

Article 59-E. Off-Street Parking and Loading. [Note]

Division 59-E-1. Off-Street Parking and Loading. [Note]

Sec. 59-E-1.1. Required.

Off-street parking spaces with adequate provisions for ingress and egress by motor vehicles shall be provided, in accordance with the provisions of this article, for any main building or structure at the time of construction and when any main building or structure is enlarged or increased in capacity. All off-street parking facilities provided, whether required or in addition to minimum requirements, shall conform to all standards contained in this article.

(Legislative History: Ord. No. 10-32, § 8.)

Sec. 59-E-1.2. Structured parking.

All garage or other structured space allocated for the parking of vehicles in basements, on the roofs of buildings, or otherwise within buildings shall be considered part of the required off-street parking facilities. For all structured parking facilities, a parking facilities plan shall be submitted to either the director or the planning board, as specified in the parking facilities plan requirements contained in section 59-E-4.1, for approval of interior traffic circulation; the slope of ramps; locations of entrances and exits with respect to public roads; sight distances at all entrances, exits and corners of intersecting public roads; and the effective screening of the cars located in or on the parking structure from adjoining properties and from public roads.

(Legislative History: Ord. No. 10-32, § 8.)

Sec. 59-E-1.3. Distance from establishment served.

(a) All automobile off-street parking facilities shall be located so that the major point of pedestrian access to a parking facility is within 500 feet walking distance of the entrance to the establishment to be served by such facilities. For regional shopping centers, however, the major point of pedestrian access for off-street parking facilities that occupy contiguous land areas integral to the shopping center property may extend more than 500 feet walking distance from an entrance to the center in order to satisfy the number of spaces required in division 59-E-3.

(b) Off-street parking facilities with pedestrian entrances located more than 500 feet walking distance from the entrance to an establishment to be served may be permitted by the director/planning board under the following circumstances;

1. If approved by the board of appeals in accordance with the special exception provisions of section 59-G-2.40.

2. An off-site parking facility proposed to satisfy seasonal peak shopping periods for a regional shopping center may be approved in accordance with the parking credit provisions of section 59-E-3.32B.

(Legislative History: Ord. No. 10-21, § 2; Ord. No. 10-32, § 8.)

Sec. 59-E-1.4. Off-street loading space.

For any building or land used for commercial or industrial purposes, adequate space for off-street parking to accommodate the loading and unloading of materials shall be provided, consistent with the size and proposed use of the building. Such space, whether inside or outside a building, shall be in addition to the schedule of requirements in section 59-E-3.7 and shall be designed so as not to impede normal vehicular and pedestrian circulation.

(Legislative History: Ord. No. 10-32, § 9; Ord. No. 12-1, § 1.)

Sec. 59-E-2.1. Subject to approval.

Designs and plans for areas to be used for automobile off-street parking shall be subject to approval by either the planning board or the director in accordance with the parking facilities plan procedures of section 59-E-4.1. Plans for such off-street parking facilities shall show in detail the location, extent of the facility, the design features, and other elements necessary to satisfy the standards or requirements of this chapter. The following standards and requirements shall apply to all such areas except for the parking required for one-family and two-family dwellings.

(Legislative History: Ord. No. 10-32, § 10.)

Sec. 59-E-2.2. Size and arrangement of parking spaces.

59-E-2.21. Arrangement and marking.

All off-street parking areas shall be arranged and marked so as to provide for orderly and safe loading, unloading, parking and storage of vehicles. Individual parking spaces shall be clearly defined, and directional arrows and traffic signs shall be provided as necessary for traffic control. Each space or area for small size motor vehicle parking must be clearly marked to indicate the intended use.

59-E-2.22. Size of spaces.

- (a) Each standard size parallel parking space shall have minimum dimensions of 7 feet by 21 feet. A parallel parking space is defined as one in which the long side of the space parallels the travel lane.
- (b) Each standard size perpendicular parking space shall be a rectangle having minimum dimensions of 8 ½ feet by 18 feet. A perpendicular parking space is defined as one in which the long side of the space is a straight line that intersects the travel lane and curb at a right angle.
- (c) Each standard size angled parking space shall be a parallelogram having minimum dimensions in accordance with the table contained in subsection (g), below. An angled parking space is one in which the acute angle formed by the intersection of the long side of the space and the curb is between 45 degrees and 75 degrees. The width of an angled parking space is measured parallel to the curb or travel lane along the short side of the parallelogram; and the length of the space is measured along the side of the parallelogram, from the curb to the travel lane.
- (d) Within regional shopping centers, the director or planning board may approve smaller than standard size parking spaces for up to 20 percent of the total parking spaces at the center. This modified standard size space shall be for employee use only and shall have minimum dimensions in accordance with the table contained in subsection (g) below. Such spaces may be allowed in addition to small car spaces and must be located in a separate area marked for employee parking only.
- (e) Each small car size automobile parking space shall have minimum dimensions in accordance with the table contained in subsection (g), below. The director/planning board may permit up to 10 percent of all required spaces to be small car size spaces, only in exceptional cases where the configuration of the site prevents exclusive use of standard space dimensions. This provision does not apply to parking facilities for residential uses.
- (f) If a column or other obstruction is adjacent to a parking space and would interfere with car door openings, then the minimum stall width of that space shall be increased by one foot. The inner face of the column or other obstruction shall form the actual boundary of the space when measuring the width or length of the spaces.
- (g) The minimum widths and lengths for parking spaces shall be as prescribed in the following table:

Parking Angle	Standard Size Space Width/Length	Modified Standard Size Space (for Regional Shopping Centers Only) Width/Length	Small Car Size Space Width/Length

(Parallel) 0°	7'	21'	6.5'	20.5'	6'	19.5'
45°-59°	12'	26.5'	11'	22.5	N/A	N/A
60°-75°	10'	23'	9'	22'	8.5'	21'
(Perpendicular) 90°	8.5'	18'	8'	17.5'	7.5'	16.5'

N/A = Not Applicable

59-E-2.23. Spaces for handicapped.

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 05.01.07,* dated September 5, 1980, and as subsequently amended.

***Editor's note**-05.01.07 repealed and new Regulation 05.02.02 adopted, effective February 1, 1995.

(Legislative History: Ord. No. 10-32, § 10.)

Sec. 59-E-2.3. Standards for bicycle and motorcycle parking.

- (a) All parking facilities containing more than 50 parking spaces shall provide one bicycle parking space or locker for each 20 automobile parking spaces in the facility. Not more than 20 bicycle parking stalls or lockers shall be required in any one facility.
- (b) Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. Interior storage and lockers are encouraged. They shall be properly repaired and maintained.
- (c) Any owner or operator of a parking facility which charges a fee for the storage of motor vehicles may charge a reasonable fee for bicycle storage. A fee that is subject to Section 29-35A must comply with that Section.
- (d) All parking facilities containing more than 50 parking spaces shall provide motorcycle stalls equal to at least 2 percent of the number of auto spaces. Not more than 10 motorcycle stalls shall be required on any one lot.
- (e) The provisions of subsections (a), (b), (c), and (d) pertaining to bicycle and motorcycle parking shall not be applicable for determining eligibility for parking lot district tax exemption.

(Legislative History: Ord. No. 10-32, § 10; [Ord. No. 15-14](#), § 1.)

Editor's note-Ord. No. 15-14, § 2,states: "Effective date. This ordinance takes effect 20 days after the Council adopts the ordinance. An existing parking facility must conform to Section 59-E-2.3 of the County Code, as amended by this ordinance, when the ordinance takes effect [October 13, 2003]."

Sec. 59-E-2.4. Access and circulation.

Each parking space shall have access to a street or alley open to use by the public via adequate interior aisles and entrance and exit driveways; provided, however, that where cars will be parked by attendants, at least 50 percent of all parking spaces shall have direct access to interior aisles, and entrance and exit driveways.

59-E-2.41. Driveways.

- (a) Interior aisles are vehicular travelways with parking stalls along the sides.
- (b) Entrance and exit driveways are vehicular travelways, without parking stalls along the sides.

Driveways for one-way movements shall be at least 10 feet in width to allow safe and expeditious movement of vehicles. Entrance and exit driveways shall be separately provided wherever possible. If entrance and exit driveways are combined, the combined driveway shall be not less than 20 feet in width. Aisles designed to accommodate one-way movements shall have the following minimum widths based on the configuration of the adjacent parking spaces: Perpendicular, 20 feet; 60 to 75 degrees, 18 feet; 45 to 59 degrees, 16 feet; parallel, 10 feet. Aisles designed to accommodate 2-way movements shall have a minimum width of 20 feet.

59-E-2.42. Walkways.

In addition to all required parking spaces and driveways, pedestrian walkways or sidewalks shall be provided in all off-street parking facilities where necessary for pedestrian safety. Such walkways and sidewalks shall be protected from vehicular encroachment by wheel stops, curbs or other methods approved by the director or planning board.

59-E-2.43. Separation from parking spaces.

All parking spaces shall be separated from sidewalks, roads, streets or alleys by curbing. All roads, streets, alleys, sidewalks and other public rights-of-way shall be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area or other method approved by the director/planning board.

(Legislative History: Ord. No. 10-32, § 10.)

Sec. 59-E-2.5. Drainage.

All off-street parking facilities shall be drained so as to prevent damage to abutting properties and public streets, and shall be constructed of material which will assure a surface resistant to erosion.

(Legislative History: Ord. No. 10-32, § 10.)

Sec. 59-E-2.6. Lighting.

Adequate lighting shall be provided for surface parking facilities used at night and for structured parking as required by construction codes. Lighting shall be installed and maintained in a manner not to cause glare or reflection into abutting or facing residential premises, nor to interfere with safe operation of vehicles moving on or near the premises.

(Legislative History: Ord. No. 10-32, § 10.)

Sec. 59-E-2.7. Landscaping.

The minimum landscape requirements of this section are intended to alleviate adverse visual and environmental effects associated with parking facilities. The application of these standards will serve to improve compatibility and the attractiveness of such facilities, provide relief from unshaded paved areas, and minimize noise, glare and lights associated with parking areas. In addition, these requirements will improve pedestrian safety, optimize traffic circulation patterns with better defined space, and will provide better definition of entrances and exits through the use of interior islands. The following requirements establish minimum acceptable standards for alleviating the visual and environmental problems associated with off-street parking facilities. Under the site plan review procedures of division 59-D-3, the planning board may require additional landscaping in order to ensure compatibility with adjoining properties.

59-E-2.71. Landscape strip area adjacent to a street right-of-way.

Parking facilities located adjacent to a street right-of-way shall provide a landscaping strip at least 10 feet in width. This area shall be planted with either shade or ornamental trees. A minimum of one tree for every 40 feet of lot frontage shall be provided as well as an evergreen hedge (at least 3 feet in height), a wall or fence, or other methods to reduce the visual impact of the parking facility. For properties located in a central business district, the minimum width requirement for a landscaping strip adjacent to a street right-of-way may be reduced by the director/planning board in order to achieve a better design solution through the provision of walls or fences in conjunction with landscaping. Any request for reduction for parking facility plans submitted to the director, however, shall be referred to the planning board for review and comment in order to ensure that such reduction is compatible with urban design objectives for the area. The planning board staff shall submit comments to the director within 10 working days from the date of the referral.

59-E-2.72. Perimeter landscape area adjoining property other than a street right-of-way.

Landscaped areas shall be provided along the perimeter of a parking facility, other than area adjacent to a street right-of-way. The perimeter landscape strip shall be at least 4 feet in width but not less than the setback required in section 59-E-2.8 where a parking facility adjoins a residential zone. Such area shall contain a minimum of one shade tree for every 40 feet of lot perimeter and, if space permits, shall incorporate landscaped berms. For properties located in a central business district, the width for a perimeter landscaping strip may be reduced by the director/planning board in order to achieve a better design solution through the provision of walls or fences in conjunction with landscaping. Any request for reduction for parking facility plans submitted to the director, however, shall be referred to the planning board for review and comment in order to ensure that such reduction is compatible with urban design objectives for the area. The planning board staff shall submit comments to the director within 10 working days from the date of referral. Perimeter landscaping shall not be required in addition to screening required in section 59-E-2.9 or where the director/planning board determines that parking areas are already effectively landscaped with natural features such as existing woodland or hillside.

59-E-2.73. Internal landscaping of surface parking facility.

A minimum of 5 percent of the internal area of a surface parking facility shall be landscaped with shade trees. The internal area of a parking facility is defined by the perimeter of the curbs or edge of paving. The internal area shall include all planting islands and corner areas within the facility. The shade trees should be distributed in order to increase shade. Where possible, existing trees should be saved for this purpose. For properties located in a central business district, the minimum internal landscaping requirements may be reduced by the director/planning board. Any request for reduction for parking facility plans submitted to the director, however, shall be referred to the planning board for review and comment by the planning board staff, in order to ensure that such reduction is compatible with urban design objectives for the area. The planning board staff shall submit comments to the director within 10 working days from the date of the referral. Where one off-street parking area adjoins or abuts another parking area under different ownership or use, a landscaped planting strip not less than 5 feet wide shall be provided.

59-E-2.74. Minimum size of planting islands within internal landscape area.

Within the interior of a surface parking facility, planting areas shall be provided with shade trees and shall be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang. Planting islands which are parallel to the sides of parking spaces shall be a minimum of 8 ½ feet wide. Planting islands at the heads of parking spaces shall be a minimum of 8 feet wide.

59-E-2.75. Type of plant material.

Deciduous shade trees with ground cover or low shrubs shall be used as the primary landscape material for parking areas. Use of tall shrubs or low branching trees which will restrict visibility should be avoided.

(Legislative History: Ord. No. 10-32, § 10.)

Sec. 59-E-2.8. Parking facilities within or adjoining residential zone.

59-E-2.81. Setback.

(a) Where a parking facility is within a residential zone or adjoins land in a residential zone that is neither recommended for commercial or industrial use on an approved and adopted master or sector plan, nor used for public or private off-street parking, nor in a public right-of-way that is 120 feet or more in width, residential setbacks apply as follows: All parking surfaces, spaces and driveways must be set back a distance not less than the applicable front, rear or side yard setback required for the property in the residential zone that adjoins or confronts the applicable boundary of the parking facility. In addition, screening must be provided in accordance with the screening requirements of section 59-E-2.9.

(b) The residential setbacks required by paragraph (a) above are modified in the following situations:

(1) If a parking facility adjoins an existing or planned public right-of-way that is 120 feet or more in width, the provision for a landscaped strip, as stated in section 59-E-2.71, applies to the property line abutting that right-of-way in lieu of the residential setback.

(2) If a parking facility adjoins land that is classified in a multifamily zone, only the minimum yard requirement of the multifamily residential zone applies. Any increased setback based on building height that may be specified in the multifamily zone is not applicable to the parking facility.

(3) If a parking facility is located on agriculturally or residentially-zoned land in a designated historic district in conjunction with a commercial use also located in the historic district, the applicable setbacks for parking surfaces, spaces and driveways may be waived by the Planning Board at the time of site plan review under Division 59-D-3 in accordance with the provisions of Sec. 59-A-6.22.

59-E-2.82. Location of access driveway.

If an off-street parking facility adjoins, or is across a street or alley from, property classified in a residential zone, each entrance and exit driveway of such a facility must, wherever possible, be located so that it will not be in close proximity to or across a street or alley from the residential property.

59-E-2.83. Parking and Loading facilities for special exception uses in residential zones.

This Section applies to an off-street parking facility for a special exception use that is located in a one-family residential zone if 3 or more parking spaces are provided. These standards are intended to mitigate potential adverse visual, noise, and environmental impacts of parking facilities on adjacent properties. In addition, these requirements improve the compatibility and attractiveness of parking facilities, promote pedestrian-friendly streets, and provide relief from un-shaded paved areas.

(a) **Location.** Parking facilities must be located to maintain a residential character and a pedestrian-friendly street orientation.

(b) **Setbacks.** Each parking and loading facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The following additional setbacks must be provided for each parking facility:

- (1) if 150 to 199 parking spaces are provided, the required side and rear parking facility setbacks must be increased by 5 feet;
- (2) if 200 or more parking spaces are provided, the required side and rear parking facility setbacks must be increased by 10 feet.

(c) **Screening.** Each parking and loading facility, including driveway and dumpster areas, must be effectively screened from all abutting lots. Screening must be provided in a manner that is compatible with the area's residential character. Screening must be at least 6 feet high, and must consist of evergreen landscaping, a solid wood fence, a masonry wall, a berm, or a combination of them. Along all street right-of-ways screening of any parking and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence, or masonry wall.

(d) **Shading of paved areas.** Trees must be planted and maintained throughout the parking facility to assure that at least 30 percent of the paved area, including driveways, are shaded. Shading must be calculated by using the area of the tree crown at 15 years after the parking facility is built.

(e) **Compliance Requirement.** For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before May 6, 2002, the entire off-street parking facility must be brought into conformance with this Section.

An existing surface parking facility included as part of a special exception granted before May 6, 2002, is a conforming use.

(Legislative History: Ord. No. 10-32, § 10; Ord. No. 11-27, § 2; Ord. No. 14-25, § 4; Ord. No. 14-47, § 1.)

Sec. 59-E-2.9. Screening from land in a residential zone or institutional property.

59-E-2.91. Required standards in general.

Except as noted in section 59-E-2.92 below, an off-street parking facility for 6 or more vehicles must be effectively screened on each side that adjoins or faces land in a residential zone or institutional property.

(a) Required screening must consist of a solid wall or fence, of adequate height for screening or a compact evergreen hedge with a minimum height of 3 feet at the time of original planting.

(b) The fence, wall, hedge, or permanent natural or artificial screen must be maintained in good condition, and advertising must not be placed thereon.

(c) The screening must be designed and maintained so that safe vehicle sight distance is not affected at entrances, exits or at street intersections.

(d) The screening must normally be located abutting the side, rear or front property line but may be located at the most appropriate place, as approved by the director/planning board, between the perimeter of the parking area and the property line to provide the most effective shield for the adjoining or facing premises from car lights, noise and traffic movement.

(e) Additional or new screening is not required where the director/planning board determines that a parking facility is already effectively screened by natural features, railroad tracks on elevated ground, a change in grade or other permanent natural or artificial screen.

(f) If a parking facility adjoins an existing public right-of-way that is 120 feet or more in width, the provision for a landscaped strip, as stated in section 59-E-2.71, applies to the property line abutting that right-of-way, in lieu of the provisions of paragraphs (a) through (e) above.

(Legislative History: Ord. No. 10-32, § 10; Ord. No. 11-27, § 2; Ord. No. 14-47, § 1.)

Editor's note-Ord. No. 14-47, § 1, repealed former § 59-E-2.92, "Special requirements for screening for special exception uses."

Division 59-E-3. Number of Spaces Required. [Note]

Sec. 59-E-3.1. Mixed uses.

(a) When any land or building is under the same ownership or under a joint use agreement and is used for 2 or more purposes, the number of parking spaces is computed by multiplying the minimum amount of parking normally required for each land use by the appropriate percentage as shown in the following parking credit schedule for each of the 5 time periods shown. The number of parking spaces required is determined by totaling the resulting numbers in each column; the column total that generates the highest number of parking spaces then becomes the parking requirement.

	Weekday		Weekend		Nighttime
	Daytime (6 am-6 pm)	Evening (6 pm-midnight)	Daytime (6 am-6 pm)	Evening (6 am-midnight)	(Midnight-6 am)
Office/Industrial	100%	10%	10%	5%	5%
General Retail	60%	90%	100%	70%	5%
Hotel, Motel, Inn	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor or Legitimate Theater, Commercial Recreational Establishment	40%	100%	80%	100%	10%
Meeting Center	50% ¹	100%	100%	100%	10%
Multi-family dwellings in Commercial Districts	50%	100%	100%	100%	100%
Personal Living Quarters	50%	100%	100%	100%	100%

All Other Uses	100%	100%	100%	100%	100%
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¹ The Board of Appeals may reduce this parking requirement in areas where public parking is available or when the meeting center will be utilized only by other commercial or industrial uses which are located within 800 feet of the meeting center and provide their own parking spaces.

(b) The following conditions apply to any parking facility for mixed use development:

(1) The mixed use property and shared parking facility must be owned by the same developer/owner, or under a joint use agreement. Parking must be located within 500 feet walking distance of the entrance to the establishment to be served. Any parking arrangement under a joint use agreement must meet the off-site parking facility requirements of Sec. 59-E-3.4.

(2) Reserved spaces may not be shared.

(3) The Director/Planning Board must determine, at the time of parking facility 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.

(4) A subsequent change in use requires a new use-and-occupancy permit and proof that sufficient parking will be available.

(Legislative History: Ord. No. 10-32, § 11; Ord. No. 11-91, § 4; Ord. No. 12-81, § 2; Ord. No. 13-14, §5; Ord. No. 13-14, § 5; Ord. No. 13-46, § 7; Ord. No. 13-58, § 4.)

Sec. 59-E-3.2. Computing parking requirements for office development.

Base parking requirements for offices shall be determined in accordance with a property's Office Parking Policy Area designation and the proximity of the property to a Metrorail station. The Office Parking Policy Areas are identified on the Adopted Office Parking Policy Area Map which was approved by the District Council on June 28, 1984, and is maintained by the Planning Board. A copy of this map is reproduced at the end of this section. The base parking requirements within individual Office Parking Policy Areas vary according to the proximity of a property to a Metrorail station which is defined in subsection 59-E-3.21 which follows. The following table establishes the base office parking requirements for each policy area:

Base Requirements for Office Parking				
	Minimum Parking Requirements (Spaces/1000 GSF)			
Proximity to Metro Station	Southern Area	South Central Area	Northern Central Area	Northern Area
Less than 800'	1.9	2.3	2.6	N/A
800'-1600'	2.1	2.4	2.7	N/A
More than 1600'	2.4	2.7	2.9	3.0

N/A = Not Applicable

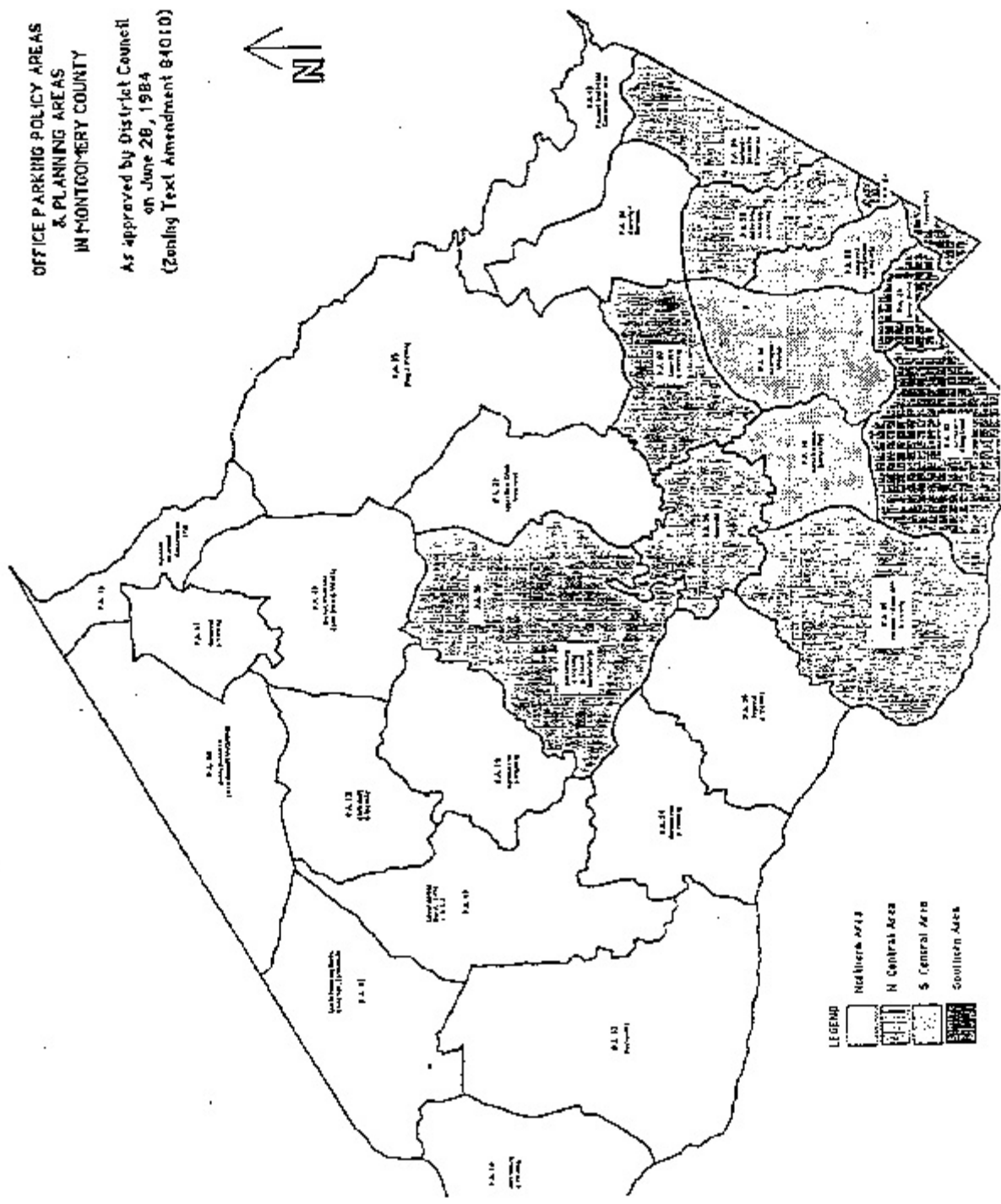
59-E-3.21. Proximity to a metrorail station.

Proximity to a METRO station is defined as the straight-line distance between a main pedestrian entrance of a building for which the parking reduction is to be granted and a station entrance controlled by the W.M.A.T.A. This station entrance is defined further as the street-level entrance of any escalator or the gate or similar barrier of any station entrance which has no escalator.

An existing or planned metrorail station may be used as a basis for the office requirement if:

- (a) It is currently in use as part of an operating transit line; or
- (b) The director/planning board has received a certified letter from the W.M.A.T.A. stating that a construction contract has been signed for any portion of the construction phase which is located on the same transit line immediately south of the phase of construction in which the proposed building or buildings will be located.

(Legislative History: Ord. No. 10-32, § 11; Ord. No. 12-1, § 1.)



Sec. 59-E-3.3. Credits for specific uses.

Percentage reductions in the required number of parking spaces, as specified in this article, may be approved by the director/planning board and must be enforced by the director. Where multiple credits are granted, each credit allowance is applied only on the marginal parking requirement. After an initial percentage reduction is approved for one credit, an additional percentage reduction for each successive credit applies to the balance of the parking supply required.

59-E-3.31. Credits for general office building.

Parking credits are allowed for office developments that actively participate in the county share-a-ride program and/or provide private incentives for ride-sharing. A schedule of parking credits for offices, based on specific criteria for reductions and penalties for noncompliance, is presented in the following schedule:

(a) **Sites within share-a-ride districts.** Share-a-ride districts are defined in chapter 42A of the Montgomery County Code.

(1) A 15 percent reduction for participation in share-a-ride's continuous, personalized ridesharing assistance program may be approved if the owner of the development submits a written agreement, with the parking facility plan, that stipulates the following conditions:

- a. The owner or lessees with more than 25 employees designate a person who shall promote the program to employees in accordance with established county procedures for the share-a-ride program.
- b. The owner or lessees shall reserve a sufficient number of conveniently located parking spaces to accommodate all employee carpools and vanpools.
- c. The owner shall make an annual payment to the ridesharing account of the mass transit facilities fund for basic share-a-ride services in accordance with the payment schedule of chapter 42A of the Montgomery County Code.
- d. The owner shall certify semi-annually to the director that the above requirements are being satisfied.
- e. In the event of noncompliance, the director shall require the owner to pay an annual penalty payment to the ridesharing account for supplementary share-a-ride services, in accordance with the payment schedule of chapter 42A of the Montgomery County Code.

(2) A percentage reduction between one and 15 percent may be approved for private incentives (e.g., in-house carpool promotion/matching system, private shuttle bus, van lease or purchase, reserved carpool spaces, and transit pass discount programs) if the owner of the development submits a written agreement, with the parking facility plan, that stipulates the following conditions:

- a. The owner shall, as a contingency, set aside land for a parking facility or allow for future construction or expansion of a structured parking facility, sufficient to provide additional parking spaces equal in number to the reduction granted.
- b. The owner shall make an annual payment to the ridesharing fund for monitoring and enforcement, in accordance with the payment schedule of chapter 42A of the Montgomery County Code.
- c. The owner shall certify to the director semi-annually that the above requirements are satisfied.
- d. In the event of noncompliance, the director shall require the owner to satisfy at least one of the following penalties:
 1. Construction of additional parking spaces, equal in number to the spaces originally reduced.
 2. Pay an annual penalty payment to the ridesharing account for basic or supplementary share-a-ride services, in accordance with the payment schedule of chapter 42A of the Montgomery County Code.
 3. Suspension of occupancy permit.

The requirements and penalties of Section (a)(2)a., (a)(2)d.1., and (a)(2)d.3., above are not applicable to mixed use projects in the TS-M zone located within 1000 feet of a Metrorail station where such requirements and penalties may preclude fulfillment of master or sector plan objectives for the provision of affordable housing as determined by the Montgomery County Planning Board.

(b) **Sites within a share-a-ride outreach area.** Share-a-ride outreach areas are defined in chapter 42A of the Montgomery County Code.

(1) A 15 percent reduction for participation in share-a-ride's continuous, personalized ridesharing assistance program may be approved if the owner of the development submits a written agreement, with the parking facility plan, that stipulates the following

conditions:

- a. The owner or lessees with more than 25 employees designate a person who shall promote the program with employees in accordance with established county procedures for the share-a-ride program.
- b. The owner or lessees shall reserve a sufficient number of conveniently located parking spaces to accommodate all employee carpools and vanpools.
- c. The owner shall make an annual payment to the ridesharing account for basic share-a-ride services in accordance with the payment schedule of chapter 42A of the Montgomery County Code.
- d. The owner shall certify semi-annually to the director that the above requirements are being satisfied.
- e. In the event of noncompliance, the director shall require the owner to pay an annual penalty payment to the ridesharing account for supplementary share-a-ride services, in accordance with the payment schedule of chapter 42A of the Montgomery County Code.

(2) A percentage reduction between one and 15 percent may be approved for private incentives (e.g., in-house carpool promotion/matching system, private shuttle bus, van lease or purchase, reserved carpool spaces, and transit pass discount programs) if the owner of the development submits a written agreement, with the parking facility plan, that stipulates the following conditions:

- a. The owner shall, as a contingency, set aside land for a parking facility or allow for future construction or expansion of a structured parking facility, large enough to provide additional parking spaces equal in number to the reduction granted.
- b. The owner shall make an annual payment to the ridesharing account for monitoring and enforcement, in accordance with the payment schedule of chapter 42A of the Montgomery County Code.
- c. The owner shall certify to the director semi-annually that the above requirements are satisfied.
- d. In the event of noncompliance, the director shall require the owner to satisfy at least one of the following penalties:
 1. Construction of additional parking spaces, equal in number to the spaces originally reduced.
 2. Pay an annual penalty payment to the ridesharing account for basic or supplementary share-a-ride services, in accordance with the payment schedule of chapter 42A of the Montgomery County Code.
 3. Suspension of occupancy permit.

(c) Sites in remaining areas (locations where share-a-ride services are unavailable):

(1) A percentage reduction between one and 15 percent may be approved for private incentives (e.g., in-house carpool promotion/matching system, private shuttle bus, van lease or purchase, reserved carpool spaces, and transit pass discount programs) if the owner of the development submits a written agreement with the parking facility plan that stipulates the following conditions:

- a. The owner, shall, as a contingency, set aside land for a parking facility or allow for future construction or expansion of a structured parking facility, large enough to provide additional parking spaces equal in number to the reduction granted.
- b. The owner shall make an annual payment to the ridesharing account for monitoring and enforcement, in accordance with the payment schedule of chapter 42A of the Montgomery County Code.
- c. The owner shall certify to the director semi-annually that the above conditions are satisfied.
- d. In the event of noncompliance the owner or lessees shall be subject to one of the following penalties:
 1. Construction of additional parking spaces, equal in number to the spaces originally reduced.
 2. If located within a parking lot district, satisfy condition (1) above or pay the annual ad valorem tax as specified in chapter 60 of the Montgomery County Code.
 3. Suspension of occupancy permit.

(d) For any office development eligible for parking reductions under this section, the percent reductions are applied to the development's base parking requirement, as described in section 59-E-3.2 which is concerned with computing the parking requirements for office development.

59-E-3.32. Credits for specified commercial uses.

(a) For general retail uses, regional shopping centers, restaurants, theatres, furniture stores and auxiliary retail uses, the director may approve a 15 percent reduction in the standard parking requirements provided in section 59-E-3.7. This reduction is allowed if the entrance of the proposed use is located within 1,600 feet of a metrorail station entrance as defined in section 59-E-3.21.

(b) For regional shopping centers, off-site parking spaces may be allowed under the following circumstances:

(1) The off-site parking facility shall be used only by employees of the regional shopping center during seasonal peak periods to help satisfy peak parking requirements.

(2) The off-site parking facility will contain no more than 20 percent of the total parking spaces provided for the regional shopping center; and

(3) The director/planning board finds that there are appropriate contractual or lease agreements guaranteeing the continued availability, for specified peak shopping periods, of such off-site parking spaces for the regional shopping center. In addition, the director/planning board must find that appropriate administrative mechanisms exist to ensure that employees will be required to use the off-site parking facility during specified peak shopping periods.

59-E-3.33. Credits for specified residential uses.

(a) For multiple-family dwelling units, townhouses, fourplex units, and individual living units in personal living quarters, the director/planning board may approve a 10 percent reduction in the standard parking requirement provided in section 59-E-3.7, if such units are located within a central business district or transit station development area. A 5 percent reduction is also allowed where such units are located within 1,600 feet of a metrorail station entrance as defined in section 59-E-3.21. This credit does not apply to parking for housing for senior adults or persons with disabilities or a life care facility that is constructed in accordance with the credit provisions enumerated in Paragraph (b), below.

(b) For housing and related facilities for senior adults and persons with disabilities, the Director/Planning Board may approve reductions in the standard parking requirements contained in Section 59-E-3.7. Any reductions granted must be in accordance with the following parking credit schedule, which must be applied sequentially, with succeeding percentages applying to the balance:

(1)	Located within 1,000 feet of Metrorail station entrance:	5%
(2)	Provision of private shuttle bus service for a minimum of 7 years, with a schedule assured by: 1) a special exception granted in accordance with Section 59-G-2.35 or 59-G-2.35.1; or 2) a condition of site plan approval. Continued shuttle bus service after that period is subject to the parking needs of the specific project, as determined by the Board of Appeals, Planning Board or Director:	10%
(3)	Provision of units that are required to be at or below the price levels for moderately priced dwelling units specified in accordance with Chapter 25A of this Code:	up to 20% ¹
(4)	Facilities or programs for assisted living, including a dining facility large enough to serve meals to at least 50 percent of the residents, that are assured by a special exception granted in accordance with Section 59-G-2.35 or 59-G-2.35.1 or by a similar long-term agreement:	20%

¹ The percentage reduction must be no greater than the percentage of price-controlled dwelling units in the facility.

Any credit granted for a life care facility approved in accordance with Section 59-G-2.35.1 applies to the computation of the

requirement for the dwelling units only and not to the requirement for the nursing home.

(Legislative History: Ord. No. 10-32, § 11; Ord. No. 10-63, § 1; Ord. No. 11-72, § 10; Ord. No. 11-73, § 11; Ord. No. 12-49, § 1; Ord. No. 13-46, § 7; Ord. No. 14-47, § 1; [Ord. No. 15-26](#), § 3.)

Sec. 59-E-3.4. Off-site parking spaces.

(a) Generally, off-site parking spaces for development constructed in accordance with a building permit filed after June 28, 1984, may be approved by the director/planning board if (1) the development is in a parking lot district; or (2) the property proposed to be used for such required parking is plat-restricted, deed-restricted or is a meeting center restricted under a joint use agreement subject to (b) below. The restrictions must specify that the property provides the required parking spaces for a use on another property. Such restrictions may be lifted if substitute off-site or leased parking is found or if the use ceases to exist.

(b) Joint parking areas are permitted for meeting centers subject to acceptance by the Director of a contractual joint use agreement in accordance with the following:

(1) The operations sharing the joint use will be subject to the requirements of Sec. 59-E-3.1 Mixed uses.

(2) The properties used for such joint use will be under the unified control of the parties concerned with such joint use and are subject to a written joint use agreement to be submitted with a parking facilities plan. The minimum term for the joint use agreement must be five years.

(3) Agreement by both parties in a joint use arrangement to immediately notify the Director of any changes to the joint use arrangement and provide the Director with at least one (1) month notification of any pending termination of the agreement.

(4) Agreement by any applicant under such a joint use arrangement to immediately cease or limit his use as required should the joint use arrangement be nullified and sufficient alternate parking not be found before the end of the one (1) month notification period.

(5) A subsequent change in use or in the joint use agreement requires a new use and occupancy permit, and proof that sufficient parking will be available.

(c) Where existing off-site parking spaces that provide required parking for a use constructed in accordance with a building permit filed prior to June 28, 1984 are eliminated, the owner shall comply with one of the following conditions:

(1) Build or lease the additional required parking spaces in order to conform with the parking requirements of this article.

(2) If located within a parking lot district, satisfy condition (1) above or pay the annual ad valorem tax.

(3) If applicable, take advantage of credit schedules contained in section 59-E-3.3 in order to reduce the amount of parking required.

(d) Failure to comply with subsection (c) above within one year of termination of the required off-site parking shall be cause to classify the use on the applicable property as nonconforming, so long as the use satisfied all lawful requirements in effect prior to June 28, 1984.

(Legislative History: Ord. No. 10-32, § 11; Ord. No. 13-58, § 4.)

Note-See the Editor's note to § 59-E-3.7.

Sec. 59-E-3.5. Computing number of employees.

For the purpose of this article, the number of employees shall be the average number of persons to be employed taking into consideration day, night and seasonal variations.

(Legislative History: Ord. No. 10-32, § 11.)

Sec. 59-E-3.6. Conflict in requirements.

Whenever, in this chapter, a 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.

(Legislative History: Ord. No. 10-32, § 11.)

Editor's note—Section 59-E-3.6 [formerly § 104-16] is cited in Montgomery County v. Greater Colesville Citizens Association, 70 Md.App. 374, 521 A.2d 770 (1968); and in Begenho v. Montgomery County Council, 248 Md. 386, 237 A.2d 53 (1968). Section 59-E-3.6 [formerly §§ 104-13A and 111-16] is interpreted in Chevy Chase Village v. Montgomery County Board of Appeals, 249 Md. 334, 239 A.2d 740 (1968). Section 59-E-3.6 [formerly § 104-13] is quoted in Town of Somerset v. Montgomery County Board of Appeals, 245 Md. 52, 225 A.2d 294 (1966); and is cited in Beall v. Montgomery County Council, 240 Md. 77, 212 A.2d 751 (1965).

Sec. 59-E-3.7. Schedule of requirements.

Off-street parking space must be provided as follows:

Airport, airpark and airfield. Adequate space for off-street parking for at least 50 vehicles.

Ambulance service or rescue squad. Adequate space to accommodate all motor vehicles operated in connection with such use and 2 additional parking spaces per each such vehicle.

Apartment. Same as multiple-family dwelling.

Apartment, accessory. Normally 2 parking spaces per lot. However, the Board of Appeals may require more or permit less in accordance with the special exception provisions for accessory apartments contained in Section 59-G-2.00 (c)(4).

Apartment hotel. One parking space for each transient bedroom; for each apartment or transient suite with no separate bedroom--one space; for each apartment or transient suite with one separate bedroom--1 1/4 spaces; for each apartment or transient suite with 2 bedrooms--1 1/2 spaces; for each apartment or transient suite with 3 or more separate bedrooms--2 spaces, and one parking space for each 2 employees on the major shift; plus 2.5 parking spaces for each 1,000 square feet of area used for ballrooms, private meeting rooms, dining rooms and other similar places of assembly.

Auditorium or stadium. One automobile parking space for each 4 seats or similar vantage accommodations provided. The base requirements may be reduced in accordance with the credit provisions contained in Section 59-E-3.3.

Automobile filling station. Two parking spaces for each car wash bay, grease bay or similar service area, and one parking space for each employee.

Automobile repair and service station. One parking space for each employee, and 3.3 parking spaces for each 1,000 square feet of total floor area.

Bed-and-breakfast lodging. Except as provided in the special exception provisions of Section 59-G-2.09.2(f), one parking space for each guest room. These spaces are in addition to the number of off-street parking spaces required by this Section 59-E-3.7 for the dwelling unit in which the establishment is located.

Boardinghouse. One parking space for each guest accommodation on new construction. One parking space for each 2 guest accommodations in converted structure.

Charitable or philanthropic institution. See requirement under Section G-2.21(a) and (c)(1).

Child day care facility. For a family day care home or group day care home, one space for every non-resident staff member in addition to the residential parking requirement. The required number of spaces may be allowed on the street abutting the site. For a child day care center, one space for every non-resident staff member in addition to the residential parking requirement if applicable and adequate parking for discharge and pick up of children. In this instance, the average drop off and pick up space required is one space for every six children. Waivers and variances are allowed in accordance with the Zoning Ordinance.

Church, synagogue or other place of worship. One parking space for each 4 persons for whom seating is provided in the main auditorium; provided, that the number of spaces thus required may be reduced by not more than 30 percent if the church, synagogue or other place of worship is located within 500 feet of any public parking lot or any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required. This requirement does not apply to any existing building or structure located in a commercial or industrial zone which is used for religious purposes, if the existing parking meets or otherwise exceeds the requirements for any commercial or industrial uses allowed in the zone. This requirement does not apply to any existing building or structure which is used for religious purposes, nor to additions, alterations or enlargements of such

existing buildings and structures, nor to new buildings on land now improved by a building in use for religious purposes, or land contiguous to such improved land, as of May 1, 1962; nor to any such building or structure for which a valid building permit has been issued prior to such date.

Any place of worship used by a congregation whose religious beliefs prohibit the use of motor vehicles in traveling to or from religious services conducted on their Sabbath and principal holidays shall only be required to provide one space for each 8 persons for whom seating is provided in the main auditorium; provided further, that the spaces thus required do not have to be provided on the building site if such place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available during the time of services or other proposed use of the building to provide the spaces required.

Clinic. See "Medical or dental clinic."

Community center, library, museum, civic club, private club, lodge or similar use. Two and five-tenths parking spaces for each 1,000 square feet of total floor area.

Country markets. Five parking spaces for each 1,000 square feet of area used for interior and exterior retail display sales.

Day care facility for senior adults and persons with disabilities. One space for every 4 non-resident senior adults or persons with disabilities. The Board of Appeals may reduce the number of spaces required in accordance with the special exception provisions of Section 59-G-2.13.

Domiciliary care home. One parking space for every 4 beds and one space for every 2 employees on largest work shift.

Dwelling, carriage house. One space in addition to the required parking for the main dwelling.

Dwelling, multiple-family. For each dwelling unit with no separate bedroom, one space; for each dwelling unit with one separate bedroom, 1 ¼ spaces; for each dwelling unit with 2 separate bedrooms, 1 ½ spaces; for each dwelling unit with 3 or more separate bedrooms, 2 spaces. The base requirement may be reduced in accordance with the credit provisions of Section 59-E-3.33. Not more than 50 percent of the total area of the minimum required side and rear yards shall be occupied by parking spaces, drives, access roads to, from and between such spaces, turn-arounds or other surfaces designed for vehicular use, and no parking spaces or vehicular uses, except entrance drives, shall be located within the minimum required front yard. (See R-H zone for controlling provisions in that zone on parking in yards.) In the R-10 and R-H zones, TOMX Zones, the TSM and TSR zones, and the CBD zones in Section 59-C-6.2, the requirement for each moderately priced dwelling unit, as defined in Chapter 25A of this Code, shall be one-half the number of spaces indicated above.

Dwelling, one-family. Two parking spaces for each dwelling unit; except, that when the slope between the standard street sidewalk elevation at the front lot line and side lot line adjacent to a street, established in accordance with the county road construction code, and the finally graded lot elevation at the nearest building line exceeds, at every point along the front lot line, a grade of 3 inches per foot, such space shall not be required.

Dwelling, semi-detached or two-family. Same as one-family dwelling.

Educational institution, private. One parking space for each employee, including teachers and administrators, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student parking.

Farm machinery and supply. For retail sales of farm machinery and supply, 5 parking spaces for each 1,000 square feet of interior and exterior sales area, unless, in the opinion of the Board of Appeals, the required parking spaces can be reduced without adverse impact on adjoining uses; in no instance can the number of required spaces be less than 2 for each 1,000 square feet of interior and exterior sales area. For an establishment devoted solely to storage and service of farm machinery and supply, see "Industrial or manufacturing establishment or warehouse."

Funeral parlor. One space for every 25 gross square feet of space in the public rooms (chapel, main viewing parlor, visitation rooms, and any flexible space that can be used as viewing rooms when necessary, such as family rooms), plus one parking space for each employee on the major shift, and one parking space for each vehicle used in connection with the business.

Fourplex. A lot or parcel used for the development of dwellings in this zone shall provide at least 2 off-street parking spaces per dwelling unit. The base requirement may be reduced in accordance with the credit provisions of Section 59-E-3.33.

Fraternity, sorority and dormitory. One parking space for each 2 students residing on the premises in a fraternity or a sorority and 4 students in a dormitory, plus one additional space for each housemother or manager and each employee.

Furniture store. Two parking spaces for each 1,000 square feet of gross floor area plus one space for each employee. This

requirement does not apply to the furniture section of a department store or furniture store located in a regional shopping center.

Guest rooms in a country inn. One parking space for each guest room.

Health clubs. Five parking spaces for each 1,000 square feet of floor area devoted to patron use, except that 3.5 parking spaces for each 1,000 square feet of floor area is required when located within an office building.

Heliport/helistop (public use). If at ground level, adequate space for off-street parking of at least 15 vehicles. If elevated, reasonable parking space shall be provided or be available for use as required by the Board of Appeals for the convenience of persons using or working at the facility.

Heliport/helistop (private use). Whether at ground level or elevated, reasonable parking space shall be provided or be available for use as required by the Board of Appeals for the convenience of persons using the facility.

Hospice. One space for each bed, plus one space for every two employees on the largest work shift, plus a space large enough to accommodate an ambulance or delivery vehicle that must be designed so as not to impede normal vehicular and pedestrian circulation. Compliance with the minimum parking standards does not presume sufficient parking for this use. The applicant must demonstrate that the parking needs of visitors, staff and volunteers are adequately accommodated. This requirement does not apply to any facility which is used for residential hospice purposes on (date amendment is effective [May 6, 2002]); nor to any hospice care facility for which a building permit was issued before May 6, 2002.

Hospital. One parking space for each 1,000 square feet of total floor area, plus one space for each resident doctor, plus adequate reserved space for visiting staff doctors, plus one space for each 3 employees on the major shift.

Hotel, motel or inn. If located within a central business district or a transit station development area, one-half space for each guest room, plus 10 spaces for each 1,000 square feet of gross floor area used for ballrooms, private meeting rooms, dining areas, and similar places of assembly. For other locations seven-tenths of a space for each guest room, plus 10 spaces for each 1,000 gross square feet of area used for ballrooms, private meeting rooms, dining rooms and similar places of assembly.

Housing and related facilities for senior adults or persons with disabilities. Base parking requirements for housing for senior adults or persons with disabilities must be determined in accordance with the location of the property in relation to the Parking Policy Areas approved by the District Council on June 28, 1984, and maintained by the Planning Board. The base parking requirements vary according to the number of bedrooms in each dwelling unit.

Base Requirements for Housing and Related Facilities for Senior Adults or Persons with Disabilities				
	Minimum Parking Requirements (Spaces/Unit)			
No. of Bedrooms	Southern Area	South Central Area	Northern Central Area	Northern Area
0-1	0.50	0.65	0.85	1.00
2 or more	0.65	0.85	1.15	1.35

The base requirement may be reduced in accordance with the credit provisions of Section 59-E-3.33.

Individual living unit in a personal living quarters (PLQ). One space for each individual living unit, provided that parking for any complete dwelling unit in a personal living quarters building must comply with the standards for a dwelling, multiple-family, as required in this section.

Industrial, manufacturing establishment or warehouse. One and one-half parking spaces for each 1,000 square feet of total floor area and sufficient area to provide for loading and unloading of trucks.

Medical or dental clinic. Five parking spaces for each 1,000 square feet of the gross floor area of the building.

Meeting center. Ten (10) parking spaces for each 1,000 square feet of net floor area used for ballrooms and meeting rooms; and 2.5 parking spaces for each 1,000 square feet of net floor area used for foyers and other space.

Mobile home development. Two parking spaces for each mobile home in the development.

Nursing home. One space for every 4 beds and one space for every 2 employees on largest work shift.

Office, general office, and professional buildings or similar uses. Parking shall be provided in accordance with the parking requirements for office developments contained in Section 59-E-3.2. The base requirements may be reduced in accordance with the credit provision of Section 59-E-3.3. The calculation of building square footage is based on the sum of the gross areas of the several floors of the building, measured from the exterior faces to the exterior walls or from the center line of party walls, which area shall include cellars or basements but shall not include floor area used for off-street parking.

Office, medical practitioner's. Not less than 4 parking spaces for each practitioner occupying or using such office.

Office, professional, nonresidential. Five parking spaces for each 1,000 square feet of gross floor area used by medical practitioners and 2.5 parking spaces for each 1,000 square feet of gross floor area used by all other professionals. The gross floor area calculation shall exclude storage area, and the attic and cellar areas of the building if not occupied by professional personnel.

Office, professional, other than medical practitioner. Two spaces for each professional person occupying or using such office.

Railroad station, bus depot or other passenger terminal facilities. One hundred parking spaces.

Recreational establishment, commercial, other than a theater, auditorium or stadium. Twelve and five-tenths parking spaces for each 1,000 square feet of floor area, except as to racquetball, squash, and handball courts. As to racquetball, squash, and handball courts there shall be 3 ½ parking spaces per racquetball, squash, or handball court.

Regional shopping centers. Five and one-half parking spaces for each 1,000 square feet of gross leasable square feet as defined herein. In addition, parking requirements for separate standing office and professional buildings shall be as set forth under the category of this subsection pertaining to office buildings, professional buildings or similar uses. As used herein, "gross leasable square feet" is defined as the total floor area designed for commercial tenant occupancy and exclusive uses, including basements, mezzanines and the upper floors if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls. This definition does include banks, furniture stores, and other such activities which are part of a regional shopping center. In accordance with the exception provision of Section 59-E-5.8 all storage space that exceeds 35 percent of the total gross leasable area shall be excluded in calculating the number of required parking spaces. Not included in this definition are separate standing office or professional buildings.

Restaurant or similar place dispensing food, drink or refreshments. Twenty-five parking spaces for each 1,000 square feet of floor area devoted to patron use within the establishment and 15 parking spaces for each 1,000 square feet of ground area devoted to patron use on the property outside the establishment. The base requirements may be reduced in accordance with the credit provision of Section 59-E-3.3.

Retail establishments, auxiliary. Three and one-half spaces for each 1,000 square feet of gross leasable space. The base requirement may be reduced in accordance with the credit provisions contained in Section 59-E-3.3. Retail establishments must be classified as auxiliary retail uses when located within an office building that contains at least 100,000 gross square feet, contains less than 15 percent of the building's overall gross square footage, and contains less than 30,000 leasable square feet. Auxiliary retail uses shall not qualify for reductions for shared parking in mixed-use developments or parking lot district facilities.

Retail, general. Commercial establishments devoted to retail sales, merchandising or other similar use, except furniture stores, 5 parking spaces for each 1,000 gross leasable square feet. In accordance with the exception provision of Section 59-E-5.8 all storage space that exceeds 35 percent of the total gross leasable area shall be excluded in calculating the number of required parking spaces.

Self-storage facility. Three (3) spaces per 1000 square feet of gross floor area of office space associated with the use plus one (1) space per employee, and two (2) spaces for a resident manager. The width of travel aisles for vehicular access and loading and unloading will be subject to the approval of the Director.

Swimming pool, commercial. One parking space for every 4 persons lawfully permitted in the pool at one time.

Swimming pool, community. One parking space for every 7 persons lawfully permitted in the pool at one time except where such pool is a permitted use pursuant to the provisions of Section 59-C-1.531 or 59-C-1.621, the number and location of parking spaces

required shall be determined by the planning board.

Theaters, indoor or legitimate. One parking space for each 4 seats or similar vantage accommodations provided.

Tourist home. One parking space for each guest room or suite.

Townhouse. Two parking spaces for each townhouse. The base requirements may be reduced in accordance with the credit provisions of Section 59-E-3.33.

Editor's note-In Grand Bel Manor Condominium v. Gancayco, the Court quoted and cited § 59-E-3.7 and analyzed the effect of § 59-G-2.36 in relation to § 59-E-3.7, holding that a waiver of § 59-E-3.7 does not serve as a waiver of § 59-G-2.36.

(Legislative History: Ord. No. 8-55, §§ 10, 11; Ord. No. 8-80, § 2; Ord. No. 8-81, § 16; Ord. No. 9-1, § 1; Ord. No. 9-2, § 4; Ord. No. 10-21, § 1; Ord. No. 10-32, § 11; Ord. No. 10-39, § 12; Ord. No. 10-63, § 2; Ord. No. 10-69, § 7; Ord. No. 11-27, § 3; Ord. No. 11-29, § 7; Ord. No. 11-32, § 3; Ord. No. 11-34, § 4; Ord. No. 11-40, § 4; Ord. No. 11-41, § 11; Ord. No. 11-50, § 24; Ord. No. 11-70, § 4; Ord. No. 11-72, § 10; Ord. No. 11-73, § 11; Ord. No. 12-1, § 1; Ord. No. 12-8, § 4; Ord. No. 12-49, § 2; Ord. No. 12-50, § 2; Ord. No. 12-68, § 4; Ord. No. 77, § 3; Ord. No. 13-12, § 4; Ord. No. 13-21, § 11; Ord. No. 13-46, § 8; Ord. No. 13-47, § 11; Ord. No. 13-58, § 4; Ord. No. 13-60, § 2; Ord. No. 14-47, § 1; [Ord. No. 15-56](#), § 4.)

Editor's note-Section 4 of Ord. No. 11-70 purported to amend § 59-E-3.4. The amendment was actually to this § 59-E-3.7, changing "roadside farm markets" to "country markets."

Division 59-E-4. Parking Facility Plans for Projects Constructed in Accordance with Building Permits Filed After June 28, 1984.

Sec. 59-E-4.1. When required.

For any use that requires 25 or more parking spaces, a parking facilities plan must be submitted:

- (a) For development that requires site plan approval as contained in Division 59-D-3, a required parking facilities plan must be submitted to the Planning Board for review and approval as part of the site plan review process.
- (b) For development that does not require site plan approval as contained in Division 59-D-3, a required parking facilities plan must be submitted to the Director for review and approval at the time of application for a building permit.

The Department must review all parking facilities plans to determine that all entrances and exits proposed to public roads and the internal movement of traffic in a parking facility will allow safe vehicular movement.

(Legislative History: Ord. No. 10-32, § 12; Ord. No. 13-25, § 1; Ord. No. 13-35, § 1; Ord. No. 13-112, § 1; Ord. No. 14-36, § 1; Ord. No. 14-49, § 1.)

Editor's note-Section 59-E-4.1 is cited in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. App. 88, 854 A.2d 283 (2004).

Sec. 59-E-4.2. Parking facilities plan objectives.

A parking facility plan shall accomplish the following objectives:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- (d) The provision of appropriate lighting, if the parking is to be used after dark.

(Legislative History: Ord. No. 10-32, § 12.)

Sec. 59-E-4.3. Required provisions.

In order to accomplish the above objectives, the parking facility plan shall satisfy the following requirements:

- (a) Effective landscaping of parking lots contiguous to or adjacent to any public road shall be provided in accordance with the landscaping requirements of section 59-E-2.7.
- (b) Safe sight distances free of any obstruction shall be provided at all entrances and exits to public roads. Ample safe sight distances clear of any building or other artificial or natural obstructions shall be provided at the corner of intersecting public roads.
- (c) Effective channelization and division of parking areas within the interior of a parking facility shall be provided for both pedestrian and vehicular traffic. This may be accomplished by use of landscaped areas with trees, walls, fences, other natural growths or artificial features, raised curbs, marked directional lanes and controls, change of grade or other devices to mark points of turn, to separate parking areas and to control traffic movement.
- (d) Parking facilities containing 500 or more parking spaces shall be divided into several smaller parking areas and shall be separated from each other by landscaping, change of grades, buildings or other natural or artificial means.
- (e) Each parking facility shall be designed individually with reference to the size, street pattern, adjacent properties, buildings and other improvements in the general neighborhood, number of cars to be accommodated, hours of operation and kinds of use.

(Legislative History: Ord. No. 10-32, § 12.)

Editor's note-Section 59-E-4.3 is quoted in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. App. 88, 854 A.2d 283 (2004).

Sec. 59-E-4.4. Contents of the parking facilities plan.

The parking facility plan shall show the location and design of entrances and exits to public roads; the location and size of all buildings and structures; the location of parking spaces, directional markings, traffic-control devices and signs; walls and fences; landscape areas; slopes or berms; change of grades; planting materials, including the type and names of the materials to be planted; and such other information as required by either the director or the planning board. The parking facility plan shall be prepared with careful regard to the objectives for parking facilities enumerated in section 59-E-4.2 and the relationship between the parking facility and surrounding commercial, industrial, or residential improvements. Parking areas, therefore, shall be located so as to prevent an adverse effect on such adjoining or neighboring properties. Shrubs, trees, walls, fences, berms or other materials used as a screen shall be of a permanent nature, requiring as little maintenance as possible. Planting strips in which trees or other natural growth are located shall be of sufficient width or shall be so designed so that the plantings and trees are protected from vehicles in accordance with section 59-E-2.74. Trees and plants shall not be of a variety that contains offensive or injurious gum, moisture, fruit or seed droppings. Plantings and structures shall be located with due regard to traffic safety and effective mechanical snow removal.

(Legislative History: Ord. No. 10-32, § 12.)

Editor's note-Section 59-E-4.4 is quoted in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. App. 88, 854 A.2d 283 (2004).

Sec. 59-E-4.5. Waiver - parking standards.

When approving an application, the Director, Planning Board, Board of Appeals, or Hearing Examiner may waive any requirement in this Article not necessary to accomplish the objectives in Section 59-E-4.2, and in conjunction with reductions may adopt reasonable requirements above the minimum standards. Any request for a waiver under this Section must be referred to all adjoining property owners and affected citizen associations for comment before a decision on the requested waiver.

(Legislative History: Ord. No. 10-32, § 12; Ord. No. 14-47, § 1; [Ord. No. 17-01](#), § 1.)

Editor's note-Section 59-E-4.5 is quoted in Grand Bel Manor Condominium v. Gancayco, 167 Md. App. 471, 893 A.2d 1144 (2006), and in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. App. 88, 854 A.2d 283 (2004).

Sec. 59-E-4.6. Review procedures.

(a) **Review by the director.** If the director does not approve the parking facility plan as submitted, he/she shall notify the applicant within 15 days in writing, specifying the changes that must be made to a parking facility plan to comply with the provisions of this article. The director may consult with the planning board before approving or disapproving a parking facility plan.

If the applicant disagrees with the decision of the director, the decision may be appealed to the board of appeals in accordance with the procedures for the filing of appeals contained in division 59-A-4. Within 5 working days of receipt of the appeal, the board shall notify the planning board and request a recommendation concerning the appeal.

(b) **Review by the planning board.** Review of parking facility plans by the planning board shall be in accordance with the site plan review procedures of division 59-D-3.

(Legislative History: Ord. No. 10-32, § 12.)

Sec. 59-E-4.7. Construction in accordance with approved parking facility plan.

Parking facilities shall be constructed and maintained in accordance with the parking facility plan submitted and approved under this section. The director shall revoke the use-and-occupancy permit for any building where the approved parking facility is not maintained in a good condition in accordance with the approved parking facility plan.

(Legislative History: Ord. No. 10-32, § 12.)

Division 59-E-5. Exceptions, Waivers and Reductions. [Note]

Sec. 59-E-5.1. Reduction in area prohibited.

No automobile off-street parking facility shall be reduced in area or encroached upon by buildings, vehicle storage or any other use where such reduction or encroachment will reduce the number of parking spaces to fewer than those required by this chapter.

(Legislative History: Ord. No. 10-32, § 13.)

Editor's note-Section 59-E-5.1 is quoted in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. App. 88, 854 A.2d 283 (2004).

Sec. 59-E-5.2. Exceptions for parking lot districts.

(a) The provisions of this article shall apply to parking facilities established within any parking lot district in accordance with the provisions of chapter 60 of this Code. Any parking facility in a parking lot district that is not exempt from the ad valorem tax pursuant to sections 60-3 and 60-6 shall comply with all the provisions of this article except for the schedule of parking space requirements in section 59-E-3.7.

(b) Certain land uses may share parking with parking lot district facilities during periods when excess parking spaces are normally available. Section 60-6 of the Montgomery County Code provides a schedule of reduced parking space requirements for such land uses.

(Legislative History: Ord. No. 10-32, § 13.)

Editor's note-Section 59-E-5.2 is quoted in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. App. 88, 854 A.2d 283 (2004).

***Editor's note**-Section 59-E-5 [formerly §111-27] is interpreted in Galblum v. Board of Appeals of Montgomery County, 258 Md. 168, 265 A.2d 232 (1970).

Sec. 59-E-5.3. Waiver-Addition to building under previous ordinances.

In any case where a building was built prior to March 6, 1928, in that area which was known as the Maryland-Washington Regional District, as it existed prior to June 1, 1958, or where a building was built prior to March 1, 1956, in that area which was known as the Upper Montgomery County Planning District, as it existed prior to June 1, 1958, the board of appeals shall have authority to grant a waiver of all or a portion of the off-street parking required by this article for any additions to such existing buildings if the board finds:

- (a) That the requirements for such additional off-street parking would result in particular and exceptional difficulties to or undue hardship upon the owner of such property; and
- (b) That such relief can be granted without substantial impairment of the intent or purposes of this article. In granting the waiver, the board may impose reasonable conditions as provided in section 59-G-1.2 for special exceptions. No such relief shall be granted except after hearing by the board upon reasonable notice. In parking lot districts, no waiver shall be granted from the schedule of parking requirements contained in section 59-E-3.7 for additions to existing buildings or structures.

(Legislative History: Ord. No. 10-32, § 13.)

Sec. 59-E-5.4. Reduction-New use in existing building.

(a) Upon application, the board of appeals shall have authority to reduce the number of parking spaces required for an existing building if the board finds that:

- (1) A new use will be conducted in the building that would normally require more parking spaces; and
- (2) The reduced number of parking spaces will be adequate to accommodate the proposed use. Any such reduction in required parking spaces shall be restricted to such proposed new use and shall not operate to permit a later occupancy of such building if the use is subsequently changed or enlarged, unless the board shall further approve such change.

(b) Action by the board of appeals in such matters shall be:

- (1) Subject to the notice and procedural requirements for requests for variances as found in section 59-A-4.2;
- (2) In accordance with the provisions for special exceptions as contained in section 59-G-1.21; and
- (3) After consideration of the recommendations of the planning board or planning board's staff.

(Legislative History: Ord. No. 10-32, § 13.)

Sec. 59-E-5.5. Exceptions and waivers for parking facilities constructed in accordance with building permits filed prior to June 28, 1984.

59-E-5.51. Exception provision.

All parking facilities constructed in accordance with an approved building permit, filed prior to June 28, 1984, that do not conform to the requirements of this article shall not be considered in violation of this article. This exception provision shall not apply to parking facilities that are subject to compliance requirements because of subsequent modifications as enumerated in section 59-E-6.1.

59-E-5.52. Waiver provision.

For parking facility plans that are submitted in accordance with the compliance provisions for parking facilities constructed in accordance with an approved building permit, filed prior to June 28, 1984, as contained in section 59-E-6.1, the director/planning board may waive in whole or in part any of the plan and design standards of division 59-E-2; the number of spaces required in division 59-E-3; and any of the requirements for parking facility plans, as contained in division 59-E-4. Any request for waiver under this section shall be referred to all adjoining property owners and citizen associations for comment prior to a decision by the director/planning board on the requested waiver. Such waivers shall be based on a finding that strict adherence to these standards will result in undue hardship because of modifications or destruction of existing sound construction, loss of parking spaces essential to the type of activity being served by the facility, or other circumstances peculiar to a particular parking facility. In making such a finding, the director/planning board must determine that a reasonable attempt has been made to satisfy these standards and that insignificant additional impacts to adjoining properties will result from the granting of such waivers.

(Legislative History: Ord. No. 10-32, § 13.)

Editor's note-Section 59-E-5.5 is quoted in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. App. 88, 854 A.2d 283 (2004).

Sec. 59-E-5.6. Exception for proposed parking facilities shown on an approved development plan, project plan, site plan, or special exceptions approved prior to June 28, 1984.

Any proposed parking facility that is shown on a division 59-D-1 development plan, a division 59-D-2 project plan, a division 59-D-3 site plan, or a special exception approved prior to June 28, 1984 may be constructed in accordance with the approved plan or approved special exception provided that construction commences prior to December 27, 1985. This time limit shall be extended for project plans and site plans if the planning board grants time extensions for these plans. An extension shall also be granted for a development plan if a site plan is approved by June 28, 1985. If construction has not commenced by December 27, 1985 or an extension has not been approved, then such proposed parking facility must comply with all requirements of this article, including the submission of a parking facility plan as contained in division 59-E-4 prior to construction.

(Legislative History: Ord. No. 10-32, § 11.)

Sec. 59-E-5.7. Exception for certain public utility facilities.

Certain public utility facilities that are (1) classified in use group U, as defined in section 219.0 of the 1978 Montgomery County Building Code (BOCA) as amended, (2) are not open to the public, and (3) are under the control of the owning utility, shall provide off-street parking and loading facilities sufficient to satisfy normal operation of the facility. The number of spaces and the amount of loading space required shall be determined by the utility, subject to approval by the director. All landscaping, screening, and setback requirements of this article shall be met. If such utility facility is occupied on a daily basis by 10 or more employees then the facility shall not be eligible for the exception provided in this section, and must satisfy all requirements of this article.

(Legislative History: Ord. No. 10-32, § 13.)

Sec. 59-E-5.8. Exception for storage space in general retail establishments and regional shopping centers.

For general retail establishments and regional shopping centers, all storage space that exceeds 35 percent of the total gross leasable area shall be excluded in calculating the number of required parking spaces. For any establishment that is under this exception, the owner shall submit an annual report specifying the amount of storage space that exceeds 35 percent of the gross leasable area.

(Legislative History: Ord. No. 10-32, § 13.)

Division 59-E-6. Compliance Requirements for Certain Parking Facilities Constructed in Accordance with Building Permits Filed Prior to June 28, 1984.

Sec. 59-E-6.1. When required.

In accordance with the exception provisions of section 59-E-5.51, parking facilities constructed in accordance with an approved building permit, filed prior to June 28, 1984, that do not conform to the requirements of this article, are not considered in violation of this article. Under the following circumstances, however, such parking facilities must be brought into conformance with the requirements and standards of this article unless waivers from specific requirements are approved under the waiver provisions of section 59-E-5.52. In accordance with the provisions of section 59-E-6.3 concerning perimeter landscaping for certain parking facilities constructed prior to June 28, 1984, the landscaping requirements of section 59-E-2.7 do not apply if strict adherence to the landscaping requirements would result in the loss of more than 5 percent of required parking as specified in the schedule of requirements in section 59-E-3.7.

(a) For any enlargement or reduction of a building or structure that is greater than 10 percent of the total floor area approved prior to June 28, 1984, the off-street parking must be brought into conformance with the requirements and standards of this article.

(b) For any enlargement, reduction or exterior alterations of a building or structure which involves costs that are greater than 10

percent, but less than 25 percent of the total value of the building or structure, a perimeter landscape area must be provided around the parking facility as prescribed in Section 59-E-6.3.

(1) The total value of the building or structure is defined as the full cash value as determined by the most recent appraisal by the Supervisor of Assessments for tax assessment purposes.

(2) For the purposes of this section, exterior alterations include any changes in a building facade or exterior changes that alter the use or purposes of the building.

(3) The cost estimates for an enlargement, reduction or exterior alteration must be based on reasonable costs for similar construction or remodeling in Montgomery County. The actual costs must be demonstrated by affidavit after completion of the work.

(c) For any enlargement, reduction or alteration of an existing building or structure, which exceeds 25 percent of the total value of the building or structure, off-street parking must be brought into conformance with the requirements and standards of this article.

(1) For the purposes of this section, an alteration includes exterior alterations as described in subsection (b) above, and interior alterations that require the approval of permits by the Department. Tenant trade fixtures, mechanical equipment, plumbing, electrical improvements and interior wall treatments are not included as interior alterations.

(2) The cost estimates for the enlargement, reduction or alteration must be based on reasonable costs for similar construction or remodeling in Montgomery County. The actual cost must be demonstrated by affidavit after completion of the work.

(d) Any successive enlargements, reductions or alterations to buildings or structures must be considered in cummulation with previous enlargements or alterations made after October 15, 1984, to determine application of subsections (a), (b), and (c) above.

(e) Any proposed change to a building or a change in use that would require a greater number of parking spaces than were required by this Article prior to June 28, 1984 must be in conformance with the requirements of this Article.

(f) For parking structures constructed in accordance with a building permit issued prior to June 28, 1984, perimeter landscaping in accordance with the provisions of Section 59-E-6.3 must be provided if enlargements, reductions or alterations to the building and/or parking structures are proposed that meet the compliance criteria established in subsection (a) through (e) above.

(Legislative History: Ord. No. 10-32, § 14; Ord. No. 11-64, § 1; Ord. No. 12-1, § 1.)

Editor's note-Section 59-E-6.1 is quoted in Capital Commercial Properties, Inc. v. Montgomery County Planning Board, 158 Md. 88, 854 A.2d 283 (2004).

Sec. 59-E-6.2. Approval of off-street parking within a public right-of-way.

In situations where a parking facility constructed in accordance with a building permit filed prior to June 28, 1984 is improved by paving up to a public right-of-way line, so that a parking facility plan implementing the requirements of this article cannot be devised except by extensive destruction of existing sound construction or where there is no other practical way to accomplish the purposes of this ordinance, then part of the public right-of-way may be used by the owner to comply with the purposes of this article with the consent of, and upon conditions set by the public agency owning the right-of-way.

(Legislative History: Ord. No. 10-32, § 14.)

Sec. 59-E-6.3. Perimeter landscape area for certain parking facilities constructed prior to June 28, 1984.

(a) In accordance with the requirement for a landscaping strip contained in Section 59-E-6.1(b), a landscape area must be provided along the perimeter of a parking facility. The perimeter landscape strip must be at least 10 feet in width, except that a minimum width of 4 feet is allowed where a parking facility abuts land classified in a non-residential zone. A perimeter landscape area must contain a minimum of one shade tree for every 40 feet of lot perimeter as well as an evergreen hedge (at least 3 feet in height), a wall or fence, or other methods to reduce the visual impact of the parking facility. The width of the landscape strip may be reduced by the Director/Planning Board to a minimum width of 4 feet upon a finding that provision of the required landscaping area would result in the loss of more than 5 percent of the parking spaces that are required to meet the minimum schedule of parking contained in Section 59-E-3.7. In extreme situations where provision of a continuous 4 foot landscape area would result in the loss of more than 5 percent of required parking spaces, then the length of the perimeter landscape area may be reduced or divided into smaller landscape areas along the perimeter of the property.

(b) The requirements of this section are applicable to parking facilities subject to the provisions of Section 59-E-6.1(a), (c), (d) and (e) upon a finding that strict adherence to the landscaping requirements of Section 59-E-2.7 would result in the loss of more than 5 percent of required parking spaces.

(Legislative History: Ord. No. 11-64, § 1.)

Notes

[Note] ***Cross references-**Off-street public parking regulations, § 31-22 et seq.; parking lot districts, ch. 60.

[Note] ****Editor's note-**Section 59-E-1 [formerly §111-27] is interpreted in Galblum v. Board of Appeals of Montgomery County, 258 Md. 168, 265 A.2d 232 (1970). Section 59-E-1 [formerly §104-20] is discussed in Beall v. Montgomery County Council, 240 Md. 77, 212 A.2d 751 (1965).

[Note] ***Editor's note-**Section 59-E-1 [formerly §111-27] is interpreted in Galblum v. Board of Appeals of Montgomery County, 258 Md. 168, 265 A.2d 232 (1970). Section 59-E-1 [formerly §104-20] is discussed in Beall v. Montgomery County Council, 240 Md. 77, 212 A.2d 751 (1965).

[Note] ***Editor's note-**Section 59-E-5 [formerly §111-27] is interpreted in Galblum v. Board of Appeals of Montgomery County, 258 Md. 168, 265 A.2d 232 (1970).