

**Council of the Town of La Plata
Ordinance 05-17 Amended**

Introduced By: Mayor Gene Ambrogio (by request)

Date Introduced: November 8, 2005

Planning Commission Public Hearing: December 6, 2005

Town Council Public Hearing: November 8, 2005

Amendments Adopted: December 13, 2005

Date Adopted: December 13, 2005

Date Effective: December 29, 2005

1 **An Ordinance** concerning

2
3 **Traditional Neighborhood Development – Garage Parking Spaces**

4
5 **For** the purpose of providing that garage parking spaces, under certain circumstances, are credited
6 toward off-street parking requirements within the Traditional Neighborhood Development
7 (TND) floating zone within the Mixed Use District; specifying criteria and regulations for
8 garage parking spaces within the TND; and all matters generally relating thereto.

9
10 **By** repealing and reenacting with amendments
11 Chapter 191 - Zoning
12 Article III. District Regulations
13 191-25.4 Traditional Neighborhood Development
14 Sections 191-25.4E., 191-25.4I. (2), (3) and (4), and 191-25.4K.(2)(d)
15 Code of the Town of La Plata
16 (1998 Edition and Supplements)

17
18 **By** repealing and reenacting with amendments
19 Chapter 191 - Zoning
20 Article IV. Supplementary District Regulations
21 191-30 Off-street parking
22 Section 191-30F.
23 Code of the Town of La Plata
24 (1998 Edition and Supplements)

25
26 **By** ~~adding to~~
27 ~~Chapter 191 – Zoning~~

28 ~~Article IV. Supplementary District Regulations~~
 29 ~~191-30 Off street parking~~
 30 ~~Section 191-30H.~~
 31 ~~Code of the Town of La Plata~~
 32 ~~(1998 Edition and Supplements)~~
 33

34 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**
 35 that Section 191-25.4E of the Code of the Town of La Plata (1998 Edition and Supplements) be and
 36 it is hereby repealed and reenacted, with amendments, to read as follows:
 37

38 **Chapter 191 - ZONING**
 39 **Article III. District Regulations**
 40

41 **191-25.4 Traditional Neighborhood Development**
 42

43 E. TND supplemental definitions and regulations. The definitions and regulations in this
 44 subsection apply only to this section, and to any regulations and design guidelines adopted or
 45 implemented in this section. In the event that a conflict exists between a word or term specified in this
 46 subsection and any other provision of this chapter, the provision of this subsection shall prevail. The
 47 Town Manager shall be the final authority on interpretation of these definitions.
 48

49 ALLEY -- A vehicular access way to the rear of one (1) or more urban lots providing service areas,
 50 parking access, and utility easements and are designed for providing access to more than two (2)
 51 residential properties. No overhead wires, no overhangs, and no parking shall be permitted in an alley.
 52 Alleys shall be constructed ((to the same paving thickness and compaction as a Town of La Plata
 53 secondary local street)) IN ACCORDANCE WITH THE DIMENSIONAL REQUIREMENTS OF
 54 SECTION 170-13 IF PUBLIC, OR WITH A MINIMUM EIGHTEEN (18) FEET WIDTH OF
 55 PAVING IF PRIVATE. PAVING THICKNESS AND COMPACTION IN EACH CASE SHALL
 56 MEET THE SAME REQUIREMENTS AS A TOWN OF LA PLATA SECONDARY LOCAL
 57 STREET.
 58

59 **SECTION 2: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**
 60 that Section 191-25.4I. (2), (3) and (4) of the Code of the Town of La Plata (1998 Edition and
 61 Supplements) be and it is hereby repealed and reenacted, with amendments, to read as follows:
 62

63 **Chapter 191 - ZONING**
 64 **Article III. District Regulations**
 65

66 **191-25.4 Traditional Neighborhood Development**
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68 I. TND supplemental regulations
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70 (2) Off-street parking requirements IN THE TND FLOATING ZONE shall be ((as set forth in
71 §191-17F, §191-21F, §191-23F, and §191-24F.)) GENERATED BY USE, AND ARE AS
72 FOLLOWS:
73

74 A) FOR ALL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED,
75 AND TWO-FAMILY DWELLING UNITS, TWO AND ONE-HALF (2½) SPACES PER
76 DWELLING UNIT ARE REQUIRED, WITH ONE-HALF (½) SPACE “VISITOR PARKING”
77 PER DWELLING UNIT TO BE PROVIDED BY ON-STREET SPACES ABUTTING THE
78 PROPERTY, OR ON COMMON PROPERTY WITHIN TWO HUNDRED (200) FEET OF THE
79 PRIMARY ENTRANCE.
80

81 B) FOR MULTI-FAMILY APARTMENT OR CONDOMINIUM BUILDINGS, OR
82 RESIDENCES ABOVE COMMERCIAL USES, PARKING REQUIREMENTS WILL BE BASED
83 ON THE NUMBER OF BEDROOMS WITHIN THE UNIT:
84

- 85 (1) EFFICIENCY/STUDIO: ONE (1) SPACE
- 86 (2) ONE (1) BEDROOM: ONE AND ONE-HALF (1 ½) SPACES
- 87 (3) TWO (2) BEDROOMS: TWO (2) SPACES
- 88 (4) THREE (3) OR MORE BEDROOMS: TWO AND ONE-HALF (2 ½) SPACES
89

90 C) FOR SENIOR LIVING OR AGE-RESTRICTED DWELLINGS, PARKING
91 SHALL BE PROVIDED AS SPECIFIED IN SECTION 191-46.2J.
92

93 D) FOR ALL COMMERCIAL AND MUNICIPAL USES, PARKING SHALL BE
94 PROVIDED AS SPECIFIED IN SECTION 191-23F (1) THROUGH (18).
95

96 (((3) At the sole discretion of the zoning administrator, on-street parking may be used to
97 satisfy the off-street parking requirements of any use. In such cases such credit shall be limited to
98 twenty-five percent (25%) of the required parking for any principal use to be served and must be
99 within two hundred (200) feet of the front door of the principal use. On-street parking within the
100 frontage of the building is counted toward on-site parking requirements of apartment building and
101 row house building types but not for residences above commercial uses.))
102

103 (3) PARKING CREDITS:
104

105 A) ON-STREET PARKING
106

107 (1) FOR ANY RESIDENTIAL USE, ON-STREET PARKING SPACES
108 DIRECTLY ABUTTING THE PROPERTY MAY BE USED TO SATISFY FIFTY PERCENT
109 (50%) OF THE OFF-STREET PARKING REQUIREMENTS OF THAT UNIT, WITH THE
110 EXCEPTION OF DWELLINGS ABOVE COMMERCIAL USES.
111

(2) FOR ANY COMMERCIAL OR MUNICIPAL USE, ON-STREET PARKING

112 SPACES DIRECTLY ABUTTING THE PROPERTY MAY BE USED TO SATISFY OFF-
113 STREET PARKING REQUIREMENTS WITHOUT LIMITATION.

114
115 B) GARAGE PARKING. INSOFAR AS PRACTICAL, OFF-STREET PARKING
116 FOR RESIDENCES SHALL BE PROVIDED TO THE REAR OF THE UNIT, ACCESSED FROM
117 AN ALLEY. PARKING SPACES PROVIDED IN THE REAR YARDS SHALL BE ALLOWED
118 AS PART OF THE REQUIRED YARD AND GARAGE SPACES SHALL BE CREDITED
119 TOWARD THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES. SPECIFIC
120 CRITERIA FOR THE APPLICATION AND USE OF THIS CREDIT ARE AS FOLLOWS:

121
122 (1) THE GARAGE UNIT MUST BE REAR-LOADED FROM AN ALLEY OR
123 TERTIARY STREET, OR LOCATED IN THE REAR OF THE PROPERTY BEHIND THE
124 PRINCIPAL STRUCTURE, IN A MANNER THAT MAXIMIZES ON-STREET PARKING.

125 (2) GARAGES, ATTACHED OR DETACHED FROM THE PRINCIPAL
126 STRUCTURE, WHICH ARE ACCESSED BY AN ALLEY OR TERTIARY STREET SHALL
127 HAVE NO MINIMUM SETBACK DISTANCE FROM THE PROPERTY LINE, PROVIDED
128 THERE IS A MINIMUM ~~TEN FT. (10')~~ EIGHT FT. (8') APRON FROM THE TRAVEL WAY
129 TO THE GARAGE STRUCTURE.

130 (3) A SET OF HOMEOWNER ASSOCIATION DOCUMENTS
131 (DECLARATIONS, ARTICLES, BY-LAWS) APPROVED BY THE TOWN ATTORNEY AND
132 RECORDED AMONG THE LAND RECORDS OF CHARLES COUNTY, MARYLAND, SHALL
133 BE REQUIRED THAT SPECIFICALLY ADDRESSES PRIVATE ROADS, PARKING AREAS,
134 AND GARAGES. THE DOCUMENTS MUST INCLUDE RULES AND REGULATIONS
135 GOVERNING THEIR USE AND MAINTENANCE, AND CONTAIN THE FOLLOWING
136 INFORMATION:

137 (A) SPECIFIC PROHIBITION AGAINST PARKING IN ALLEYS AND
138 OTHER DESIGNATED "NO PARKING" AREAS AND SPECIFIC SIGNAGE REQUIREMENTS
139 TO INFORM THE PUBLIC OF THE RESTRICTIONS;

140 (B) A CLEAR AND EFFICIENT MEANS OF ENFORCING THE RULES
141 AND REGULATIONS;

142 (C) A MEANS OF TOWING AND REMOVING VEHICLES THROUGH
143 CONTRACTING WITH A LOCAL TOWING COMPANY THAT IS "ON CALL" TWENTY-
144 FOUR (24) HOURS;

145 (D) A PROCEDURE WHEREBY THE COSTS INCURRED FOR
146 ENFORCEMENT BECOMES A LIABILITY OF THE OWNER AND A LIEN AGAINST THE
147 PROPERTY;

148 (E) A REQUIREMENT THAT GARAGES NEVER BE CONVERTED TO
149 ANOTHER USE THAT WOULD PRECLUDE THE MAINTENANCE OF SUFFICIENT OPEN
150 FLOOR SPACE TO ACCOMMODATE PARKING A VEHICLE WITHIN THE GARAGE AT
151 ALL TIMES;

152 (F) THE RIGHT OF SPECIFIC ENFORCEMENT AND INJUNCTIVE
153 RELIEF IN CASES OF GARAGE CONVERSIONS OR OTHER PARKING VIOLATIONS

154 GIVEN TO THE HOMEOWNERS ASSOCIATION, WHICH HAS SOLE RESPONSIBILITY
155 FOR ENFORCING THE PARKING REGULATIONS;

156 (G) AN ACKNOWLEDGEMENT IN THE HOMEOWNER ASSOCIATION
157 DOCUMENTS THAT THE TOWN HAS NO OBLIGATION OR LIABILITY TO REGULATE OR
158 ENFORCE THE USE OF ALLEYS, PRIVATE ROADS AND PARKING AREAS; AND

159 (H) A RESERVATION OF THE RIGHT OF THE TOWN OF LA PLATA
160 TO INITIATE TOWING OR OTHER ENFORCEMENT PROCEDURES AS DEEMED
161 NECESSARY TO PRESERVE OR PROTECT PUBLIC SAFETY, WITH A PROVISION THAT
162 THE HOMEOWNERS ASSOCIATION SHALL REIMBURSE THE TOWN FOR ALL COSTS
163 ASSOCIATED WITH SUCH PROCEDURES.
164

165 (4) Off-street parking space DIMENSIONAL requirements AND JOINT USE
166 CONDITIONS are specified in §191-30. Parking shall be configured to permit and promote shared
167 parking to reduce impervious surface areas and promote pedestrian access. Additional PARALLEL
168 parking ((areas)) SPACES shall be provided along streets ((through parallel parking areas)) IN THE
169 GREATEST NUMBER POSSIBLE.
170

171 **SECTION 3: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**
172 that Section 191-25.4K.(2)(d) of the Code of the Town of La Plata (1998 Edition and Supplements)
173 be and it is hereby repealed and reenacted, with amendments, to read as follows:
174

175 **Chapter 191 - ZONING**
176 **Article III. District Regulations**
177

178 **191-25.4 Traditional Neighborhood Development**
179

180 K. Thoroughfares.
181

182 (2) Mandatory elements.
183

184 (d) A minimum of seventy-five percent (75%) of all homeowner parking is to be
185 located in mid-block, rear unit parking lots or in the rear of the dwelling unit accessed from an alley
186 ((connected to other alleys)).
187

188 **SECTION 4: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**
189 that Section 191-30F. of the Code of the Town of La Plata (1998 Edition and Supplements) be and it
190 is hereby repealed and reenacted, with amendments, to read as follows:
191

192 **Chapter 191 - ZONING**
193 **Article IV. Supplementary District Regulations**
194

195 **191-30 Off-street parking.**

196
 197 F. Design standards. Each required off-street parking space on property within a residentially zoned
 198 district shall have a stall width of at least ten (10) feet and a stall length of at least twenty (20) feet.
 199 Each required off-street parking space on property within the Central Business, Commercial
 200 Highway, Industrial, Light Industrial, Industrial Park, and Public Lands Zoning Districts shall have a
 201 stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. The minimum width
 202 of aisles providing access to stalls for one-way traffic shall be as follows: eleven (11) feet for thirty-
 203 degree parking, thirteen (13) feet for forty-five-degree parking, eighteen (18) feet for sixty-degree
 204 parking and twenty (20) feet for ninety-degree parking. The minimum width of aisles for providing
 205 access to stalls for two-way traffic shall be twenty-four (24) feet. No parking area of more than two
 206 (2) spaces shall be designed as to require any vehicle to back into a public street, except on a tertiary
 207 local street OR ALLEY approved by the La Plata Planning Commission. Parking areas of up to eight
 208 (8) parking spaces may be designed to require a vehicle to back into a tertiary local street OR ALLEY
 209 only. Such parking areas shall be separated by a planted separator island at least fifteen (15) feet in
 210 width. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a
 211 solid fence or shrubbery to protect neighboring residences. Large expanses of unchanneled parking
 212 areas shall be avoided. All parking areas shall be all-weather surfaced.

213
 214 **SECTION 5: ~~BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA~~**
 215 ~~that a new Section 191-30H. be added to the Code of the Town of La Plata (1998 Edition and~~
 216 ~~Supplements), to read as follows:~~

217
 218 **Chapter 191 – ZONING**
 219 **Article IV. Supplementary District Regulations**

220
 221 **~~191-30 Off-street parking.~~**

222
 223 ~~H. PARKING WAIVERS. THE PLANNING COMMISSION MAY WAIVE ANY~~
 224 ~~REQUIREMENT OF § 191-30, IN WHOLE OR IN PART, WHICH IS NOT NECESSARY TO~~
 225 ~~ACCOMPLISH THE OBJECTIVES OF § 191-30. THE WAIVER MAY BE GRANTED, AFTER~~
 226 ~~A PUBLIC MEETING HAS BEEN CONDUCTED, ONLY UPON A FINDING BY THE~~
 227 ~~PLANNING COMMISSION THAT SUCH A WAIVER WOULD NOT BE DETRIMENTAL TO~~
 228 ~~THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE. IN CONJUNCTION WITH THE~~
 229 ~~GRANTING OF ANY WAIVER, THE PLANNING COMMISSION MAY ATTACH SUCH~~
 230 ~~CONDITIONS OR SAFEGUARDS AS IT DEEMS NECESSARY TO PROTECT AND~~
 231 ~~ENHANCE THE PUBLIC HEALTH, SAFETY AND WELFARE.~~

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 233 **SECTION 6 5: AND BE IT FURTHER ENACTED** that this Ordinance shall become
 234 effective at the expiration of fifteen (15) calendar days after its approval by the Council.

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 236 **ADOPTED** this _____ day of _____, 2005.

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SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Gene Ambrogio, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

Paretta D. Mudd, Councilwoman

ATTEST:

Judith T. Frazier, Town Clerk

Vic E. Newman, Councilman

Date: _____

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.