

**CITY OF BALTIMORE
COUNCIL BILL 09-0429
(First Reader)**

Introduced by: Councilmembers Clarke, Henry, Middleton, Kraft, Young, Holton, Spector,
Welch, Reisinger, Cole, D'Adamo, Conaway, Curran

Introduced and read first time: December 10, 2009

Assigned to: Community Development Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Public Works, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Labor Commissioner, Department of Finance, Commission on Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Required Parking for Bicycles**

3 FOR the purpose of requiring certain new or expanded structures, premises, and uses to provide
4 bicycle parking that meets certain standards; requiring certain employers to provide their
5 employees with bicycle parking that meets certain standards; defining and redefining certain
6 terms; imposing certain penalties; providing for a special effective date; and generally
7 relating to required parking spaces for bicycles.

8 BY repealing and reordaining, with amendments

9 Article - Zoning

10 Section(s) 1-162, 10-101, 10-206, 10-207(a), (c), and (d), 10-301(c)(1) and (2),
11 10-305, 10-306, 10-307, 10-308(a), 10-402, and 10-405(intro)

12 Baltimore City Code
13 (Edition 2000)

14 BY adding

15 Article - Zoning

16 Section(s) 1-116.1, 1-168.2, 10-311, and 10-406

17 Baltimore City Code
18 (Edition 2000)

19 BY repealing and reordaining, without amendments

20 Article - Zoning

21 Section(s) 10-201

22 Baltimore City Code
23 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 BY adding
2 Article 11 - Labor and Employment
3 Section(s) 14-1 to 14-11, to be under the new subtitle designation,
4 “Subtitle 14. Mandatory Bicycle Parking”
5 Baltimore City Code
6 (Edition 2000)
7

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
9 Laws of Baltimore City read as follows:

10 **Baltimore City Code**

11 **Article – Zoning**

12 **Title 1. Definitions; General Provisions**

13 **Subtitle 1. Definitions**

14 **§ 1-116.1. BICYCLE.**

15 “BICYCLE” HAS THE MEANING STATED IN § 11-104 {“BICYCLE”} OF THE STATE
16 TRANSPORTATION ARTICLE.

17 **§ 1-162. Motor vehicle.**

18 “Motor vehicle” has the meaning stated in §11-135 {“MOTOR VEHICLE”} of the State
19 Transportation Article.

20 **§ 1-168.2. PARKING FACILITY, PARKING SPACE, ETC.**

21 “PARKING FACILITY”, “PARKING SPACE”, “VEHICULAR PARKING SPACE”, AND “BICYCLE
22 PARKING SPACE” HAVE THE MEANINGS STATED IN § 10-101 {“OFF-STREET PARKING
23 REGULATIONS: DEFINITIONS”} OF THIS ARTICLE.

24 **Title 10. Off-Street Parking Regulations**

25 **Subtitle 1. Definitions; Overview**

26 **§ 10-101. Definitions.**

27 (a) *In general.*

28 In this title, the following terms have the meanings indicated.

29 (B) *BICYCLE PARKING SPACE.*

30 “BICYCLE PARKING SPACE” MEANS A DESIGNATED AREA, WHETHER OPEN OR ENCLOSED,
31 THAT IS USED FOR THE OFF-STREET PARKING OF A BICYCLE.

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1 (C) *PARKING FACILITY.*

2 "PARKING FACILITY" MEANS A FACILITY THAT IS USED FOR THE OFF-STREET PARKING OF
3 MOTOR VEHICLES OR BICYCLES.

4 (D) [(b)] *Parking space.*

5 "Parking space" means a designated area, whether open or enclosed, that is used for the
6 off-street parking of a motor vehicle OR A BICYCLE.

7 (E) [(c)] *Stacking space.*

8 "Stacking space" means off-street space allocated for the temporary standing of motor
9 vehicles awaiting entry to a particular establishment.

10 (F) *VEHICLE PARKING SPACE.*

11 "VEHICLE PARKING SPACE" MEANS A DESIGNATED AREA, WHETHER OPEN OR ENCLOSED,
12 THAT IS USED FOR THE OFF-STREET PARKING OF A MOTOR VEHICLE.

13 **Subtitle 2. Scope and Applicability**

14 **§ 10-201. New structures and uses.**

15 For all newly-erected structures and all newly-established uses of land, accessory off-street
16 parking facilities must be provided for that structure and use, as required by this title.

17 **§ 10-206. Spaces to be used exclusively for parking.**

18 (a) *In general.*

19 (1) All VEHICLE parking spaces required by this title must be used solely for the parking
20 of motor vehicles.

21 (2) ALL BICYCLE PARKING SPACES REQUIRED BY THIS TITLE MUST BE USED SOLELY FOR
22 THE PARKING OF BICYCLES.

23 (b) *Specifically prohibited uses.*

24 (1) In no event, may required parking spaces be used for the temporary or permanent
25 storage of vehicles for sale or hire.

26 (2) No [motor] vehicle repair work or service of any kind, except emergency repair
27 service, is permitted in any parking spaces.

28 **§ 10-207. Exemptions; special provisions.**

29 (a) *In Business or Industrial District.*

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1 (1) Except as specified in paragraph (2) of this subsection, if the application of this title
2 results in a requirement of no more than 2 VEHICLE PARKING spaces on a single lot in
3 a Business or Industrial District, those off-street parking spaces need not be provided.

4 (2) This subsection, however, does not apply to off-street parking required for dwelling
5 and efficiency units.

6 (c) *For public housing.*

7 No more than 1 VEHICLE parking space need be provided for every 2 dwelling units in
8 dwellings erected or rehabilitated to be sold to, to be developed by, or to be developed for
9 the use of the Housing Authority of Baltimore City for low-rent public housing.

10 (d) *For elderly.*

11 No more than 1 VEHICLE parking space need be provided for every 4 units designed for
12 occupancy by the elderly in:

13 (1) a federally-assisted private or public housing dwelling; or

14 (2) housing for the elderly.

15 **Subtitle 3. General Requirements**

16 **§ 10-301. Plot plan.**

17 (c) *Required reviews.*

18 (1) If a proposed new or expanded use [provides] CALLS for 5 or more new VEHICLE
19 parking spaces, the Zoning Administrator must forward the plot plan for that use to:

20 (i) the Department of Planning; and

21 (ii) the Department of Public Works.

22 (2) The Department of Public Works must determine:

23 (i) compliance with:

24 (A) drainage requirements;

25 (B) sidewalk, curb, and driveway requirements; and

26 (C) other relevant standards adopted by the Department of Public Works;
27 and

28 (ii) the adequacy of:

29 (A) ingress and egress provisions for BICYCLE AND vehicular movement;

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1 (B) safety provisions for pedestrian, BICYCLE, and vehicular traffic; and

2 (C) all safeguards needed to ensure a minimum of disruption to public
3 rights-of-way and a maximum of safety.

4 **§ 10-305. Minimum size, CAPACITY of space.**

5 (A) *VEHICLE PARKING SPACES.*

6 Each VEHICLE parking space must be at least 180 square feet, exclusive of access drives
7 or aisles.

8 (B) *BICYCLE PARKING SPACES.*

9 (1) EACH BICYCLE PARKING SPACE MUST BE:

10 (I) FOR AN OUTDOOR SPACE, AT LEAST 4 FEET BY 6 FEET; AND

11 (II) FOR AN ENCLOSED SPACE, AT LEAST 15 SQUARE FEET OF OPEN FLOOR AREA.

12 (2) EACH BICYCLE PARKING SPACE MUST BE EQUIPPED WITH A BICYCLE RACK OR LOCKER
13 THAT CAN ACCOMMODATE UP TO 2 BICYCLES PER RACK OR LOCKER.

14 **§ 10-306. Required access.**

15 (a) *To street or alley.*

16 Each VEHICLE parking space must be designed with safe and efficient means of vehicular
17 access to:

18 (1) a street; or

19 (2) an alley at least 15 feet wide.

20 (b) *Design of driveways and ramps.*

21 In establishing VEHICLE parking spaces under this title, driveways or access ramps must
22 be designed and constructed in a way that permits vehicles to enter or leave the parking
23 spaces without having to move any other vehicle onto the public way.

24 **§ 10-307. Surfacing.**

25 (a) *In general.*

26 Except as specified in subsection (b) of this section, VEHICLE parking spaces must be
27 surfaced and maintained with a dustless all-weather material in accordance with the
28 Building Code of Baltimore City.

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1 (b) *Single- and 2-family dwellings.*

2 For single- and 2-family dwellings, a VEHICLE parking space may consist of 2 parallel
3 paved parking strips, each of which is at least 18 inches wide and at least 20 feet long.

4 **§ 10-308. Screening and landscaping near Residence or Office-Residence Districts.**

5 (a) *When screening required.*

6 Screening is required for any parking facility with 5 or more VEHICLE parking spaces, if
7 the facility:

8 (1) either adjoins or is within 100 feet of a lot in a Residence or Office-Residence
9 District; and

10 (2) is visible from the ground level of the Residence or Office-Residence District.

11 **§ 10-311. SPECIFIC REQUIREMENTS FOR BICYCLE PARKING.**

12 EACH BICYCLE PARKING SPACE MUST BE:

13 (1) PROVIDED IN A SAFE AND SECURE LOCATION THAT IS ACCESSIBLE TO ALL PROPERTY
14 USERS;

15 (2) AT LEAST AS CONVENIENTLY LOCATED AS THE MOST CONVENIENT PARKING SPACE NOT
16 RESERVED FOR PERSONS WITH DISABILITIES; AND

17 (3) CLEARLY LABELED AS RESERVED FOR BICYCLE PARKING.
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20 **Subtitle 4. Required Number of Off-Street Spaces**

21 **§ 10-402. Computation of spaces.**

22 (a) *Fractional spaces.*

23 When the application of this [subtitle] TITLE results in a requirement for a fractional
24 PARKING space:

25 (1) any fraction less than ½ may be disregarded; and

26 (2) any fraction of ½ or more counts as 1 parking space.

27 (b) *Employee-based requirements.*

28 Where VEHICLE parking spaces are required on a number-of-employee basis, the spaces
29 must be computed on the greatest number of on-duty employees on the premises at any
30 one time.

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1 (c) *Rated-capacity-based requirements.*

2 Where VEHICLE parking spaces are required on a rated-capacity-in-persons basis, the
3 “rated capacity” is the maximum number of people that, as determined by the Zoning
4 Administrator, may reasonably be accommodated by the use at any one time.

5 **§ 10-405. [Schedule of required] REQUIRED NUMBER OF VEHICLE PARKING spaces.**

6 Off-street VEHICLE parking spaces must be provided as follows:

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8 **§ 10-406. REQUIRED NUMBER OF BICYCLE PARKING SPACES.**

9 (A) *IN GENERAL.*

10 1 BICYCLE PARKING SPACE MUST BE PROVIDED FOR EVERY 10 VEHICLE PARKING SPACES
11 REQUIRED BY THIS TITLE.

12 (B) *VEHICLE PARKING SPACE OFFSET.*

13 (1) THE NUMBER OF VEHICLE PARKING SPACES REQUIRED BY THIS TITLE IS REDUCED BY 1
14 FOR:

15 (i) EACH BICYCLE PARKING SPACE PROVIDED AS REQUIRED BY THIS SECTION; AND

16 (ii) EACH ADDITIONAL BICYCLE PARKING SPACE PROVIDED IF THE DIRECTOR OF
17 TRANSPORTATION CERTIFIES THAT THE ADDITIONAL BICYCLE PARKING SPACE
18 MAY BE SUBSTITUTED FOR A REQUIRED VEHICLE PARKING SPACE.

19 (2) NO MORE THAN 30% OF THE VEHICLE PARKING SPACES REQUIRED BY THIS TITLE MAY
20 BE OFFSET BY PROVIDING BICYCLE PARKING SPACES.
21

22 **Article 11. Labor and Employment**

23 **SUBTITLE 14. MANDATORY BICYCLE PARKING**

24 **§ 14-1. DEFINITIONS.**

25 (A) *IN GENERAL.*

26 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

27 (B) *BICYCLE.*

28 “BICYCLE” HAS THE MEANING STATED IN § 11-104 {“BICYCLE”} OF THE STATE
29 TRANSPORTATION ARTICLE.

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1 (C) *BICYCLE PARKING SPACE.*

2 “BICYCLE PARKING SPACE” MEANS A DESIGNATED AREA, WHETHER OPEN OR ENCLOSED,
3 THAT IS USED FOR THE OFF-STREET PARKING OF A BICYCLE.

4 (D) *EMPLOYER.*

5 “EMPLOYER” MEANS ANY PERSON WHO EMPLOYS 10 OR MORE FULL-TIME OR PART-TIME
6 EMPLOYEES IN THE CITY OF BALTIMORE.

7 (E) *PERSON.*

8 (1) *IN GENERAL.*

9 “PERSON” MEANS:

10 (1) AN INDIVIDUAL;

11 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
12 KIND; AND

13 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
14 REPRESENTATIVE OF ANY KIND.

15 (2) *EXCLUSIONS.*

16 “PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A
17 GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL
18 ENTITY.

19 **§ 14-2. RULES AND REGULATIONS.**

20 (A) *DOT TO ADOPT.*

21 THE DIRECTOR OF TRANSPORTATION MAY ADOPT RULES AND REGULATIONS TO
22 IMPLEMENT THIS SUBTITLE.

23 (B) *FILING WITH LEGISLATIVE REFERENCE.*

24 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
25 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

26 **§§ 14-3 TO 14-5. {RESERVED}**

27 **§ 14-6. REQUIRED BICYCLE PARKING.**

28 (A) *SCOPE.*

29 BICYCLE PARKING SPACES REQUIRED BY THIS SUBTITLE ARE IN ADDITION TO ANY PARKING
30 SPACES OTHERWISE REQUIRED BY TITLE 10 {“OFF-STREET PARKING REGULATIONS”} OF
31 THE ZONING CODE.

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(B) *GENERAL REQUIREMENTS.*

EVERY EMPLOYER MUST PROVIDE ITS EMPLOYEES WITH AT LEAST 1 BICYCLE PARKING SPACE FOR EVERY 10,000 SQUARE FEET OF FLOOR AREA (AS DETERMINED UNDER ZONING CODE § 10-401) IN USE AT THE EMPLOYER’S PLACE OF BUSINESS.

(C) *FRACTIONAL SPACES.*

WHEN THE APPLICATION OF THIS SECTION RESULTS IN A REQUIREMENT FOR A FRACTIONAL BICYCLE PARKING SPACE:

- (1) ANY FRACTION LESS THAN ½ MAY BE DISREGARDED; AND
- (2) ANY FRACTION OF ½ OR MORE COUNTS AS 1 BICYCLE PARKING SPACE.

§ 14-7. SPECIFICATIONS.

(A) *SIZE AND CAPACITY.*

- (1) EACH BICYCLE PARKING SPACE MUST BE:
 - (i) FOR AN OUTDOOR SPACE, AT LEAST 4 FEET BY 6 FEET; AND
 - (ii) FOR AN ENCLOSED SPACE, AT LEAST 15 SQUARE FEET OF OPEN FLOOR AREA.
- (2) EACH BICYCLE PARKING SPACE MUST BE EQUIPPED WITH A BICYCLE RACK OR LOCKER THAT CAN ACCOMMODATE UP TO 2 BICYCLES PER RACK OR LOCKER.

(B) *ADDITIONAL REQUIREMENTS.*

- EACH BICYCLE PARKING SPACE MUST BE:
- (1) PROVIDED IN A SAFE AND SECURE LOCATION THAT IS ACCESSIBLE TO ALL EMPLOYEES;
 - (2) LOCATED ON THE PREMISES OF THE EMPLOYER’S PLACE OF BUSINESS; AND
 - (3) CLEARLY LABELED AS RESERVED FOR BICYCLE PARKING BY EMPLOYEES;

§§ 14-8 TO 14-10. {RESERVED}

§ 14-11. PENALTIES.

ANY EMPLOYER WHO VIOLATES A PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 185th
2 day after the date it is enacted.