

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2009-__

AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED "GENERAL LEGISLATION,"
CHAPTER 112 ENTITLED "ZONING," BY
AMENDING SECTION 112-7 ENTITLED
"OFF-STREET PARKING"

WHEREAS, the Town Council has determined that it is in the best interests of the Town to amend Section 112-7 of the Town Code to update and/or modify the parking specifications for off-street parking for the various uses of land within the Town limits as permitted within the various zoning classification districts by the Town Code, Chapter 112.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Section 112-7 of the Code as follows:

§112-7. Off-street parking.

- A. Size of parking space. Each parking space shall not be less than nine feet wide and 20 feet long (no exceptions), exclusive of passageways and driveways appurtenant to the space and giving access to it. Minimum parking aisle widths are:
- (1) Twenty-four feet for 90° parking.
 - (2) Eighteen feet for 60° parking.
 - (3) Thirteen feet for 45° parking.
 - (4) Eleven feet for 30° parking.
- B. Spaces required. Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

Type of Use	Minimum Parking Space	Time of Use ¹ (a/b/c/d/e/f)
Residential dwelling (other than apartments)	3 spaces per unit	<u>100/60/100/</u> <u>100/80/100</u>
<u>Residential apartment</u>	<u>2 spaces per unit</u>	<u>100/60/100/</u> <u>100/80/100</u>
Boarding house	1 space per bedroom	<u>100/60/100/</u> <u>100/80/100</u>
<u>Bed and Breakfast</u> <u>[special exception]</u>	<u>2 spaces plus 1 per guest room [refer to</u> <u>section 112-62.F.(26)]</u>	<u>100/40/100/</u> <u>100/40/100</u>

Hotel, motel	1.5 spaces per room <u>plus 1 space per employee</u>	<u>100/70/100/</u> <u>100/70/100</u>
Office building	1 space per 2050 <u>250</u> square feet for buildings of less than 2,000 square feet gross floor area, plus 1 space per 250 square feet for gross floor area over 2,000 square feet	<u>5/100/20/</u> <u>5/10/10</u>
Retail store or shop	1 space per 150 square feet of gross floor area	<u>5/70/80/</u> <u>5/100/100</u>
Restaurant	<u>Indoor Dining: 1 space for each 590 square feet of gross floor area of the building in which the restaurant is located or 1 space for each 2 seats, whichever is greater, plus Outdoor Dining: 1 space for each 590 square feet of land area set aside or provided for outdoor eating (excluding parking areas) dining (served seating and/or dedicated seating for one particular restaurant) or 1 space for each 24 seats, whichever requirement is greater</u>	<u>5/80/100/</u> <u>5/80/100</u>
Bowling alley	5 spaces per lane plus 1 space per employee	<u>5/20/60/</u> <u>5/100/100</u>
Other recreational establishments	1 space per 400 <u>250</u> square feet of gross floor area	<u>10/40/100/</u> <u>50/80/100</u>
Automobile repair, gasoline	1 space per 400 square feet of gross floor area and ground area devoted to repair and service facilities	<u>70/100/100/</u> <u>70/100/100</u>
<u>Flex space, industrial uses</u>	1 space per employee plus 1 space per company vehicle on the lot, or 3.5 spaces per 1,000 square feet gross floor area, whichever is greater	<u>5/100/20/</u> <u>5/5/5</u>
Warehouses	2 spaces per 1,000 square feet of gross floor area	<u>5/100/20/</u> <u>5/5/5</u>
Mini warehouses	1 space per 1,500 square feet of gross floor area plus 2 spaces per employee	<u>5/100/20/</u> <u>5/5/5</u>
Funeral home	1 space per 4 seats or 25 spaces per chapel unit, whichever is greater <u>10 spaces per public room or 1 space per 50 square feet of floor area, whichever requirement is greater</u>	<u>5/100/100/</u> <u>5/100/100</u>
Clubs, lodges and other similar places	1 space per 3 persons capacity or 1 space per 100 square feet of floor area of meeting rooms, whichever is greater	<u>5/50/100/</u> <u>5/100/100</u>
Other commercial buildings	1 space per 250 square feet of gross floor area	<u>5/100/100/</u> <u>5/100/100</u>
Hospital, sanitarium	1 space per bed <u>plus 1 space per 1.5 employees, or 1 per 200 square feet gross floor area, whichever is greater.</u>	<u>100/100/100/</u> <u>100/100/100</u>
Auditorium, church <u>without preschool,</u> theater and other such	1 space per 3 persons capacity	<u>5/70/100/</u> <u>5/100/100</u>

places of public assembly, non weekday institutional		
Convenience stores	1 space per 400 <u>200</u> square feet gross floor area	<u>10/100/100/</u> <u>10/100/100</u>
Medical offices	5 spaces per doctor, plus 1 space per employee <u>or 1 space per 250 square feet gross floor area, whichever is greater.</u>	<u>5/100/20/</u> <u>5/100/20</u>
Veterinary clinic	3 spaces per doctor, plus 1 space per employee	<u>5/100/20/</u> <u>5/100/20</u>
Beauty and barber	3 spaces per operator or 1 space per 100 square feet gross floor area, whichever is greater, plus 1 space per employee	<u>5/50/100/</u> <u>5/100/100</u>
<u>Preschool, Daycare, nursery</u>	1 space per employee plus 1 space per 6 students	<u>5/100/20/</u> <u>5/10/10</u>
<u>Grade school (K-8), private school, or weekday institutional</u>	<u>2 spaces per classroom plus 1 space per 8 seats in auditoriums and assembly halls</u>	<u>5/100/20/</u> <u>5/10/10</u>
<u>Grade school (9-12), private school, or weekday institutional</u>	<u>1 space per 10 students plus 1 space per school staff (teachers and employees)</u>	<u>5/100/100/</u> <u>5/100/100</u>
Banks	1 space per 200 square feet gross floor area plus 1 space per employee; <u>drive-through stacking that does not impede through lanes may be counted towards total spaces required up to 50% of total requirement</u>	<u>5/100/40/</u> <u>5/100/40</u>
Laundromat	1 space per 2 machines (washers and dryers)	<u>5/50/100</u> <u>5/100/100</u>
Mixed commercial; office, retail, restaurant	1 space per 200 square feet gross floor area; <u>restaurant not to exceed 40% of gross floor area otherwise restaurant to be calculated separately; any outdoor land area set aside or provided for outdoor dining shall be included in the gross floor area</u>	<u>5/100/55/</u> <u>5/65/50</u>
Swimming pool	1 space per each four- <u>4 persons</u> capacity	<u>5/60/20/</u> <u>5/100/20</u>
Health and fitness club	1 space per each three- <u>person capacity 250 square feet gross floor area</u>	<u>5/60/80/</u> <u>5/100/80</u>
Skating rink	1 space per each three- <u>3 persons</u> capacity	<u>5/20/60/</u> <u>5/100/100</u>
<u>Home occupation [special exception]</u>	<u>In addition to dwelling requirements 1 space plus 1 space per member of immediate family employed [refer to section 112-62.F.(7)]</u>	Not applicable
<u>Professional office [special exception]</u>	<u>In addition to dwelling requirements 3 spaces per professional [refer to section 112-62.F.(12)]</u>	Not applicable

<u>Shopping center</u> <u>[special exception]</u>	<u>1 space per 200 square feet gross floor area</u> <u>[refer to section 112-62.F.(15)]</u>	<u>5/80/100/</u> <u>5/80/100</u>
<u>Family apartment</u> <u>[special exception]</u>	<u>In addition to dwelling requirements 2 spaces</u> <u>for the apartment [refer to section 112-</u> <u>62.F.(17)]</u>	<u>Not applicable</u>
<u>Veterinary clinic</u> <u>[special exception]</u>	<u>9 spaces for clinic plus 2 spaces for</u> <u>residence [refer to section 112-62.F.(18)]</u>	<u>Not applicable</u>
<u>Elderly housing</u> <u>[special exception]</u>	<u>2 spaces per unit including 1 dedicated</u> <u>space per unit [refer to section 112-62.F.(21)]</u>	<u>Not applicable</u>
<u>Retail and commercial</u> <u>in excess of 65,000</u> <u>square feet (no more</u> <u>than 4 establishments)</u> <u>[special exception]</u>	<u>1 space per 200 square feet gross floor area</u> <u>[refer to section 112-62.F.(23)]</u>	<u>5/70/80/</u> <u>5/100/100</u>
<u>Nonresident</u> <u>professional office</u> <u>[special exception]</u>	<u>In addition to dwelling requirements (if any) 5</u> <u>spaces per professional [refer to section 112-</u> <u>62.F.(24)]</u>	<u>5/100/20/</u> <u>5/10/10</u>
<u>Parks: pavilion or</u> <u>amphitheatre</u>	<u>1 space per 4 seats</u>	<u>Not applicable</u>
<u>Parks: spectator seats</u> <u>or bleachers</u>	<u>1 space per 4 seats</u>	<u>Not applicable</u>
<u>Parks: youth ballfield</u> <u>or diamond</u>	<u>20 spaces per unit</u>	<u>Not applicable</u>
<u>Parks: adult ballfield or</u> <u>diamond</u>	<u>30 spaces per unit</u>	<u>Not applicable</u>
<u>Parks: basketball or</u> <u>volleyball court</u>	<u>16 spaces per unit</u>	<u>Not applicable</u>
<u>Parks: tennis court</u>	<u>4 spaces per unit</u>	<u>Not applicable</u>
<u>Parks: dog park</u>	<u>12 spaces per acre</u>	<u>Not applicable</u>
<u>Parks: improved trails</u>	<u>4 spaces per mile</u>	<u>Not applicable</u>
<u>Parks: passive</u> <u>recreation area</u>	<u>4 spaces per acre (not including steep</u> <u>slopes, wetlands, forested areas)</u>	<u>Not applicable</u>

Note 1 - Time of use based on the following schedule: (a) Mon-Fri 12am-8am, (b) Mon-Fri 8am-5pm, (c) Mon-Fri 5pm-12am (d) Sat-Sun 12am-8am, (e) Sat-Sun 8am-5pm, (f) Sat-Sun 5pm-12am

- C. Location. The parking area must be on the same or nearby premises. If on nearby premises:
- (1) The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 100 feet in the case of a commercial use, 200 feet in the case of a residential use, and 300 feet in the case industrial use and all other uses.
 - (2) The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.
- D. Layout. Parking areas must be arranged so there will be no need for motorists to back overto:
- (1) Local streets as defined in the Chapter 98, Subdivision of Land and Site Plan Approval. This

does not apply in the case of single-family detached residential uses.

- (2) Major thoroughfares as designated in the Town Master Plan.
- E. Parking area adjacent to street and property lines. All parking areas must be set back from all street and property lines a distance equal to 1/2 the yard setback, but in no case closer than 10 feet.
 - F. Paving. All required parking areas on all access drives shall be paved with concrete or bituminous paving or other approved asphalt material in accordance with Town of Mount Airy design specifications. The Planning Commission may permit a gravel pavement surface, in accordance with the Town of Mount Airy design specifications, if the applicant can satisfy the Commission of the existence of one of the following matters: That the proposed gravel parking area will be used no more than twice per month or 24 days per year total; will allow the preservation of wooded areas that would otherwise be removed; is within a well recharge area; and/or that it is in the best interest of the Town that the pavement material not be permanent.
 - G. Access driveways. Within 10 feet of a street right-of-way line, access driveways for parking areas may not exceed 35 feet in width. Such driveways may not enter a public street within 40 feet of the street right-of-way line of an intersecting street and within 25 feet of another access drive on the same property. For all uses except single-family residential, access drives must be set back from a side property line a minimum of 10 feet.
 - H. Existing buildings. Existing buildings not complying with off-street parking requirements may be remodeled, repaired and structurally altered and any enlargement or change of use of existing buildings will require that all parking areas be paved. Any enlargement must provide the required parking spaces for said enlargement and a change of use within existing buildings that cannot comply with parking can occur, provided that the new use does not require more parking than the existing use. However, any change to a new use which would require more parking than the prior use may be permitted upon application to the Planning Commission provided that the distance between the nearest point of the building involved to the nearest point of a municipal parking lot is not greater than 1,000 feet. In granting any such application the Planning Commission shall consider the following factors: Existing and proposed parking of the applicant; current and projected usage of the municipal lot; proposed and projected number of employees of the applicant; applicant's proposed hours of operation in relation to the peak hours of use of the municipal lot; compatibility and desirability of the proposed use in relation to other uses in the immediate area; the hardship, if any, upon the applicant if denied; and the benefit, if any, to the public in terms of increased sources of goods and services and the economic vitality of the area involved.
 - I. Handicap Parking. At a minimum accessible parking shall be provided in accordance with 28 CFR Part 36, ADA Standards for Accessible Design (latest version). In general, for the first 100 parking spaces a minimum of 1 handicap space per 25 total spaces is required with a 5-foot wide x 20-foot long adjacent aisle. Each handicap space shall be 9-foot wide x 20-foot long.
 - J. Shared parking can be implemented via sharing arrangements made between individual facility developers and owners. The total required spaces must follow the minimum parking requirements and time-of-use requirements of this section of the Mount Airy zoning code. Such arrangements shall be first reviewed and approved by the Town Zoning Administrator and Town Attorney, and then recorded within the respective County Circuit Court. Such agreement shall be recorded prior to approval of any building permit.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the _____ day of _____, 2009.

Introduced this _____ day of _____, 2009.

Enacted this _____ day of _____, 2009 by a vote of _____ in favor and _____ opposed.

ATTEST:

Secretary David W. Pyatt,
President of the Town Council

Approved this _____ day of _____, 2009.

ATTEST:

Secretary David W. Pyatt,
Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2009.

Thomas V. McCarron, Town Attorney