

TEXT AMENDMENTS TO COUNCIL BILL 12-152
TITLE 16. OFF-STREET PARKING AND LOADING
(1st Reader Copy)

Proposed by: Various

{To be offered to the Land Use and Transportation Committee}

Amendment No. 1 (T-823) {Site Plan Review}

On page 265, in line 14, before “parking facility”, insert “OFF-STREET”.

Amendment No. 2 (T-806) {Off-Site Parking - Valet Service}

On page 266, in line 11, strike “(4)” and substitute the subsection designator “(D)”; and strike beginning with “A” in line 11 through the period in line 12 and substitute:

“NOTWITHSTANDING THE RESTRICTIONS OF SUBSECTIONS (A), (B), AND (C) OF THIS SECTION, A USE MAY UTILIZE A VALET SERVICE IN ACCORDANCE WITH CITY CODE ARTICLE 31, SUBTITLE 14 {“VALET PARKING”}.”.

Amendment No. 3 (T-811) {Driveway Standards - General}

On page 266, strike lines 36 and 37, in their entirety; and, on page 266, in line 38, and on page 267, in line 3, strike “(C)” and “(D)”, respectively, and substitute “(B)” and “(C)”, respectively; and, in the Tables accompanying the Bill, strike Table 16-404(b), in its entirety.

{REMINDER NOTE TO PLANNING: If this amendment is adopted, remember to show all of Table 16-404(b) stricken.}

Amendment No. 4 (T-826) {Driveway Standards – Parking Pad}

On page 267, in line 5, strike beginning with “AND MUST” through “LOT LINE”; and, in line 9, strike “MINIMUM” and substitute “MAXIMUM”.

Amendment No. 5 (T-827) {Alternatively Shared Parking}

On page 269, in line 26, before “FEET”, strike “300” and substitute “600”.

Amendment No. 6 (T-951) {Land-Banked Future Parking}

On page 269, in line 39, after “OPEN SPACE,”, insert “INCLUDING LANDSCAPING AND MAINTENANCE.”.

{DLR QUERY: Would anyone seriously suggest that the term “open space” does not of itself encompass “landscaping and {especially} maintenance”? (Is one supposed to leave whatever’s there wild and unattended?) Cf., e.g., the provisions of Title 7, Subtitle 2 {“Open Space Zoning District”}. To be sure, subsection (d) states that these open spaces “may not be used for any other use” – but neither “landscaping” nor “maintenance” is a “use” (as that term is used in this Code). THIS AMENDMENT IS SUPERFLUOUS, AND ITS CONSEQUENT NEGATIVE IMPLICATIONS FOR OTHER REFERENCES TO PLAIN OL’ “OPEN SPACE” ARE DANGEROUS.}

Amendment No. 7 (T-952) {Delete On-Right-of-Way Bonus}

On page 270, strike lines 12 through 31, in their entirety, and substitute “**§ 16-503. {RESERVED}**”; and, in the Figures accompanying the Bill, strike Figure 16-503(1) and Figure 16-503(2), in their entirety.

{REMINDER NOTE TO PLANNING: If this amendment is adopted, remember to at least delete these two Figures.}

Amendment No. 8 (T-544) {Delete Fee-in-Lieu Parking Reduction}

On page 270, strike lines 32 through 44, in their entirety, and substitute “**§ 16-504. {RESERVED}**”.

Amendment No. 9 (T-804) {Exemptions from Off-Street Requirements}

On page 271, in line 36, after “C-1-E,”, insert “C-1-VC.”.

Amendment No. 10 (T-546) {Delete Exemption for 2-Space Req't in C Districts}

On page 272, strike lines 4 through 8, in their entireties, and, in line 9, line 18, and line 21, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

Amendment No. 11 (T-817) {Reduction for Low-Income Housing}

On page 272, strike lines 38 through 41, in their entireties, and substitute:

“(B) NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY 2 DWELLING UNITS IN DWELLINGS THAT ARE ERECTED OR REHABILITATED SUBJECT TO A RESTRICTION THAT THE UNITS BE LEASED TO RESIDENTS WITH INCOMES AT OR BELOW 60% OF THE AREA MEDIAN INCOME, WITH THAT RESTRICTION BEING FOR A TERM OF NOT LESS THAN 15 YEARS FROM THE DATE OF THE ISSUANCE OF A USE PERMIT AND RECORDED IN THE LAND RECORDS OF BALTIMORE CITY. THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MUST VERIFY, BY LETTER TO THE DIRECTOR OF PLANNING, THE RECORDATION, TERM, AND TENOR OF THE RESTRICTION.”.

Amendment No. 12 (T-814) {Reduction for Small Units}

On page 272, after line 41, insert:

“(C) NO MORE THAN 0.5 PARKING SPACES NEED BE PROVIDED FOR EVERY DWELLING UNIT THAT IS 500 SQUARE FEET OR SMALLER.”;

and, on page 273, in line 1 and in line 4, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

Amendment No. 13 (T-820) {Units for Elderly}

On page 273, in line 1, strike beginning with “NO MORE” through “4”, and substitute “FOR”; and, in line 3, after “DWELLING”, insert a colon and the following subitems:

“(1) IN THE R-5 AND R-6 DISTRICTS, NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY 2 UNITS; AND

(2) IN THE R-7, R-8, R-9, AND R-10 DISTRICTS, NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY 4 UNITS”.

Amendment No. 14 (T-549) {Deferred Bicycle Spaces}

On page 276, in line 23, strike “DIRECTOR OF PLANNING” and substitute “BOARD OF MUNICIPAL AND ZONING APPEALS, ON APPEAL”; and, in line 24, strike “50%” and substitute “25%”; and, in the same line, after “SPACES”, insert “AS A VARIANCE SUBJECT TO PUBLIC HEARING”; and, in the same line, after “LAND AREA”, insert “OR INTERIOR STORAGE LOCATIONS”; and, in line 25, after the period, insert:

“UPON REQUEST BY EMPLOYEES OF A SUBJECT LOCATION OR BY A RECOGNIZED BALTIMORE BICYCLE ASSOCIATION, THE ZONING ADMINISTRATOR WILL ASSESS THE NEED FOR THE ADDITION OF SOME OR ALL DEFERRED SPACES. IF DETERMINING THAT ONSITE BICYCLE PARKING SPACES OR STORAGE FACILITIES ARE NO LONGER ADEQUATE TO HANDLE DEMAND, THE ZONING ADMINISTRATOR MAY ORDER ADDITIONS UP TO THE LIMITS OF PREVIOUS DEFERRALS.”.

{DLR QUERIES: This is an *unedited* transcription of the proponent’s proffered language. Usage and disorganization aside, this amendment has some serious substantive issues: First, it limits approval authority by the BMZA only “on appeal”. (An “appeal” from whom?) Then, inconsistently, it indicates that the approval is to be in the form of a “variance”. (Variances are sought by direct application to the BMZA (or City Council), *not* by “appeal”.) And then it throws in a tautological “subject to public hearing”. (Under this Code, *all* BMZA variances (and appeals) are subject to public hearings. And, under this Code, the BMZA already has regulated authority to vary parking requirements, making this provision, as amended, redundant.) DLR RECOMMENDATION: DEFER THIS AMENDMENT UNTIL A COHERENT REVISION CAN BE SUBMITTED AND CONSIDERED BY THE COUNCIL.}

Amendment No. 15 (T-634) {Delete Fee-in-Lieu Bike Parking Reduction}

On pages 276, strike lines 30 through 40, in their entirety; and, on page 277, strike lines 1 through 8, in their entirety.

Amendment No. 16 (T-551 with DLR Corrections) {Parking or Storage in Residential Districts}

On page 277, in line 12, strike “PARKING OR”; and, in the same line, after “STORAGE”, insert “OR PARKING”; and, in line 13, strike “PROPERTY ZONED” and substitute “PRIVATE PROPERTY THAT IS”; and, in the same line, after “USE”, insert “OR THAT IS IN A BLOCK PREDOMINANTLY ZONED FOR RESIDENTIAL USE”; and strike lines 14 and 15, in their entirety; and, in line 16, strike “(C)” and substitute “(B)”; and, in line 18 and in line 23, in each instance, strike “RESIDENTIALLY-ZONED”; and, in line 19, after “PRIVATE PROPERTY”, insert “THAT IS ZONED FOR RESIDENTIAL USE OR THAT IS IN A BLOCK PREDOMINANTLY ZONED FOR RESIDENTIAL”

USE"; and, in line 20, strike "(D)" and substitute "(C)"; and, in lines 22 and 23, strike "ARE NOT PERMITTED TO BE" and substitute "ARE PROHIBITED FROM BEING"; and, in 24, strike "PROPERTY" and substitute "PRIVATE PROPERTY THAT IS ZONED FOR RESIDENTIAL USE OR THAT IS IN A BLOCK PREDOMINANTLY ZONED FOR RESIDENTIAL USE".

OMITTED PROPOSALS

{*T-824 (OFF-SITE PARKING - AGREEMENT)*: T-824 proposed, in general terms, to amend § 16-401(c)(2)(ii) to “improv[e] the process of keeping track of agreements”. A specific method by which to do so, however, has never been reduced to writing. IN THE END, THE PROPONENT HAS WITHDRAWN THIS REQUEST FOR AN AMENDMENT.}

{*T-819 (OFF-STREET PARKING - DIMENSIONS)*: T-819 proposed to qualify § 16-402(a) – which requires off-street parking spaces to be designed “in accordance with *Table 16-402*” – by adding “unless approved by the Site Plan Committee for a variance of up to 10%”. Among several other issues, neither a “Site Plan Committee” nor a “Site Plan Review Committee” has authority “approve” (i.e., grant) a variance. ON DISCUSSION WITH DLR, THE PROPONENT HAS WITHDRAWN THIS REQUEST FOR AN AMENDMENT, DECIDING INSTEAD TO INCLUDE A CORRECTED VERSION OF THE PROPOSAL IN THE CITY DESIGN MANUAL.}

{*T-807 (PARKING IN C-1)*: T-807 generally suggested parking requirements for some uses in C-1. The uses were but loosely described and variously listed, with an “etc.” or two, and without specifying the proposed standards for those requirements. NOTWITHSTANDING REPEATED REQUESTS, NO DRAFT OF THE AMENDMENT HAS BEEN OFFERED NOR, EVEN, HAVE ANY SPECIFICS BEEN POSITED FOR REVIEW AND CONSIDERATION BY THE COUNCIL.}