

## **Chapter 363**

**(Senate Bill 940)**

AN ACT concerning

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

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

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

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

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

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

#### **Article 66B – Land Use**

## 1.03.

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

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

- (1) § 1.00(j) (Definition of “sensitive areas”);
- (2) § 1.01 (Visions);
- (3) § 1.02 (Consistency with **COMPREHENSIVE** plans);
- (4) § ~~[1.03]~~ **1.04** (Charter county – Comprehensive plans);
- (5) § 3.02(h) (Planning Commission – Education);
- (6) § 3.09 (Annual report – Preparation and filing);
- (7) § 3.10 (Annual report – Smart Growth goals, measures, and indicators);
- (8) § 4.01(b)(2) (Regulation of bicycle parking);
- (9) § **4.04(C)** (**EXCEPTIONS RELATED TO THE MARYLAND ACCESSIBILITY CODE**);
- (10) § 4.07(i) (Board of Appeals – Education);
- ~~[(10)]~~ **(11)** § 5.03(d) (Easements for burial sites);
- ~~[(11)]~~ **(12)** § 7.02 (Civil penalty for zoning violation);
- ~~[(12)]~~ **(13)** § 10.01 (Adequate Public Facilities Ordinances);
- ~~[(13)]~~ **(14)** § 11.01 (Transfer of Development Rights);
- ~~[(14)]~~ **(15)** § 12.01 (Inclusionary Zoning);
- ~~[(15)]~~ **(16)** Except in Montgomery County or Prince George’s County, § 13.01 (Development rights and responsibilities agreements);
- ~~[(16)]~~ **(17)** For Baltimore County only, § 14.02; and

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

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

2.13.

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

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

- (1) § 1.00(j) (Definition of “sensitive areas”);
- (2) § 1.01 (Visions);
- (3) § 1.02 (Consistency with **COMPREHENSIVE** plans);
- (4) § ~~[1.03]~~ **1.04** (Charter county – Comprehensive plans);
- (5) § 3.02(h) (Planning Commission – Education);
- (6) § 3.09 (Annual report – Preparation and filing);
- (7) § 3.10 (Annual report – Smart Growth goals, measures, and indicators);
- (8) § 4.01(b)(2) (Regulation of bicycle parking);
- (9) § **4.04(C)** (**EXCEPTIONS RELATED TO THE MARYLAND ACCESSIBILITY CODE**);
- (10)** § 4.07(i) (Board of Appeals – Education);
- ~~[(10)]~~ **(11)** § 5.03(d) (Easements for burial sites);
- ~~[(11)]~~ **(12)** § 7.02 (Civil penalty for zoning violation);
- ~~[(12)]~~ **(13)** § 10.01 (Adequate Public Facilities Ordinances);
- ~~[(13)]~~ **(14)** § 11.01 (Transfer of Development Rights);
- ~~[(14)]~~ **(15)** § 12.01 (Inclusionary Zoning); and

[(15)] **(16)** § 13.01 (Development Rights and Responsibilities Agreements).

4.04.

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

### **Article – Public Safety**

12-202.

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

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

(2) The regulations shall be developed in conjunction with:

(i) the Governor’s Committee on Employment of People with Disabilities;

(ii) the Maryland Rehabilitation Association; and

(iii) the Maryland Society of Architects.

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

### **Article – Transportation**

21-1006.

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 4, 2010.**