the absence of the bill, such owners may have been required, before October 1, 2010, to

undertake more significant parking lot alterations to comply with the Accessibility Code and may have incurred additional expenses associated with zoning enforcement.

Analysis

Current Law/Background: Each parking lot that is constructed or altered after October 1, 1996, must conform to the requirements of the Maryland Accessibility Code. Any restriping or repaving of a parking lot is considered an alteration. By October 1, 2010, all parking lots in the State must conform to these requirements. The Maryland Accessibility Code references the Americans with Disabilities Act (ADA) guidelines and requires a certain number of compliant parking spaces depending on the property's characteristics, including ownership.

The Accessibility Code requires that the new construction, alteration, addition to, or change of use of private buildings and facilities include a minimum of one van-accessible parking space for every four total spaces. A local legislative body must provide for exceptions to local zoning ordinances when necessary to ensure compliance with this van-accessible parking ratio requirement.

According to the federal Centers for Disease Control and Prevention, 7.6% of adult Americans are unable, or find it very difficult, to walk a quarter mile, and 15% have some kind of physical functioning difficulty.

Additional Information

Prior Introductions: None.

Cross File: SB 940 (Senator DeGrange, *et al.*) - Judicial Proceedings.

Information Source(s): Carroll, Harford, Montgomery, and St. Mary's counties; Maryland Department of Planning; Department of Housing and Community Development; Maryland Department of Disabilities; Maryland Department of Transportation; Department of Legislative Services

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mlm/ljm

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