

Bill No. 8-16  
Concerning: Zoning Rewrite – Revisions,  
Clarifications, and Corrections  
Revised: 4/5/2016 Draft No. 4  
Introduced: March 15, 2016  
Enacted: April 5, 2016  
Executive: April 13, 2016  
Effective: July 13, 2016  
Sunset Date: None  
Ch. 8, Laws of Mont. Co. 2016

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: County Council

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**AN ACT** to correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law necessary after the Council's adoption of Zoning Ordinance 13-04 and subsequent amendments.

By amending

Montgomery County Code  
Chapter 2, Administration  
Sections 2-55, 2-112, 2-137, 2-140, and 2-150

Chapter 2B, Agricultural Land Preservation  
Sections 2B-1, 2B-8, and 2B-17

Chapter 5, Animal Control  
Section 5-203

Chapter 19, Erosion, Sediment Control and Stormwater Management  
Sections 19-3, 19-62, 19-64, and 19-65

Chapter 22A, Forest Conservation – Trees  
Sections 22A-3, 22A-4, 22A-11, and 22A-12

Chapter 23A, Group Homes  
Section 23A-3

Chapter 25A, Housing, Moderately Priced  
Sections 25A-2, 25A-3, 25A-5, 25A-10, and 25A-11

Chapter 25B, Housing Policy  
Sections 25B-22 and 25B-27

Chapter 31B, Noise Control  
Section 31B-2

Chapter 42A, Ridesharing and Transportation Management  
Sections 42A-5 and 42A-8

Chapter 52, Taxation  
Sections 52-47, 52-55, 52-89, and 52-93

Chapter 60, Silver Spring, Bethesda, Wheaton and Montgomery Hills Parking Lot Districts  
Sections 60-5, 60-6, 60-7, 60-8, 60-10, and 60-11

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



21 **2-137. Definitions.**

22 [(a)] The following terms [wherever used or referred to] in this [article shall  
23 have the following meanings] Article have the meanings indicated,  
24 unless a different meaning is clearly indicated in the context:

25 [(b)] *Public facility* [shall mean] means any parcel of land of one (1) acre or  
26 more, with or without buildings or other capital improvements, devoted  
27 to public use, including roads, highway interchanges, rapid transit lines  
28 and stations, parking garages, schools, colleges, hospitals, health  
29 centers, government office buildings, fire and police stations, parks,  
30 recreation centers, golf courses, sanitary landfills, and any other  
31 significant facility whose construction is an established public purpose.

32 [(c)] *Public facility area* [shall mean] means a public facility site plus that  
33 limited land area adjacent to an existing or proposed major public  
34 facility where at least one of the following conditions exists:

35 \* \* \*

36 (d) *Public facility area plan* [shall mean] means a site development plan, as  
37 it exists from time to time, specifying generally or in exact detail, as  
38 may be judged appropriate in specific instances by the county council  
39 and county executive, the location and types of land uses, activities, and  
40 improvements directed or permitted to take place both on the site  
41 occupied by the public facility and on the adjacent land acquired within  
42 the public facility area.

43 \* \* \*

44 **2-140. Powers, duties and functions.**

45 (a) The Office of Zoning and Administrative Hearings must:

46 \* \* \*

47 (4) [forward] [~~produce~~] forward a written report, with a  
48 [recommendation for] recommendation for decision, to the body  
49 that assigned the matter, including findings of fact and  
50 conclusions of law where required or appropriate;

51 \* \* \*

52 (c) The Office may hear, and submit a written report and [recommendation]  
53 decision to the specified officer or body on, any:

54 (1) petition to the County Council to [grant,] modify[,] or revoke a  
55 special exception or conditional use, as provided in Chapter 59;

56 \* \* \*

57 **2-150. People's Counsel-Functions.**

58 \* \* \*

59 (b) *Authority; duties.* To protect the public interest and achieve a full and  
60 fair presentation of relevant issues, the People's Counsel may participate  
61 in a proceeding before:

62 \* \* \*

63 (2) the County Council (solely for oral argument) or the Hearing  
64 Examiner for the County Council if the matter involves a local  
65 map amendment, a [development or schematic development]  
66 floating zone plan approved under the zoning process or a  
67 [special exception] conditional use; and

68 \* \* \*

69 **2B-1. Definitions.**

70 In this Chapter, the following words and phrases [shall] have the meanings  
71 indicated:

72 \* \* \*

73 *Farm Market* means a [farm market] Farm Market, On-site as defined  
74 in Chapter 59.

75 \* \* \*

76 **2B-8. Activities and uses permitted on land under a County agricultural**  
77 **easement.**

78 \* \* \*

79 (b) *Relation to special exceptions and conditional uses.* Subsection (a)  
80 does not alter either the requirements in Chapter 59 for a special  
81 exception or conditional use applicable to the zone where a County  
82 easement is located or the process to obtain a special exception or  
83 conditional use. However, an agricultural easement may expressly limit  
84 the right of the landowner or any successor in interest to apply for a  
85 special exception or conditional use that is inconsistent with the  
86 purposes of this Article.

87 \* \* \*

88 **2B-17. BLT Account.**

89 \* \* \*

90 (b) The BLT Account must contain payments made to comply with  
91 conditions of approval which the Planning Board has imposed for  
92 certain [development] plans, and may also contain funds received  
93 through donation, appropriation, bond proceeds, or any other source.

94 \* \* \*

95 **5-203. Public nuisance and other violations.**

96 (a) Violation. An owner must not:

97 \* \* \*

98 (8) Allow a domestic or exotic bird, including a homing pigeon, to  
99 be in an aviary within 100 feet of any structure owned or leased

100 by another person and used for human habitation or work. This  
101 paragraph does not apply to a bird:

102 \* \* \*

103 (C) in an [agricultural] Agricultural or Rural Residential zone  
104 as defined in Chapter 59; or

105 \* \* \*

106 **19-3. Application for permit.**

107 \* \* \*

108 (e) A permit must not be issued to a person who must comply with Chapter  
109 22A until a final forest conservation plan is approved and any required  
110 financial security is provided. However, a permit may be issued before a  
111 final forest conservation plan is approved if the land-disturbing activity  
112 is specified on the approved preliminary plan of subdivision,  
113 preliminary forest conservation plan, project plan, development plan,  
114 sketch plan, floating zone plan, or approved plan amendment. Any  
115 land-disturbing activity must comply with all terms and conditions of  
116 the permit.

117 \* \* \*

118 **19-62. Applicability.**

119 \* \* \*

120 (b) *Privately owned property.* Except as otherwise expressly provided in  
121 this Chapter, the requirements for a water quality inventory and a  
122 preliminary and final water quality plan under Section 19-64 apply in  
123 any area designated as a special protection area to a person proposing a  
124 land-disturbing on privately owned property:

125 (1) who is required by law to obtain approval of a development plan,  
126 diagrammatic plan, schematic development plan, project plan,

127 special exception, sketch plan, floating zone plan, conditional  
128 use, preliminary plan of subdivision, or site plan; or

129 (2) who is seeking approval of an amendment to an approved  
130 development plan, diagrammatic plan, schematic development  
131 plan, project plan, special exception, sketch plan, floating zone  
132 plan, conditional use, preliminary plan of subdivision, or site  
133 plan.

134 \* \* \*

135 **19-64. Water Quality Inventory Submittal; Water Quality Plans.**

136 (a) *Water quality inventory submittal.* A person who is required under  
137 Section 19-62 to comply with this Article must submit the following  
138 documents as part of a proposed development plan, diagrammatic plan,  
139 schematic development plan, project plan, preliminary plan of  
140 subdivision, site plan, [or] special exception, sketch plan, floating zone  
141 plan, or conditional use, whichever is first required. Each submission  
142 must be reviewed by the receiving agency as part of the plan or permit  
143 application, as provided by law.

144 \* \* \*

145 (c) *Final water quality plan submission.* A final water quality plan must be  
146 submitted as provided in Section 19-65 and must include the following:

147 \* \* \*

148 (6) Terms, conditions, and requirements as established in the  
149 approved preliminary water quality plan, or in the case of a  
150 preliminary water quality plan in conjunction with a development  
151 approval before the District Council, the terms, conditions, and  
152 requirements as required to be revised by the Planning Board or  
153 DPS Director to conform to the District Council action on

154 the development plan, schematic plan, floating zone plan, or  
 155 diagrammatic plan;

156 \* \* \*

157 **19-65. Application, review, and approval procedures.**

158 (a) *General.*

159 (1) *Coordinated with project review.* Water quality review,  
 160 including submittal and review of the preliminary and final water  
 161 quality plans, where required, must be done in conjunction with  
 162 the review process for a development plan, diagrammatic plan,  
 163 schematic development plan, project plan, preliminary plan of  
 164 subdivision, site plan, [or] sketch plan, floating zone plan,  
 165 conditional use, or special exception, in accordance with this  
 166 Section. The Planning Director must coordinate review of the  
 167 water quality plan with the DPS Director.

168 \* \* \*

169 (b) *Application.*

170 (1) The applicant must submit to the Planning Director a preliminary  
 171 water quality plan as part of a complete application for a  
 172 development plan, diagrammatic plan, schematic plan, project  
 173 plan, sketch plan, floating zone plan, preliminary plan of  
 174 subdivision, or site plan, whichever is first required. For a special  
 175 exception or conditional use that is subject to this Chapter, the  
 176 applicant must submit a preliminary water quality plan as part of  
 177 the special exception or conditional use application to the Board  
 178 of Appeals. For a project on publicly owned property, the agency  
 179 or department should submit the water quality plan in  
 180 conjunction with the mandatory referral process.

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\* \* \*

(d) *Condition of approval.*

(1) In the case of a water quality plan in conjunction with an amendment to a development plan, schematic development plan, [or] diagrammatic plan, sketch plan, or floating zone plan, Planning Board action on the water quality plan must conform to Section [59-D-1.23, Section 59-D-2.53, and Section 59-D-4.61, respectively] 7.2.1.E or Section 7.7.1.B of Chapter 59.

\* \* \*

**22A-3. Definitions.**

In this Chapter, the following terms have the meanings indicated:

\* \* \*

*Development plan* means a plan or an amendment to a plan approved under [Division 59-D-1] Section 7.7.1.B of Chapter 59 or a floating zone plan approved under Section 7.2.1 of Chapter 59.

\* \* \*

*Planned unit development* means a development comprised of a combination of land uses or varying intensities of the same land use, having at least [20 percent] 20% of the land permanently dedicated to [open space] green area, and [in accordance with] under an integrated plan that provides flexibility in land use design approved [by the District Council under Division 59-D-1 or] by the Planning Board under [Division 59-D-2] Section 7.2.1 of Chapter 59.

\* \* \*

*Project plan* means a plan or an amendment to a plan approved under [Division 59-D-2] Section 7.7.1.B of Chapter 59 or a sketch plan approved under Section 7.3.3 of Chapter 59.

\* \* \*

208 *Site plan* means a plan or an amendment to a plan approved under [Division  
209 59-D-3] Section 7.3.4 of Chapter 59.

210 *Special exception* means a use approved as a conditional use under [Article 59-  
211 G] Section 7.3.1 or Section 7.7.1.B of Chapter 59.

212 \* \* \*

213 **22A-4. Applicability.**

214 Except as otherwise expressly provided in this Chapter, this Chapter applies  
215 to:

- 216 (a) a person required by law to obtain an approval or amendment to a  
217 development plan, diagrammatic plan, project plan, floating zone plan,  
218 sketch plan, preliminary plan of subdivision, or site plan;

219 \* \* \*

220 **22A-11. Application, review, and approval procedures.**

- 221 (a) *General.*

222 (1) *Coordinated with project review.* The forest stand delineation and  
223 forest conservation plan must be submitted and reviewed in  
224 conjunction with the review process for a development plan,  
225 floating zone plan, project plan, sketch plan, preliminary plan of  
226 subdivision, site plan, special exception, conditional use,  
227 mandatory referral, or sediment control permit [in accordance  
228 with] under this Section. The Planning Director must coordinate  
229 review of the forest conservation plan with the Director of  
230 Environmental Protection, the Director of Permitting Services,  
231 the Washington Suburban Sanitary Commission, other relevant  
232 regulatory agencies, and entities that will provide public utilities  
233 to the tract, to promote consistency between the objectives of this  
234 Chapter and other development requirements. To the extent

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practicable, entities providing public utilities should design facilities that will serve a tract in a manner that avoids identified conservation areas and minimizes tree loss.

\* \* \*

(b) *Project requiring development plan, floating zone plan, project plan, sketch plan, preliminary plan of subdivision, or site plan approval.*

(1) *Forest stand delineation.* The applicant must submit to the Planning Director a forest stand delineation with the application for a development plan, floating zone plan, project plan, sketch plan, preliminary plan of subdivision, or site plan, whichever comes first. Within 30 days of receipt, the Planning Director must notify the applicant whether the forest stand delineation is complete and correct. If the Planning Director fails to notify the applicant within 30 days, the delineation will be treated as complete and correct. The Planning Director may require further information or provide for one extension of this deadline for an additional 15 days for extenuating circumstances.

(2) *Forest conservation plan.*

\* \* \*

(C) *Approval.* The Planning Board must review and act on the forest conservation plan concurrently with the development plan, floating zone plan, project plan, sketch plan, preliminary plan of subdivision, or site plan, as appropriate. Compliance with the preliminary forest conservation plan, as amended by the Board, must be made a condition of any approval of the first applicable development application. Compliance with the final forest conservation plan, as amended by the Board, must be

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made a condition of any approval of the last development application. For a development plan or a floating zone plan, a Planning Board recommendation to the District Council on the preliminary forest conservation plan must be made under Section [59-D-1.4] 59-7.2.1. A final forest conservation plan must be approved by the Planning Board or Planning Director, as appropriate, before the Planning Board approves a record plat.

\* \* \*

**22A-12. Retention, afforestation, and reforestation requirements.**

\* \* \*

(e) *Standards for reforestation and afforestation.*

\* \* \*

(6) *Planned Unit Developments; Other Staged Development.*

Notwithstanding any other provision of this Section, the Planning Board may allow any afforestation or reforestation requirement for a planned unit development to be calculated and satisfied within the total area covered by the development plan, floating zone plan, sketch plan, or project plan instead of the net tract area. Similarly, the Planning Board may allow any afforestation or reforestation requirement applicable to a staged development subject to a single preliminary plan of subdivision but with separate site plan reviews for each stage to be calculated and satisfied using the total area covered by the preliminary plan of subdivision.

\* \* \*

**23A-3. Applicability of chapter.**

289 This [chapter] Chapter does not apply to a:

290 \* \* \*

291 (g) group of persons, not related by blood or marriage, living together in a  
292 dwelling unit as a [family] household as defined in Chapter 59.  
293 Supportive care services and treatment for individual residents or the  
294 group may be provided by a person or agency that does not assume  
295 responsibility for acquiring those services or treatments or for  
296 supervising, directing, or controlling the residents.

297 **25A-2. Declaration of public policy.**

298 The County Council hereby declares it to be the public policy of the County  
299 to:

300 \* \* \*

301 (6) Ensure that private developers constructing moderately priced dwelling  
302 units under this Chapter incur no loss or penalty as a result thereof, and  
303 have reasonable prospects of realizing a profit on such units by virtue of  
304 the MPDU density bonus [provision] or public benefit provisions of  
305 Chapter 59 and, in certain zones, the optional development standards;  
306 and

307 \* \* \*

308 **25A-3. Definitions.**

309 The following words and phrases, as used in this Chapter, have the following  
310 meanings:

311 \* \* \*

312 (r) Optional density bonus provision means any increase in density under  
313 Chapter 59, in a zoning classification that allows residential  
314 development, above the amount permitted in the base or standard

315 method of development [density], whether by exercise of the optional  
316 provisions of Chapter 59 or by any special exception or conditional use.

317 \* \* \*

318 **25A-5. Requirement to build MPDUs; agreements**

319 (a) The requirements of this Chapter to provide MPDUs apply to any  
320 applicant who:

321 \* \* \*

322 (3) with respect to land in a zone not subject to subdivision approval  
323 or site plan review, applies for a building permit to construct a  
324 total of 20 or more dwelling units at one location.

325 In calculating whether a development contains a total of 20 or more  
326 dwelling units for the purposes of this Chapter, the development  
327 includes all land at one location in the County available for building  
328 development under common ownership or control by an applicant,  
329 including land owned or controlled by separate corporations in which  
330 any stockholder or family of the stockholder owns 10 percent or more  
331 of the stock. An applicant must not avoid this Chapter by submitting  
332 piecemeal applications or approval requests for subdivision plats, site  
333 or development plans, floating zone plans, or building permits. Any  
334 applicant may apply for a preliminary plan of subdivision, site  
335 or development plan, floating zone plan, record plat, or building permit  
336 for fewer than 20 dwelling units at any time; but the applicant must  
337 agree in writing that the applicant will comply with this Chapter when  
338 the total number of dwelling units at one location reaches 20 or more.

339 \* \* \*

340 (c) When the development at one location is in a zone where a density  
341 bonus is allowed; and

- 342 (1) is covered by a plan of subdivision[.];
- 343 (2) is covered by a plan of development, [or a] site plan, or floating
- 344 zone plan; or
- 345 (3) requires a building permit to be issued for construction, the
- 346 required number of moderately priced dwelling units is a variable
- 347 percentage that is not less than [12.5 percent] 12.5% of the total
- 348 number of dwelling units at that location, not counting any
- 349 workforce housing units built under Chapter 25B. The required
- 350 number of MPDUs must vary according to the amount by which
- 351 the approved development exceeds the normal or standard
- 352 density for the zone in which it is located. Chapter 59 [permits]
- 353 may permit bonus densities over the presumed base density
- 354 where MPDUs are provided. If the use of the optional MPDU
- 355 development standards does not result in an increase over the
- 356 base density, the Director must conclude that the base density
- 357 could not be achieved under conventional development standards,
- 358 in which case the required number of MPDUs must not be less
- 359 than [12.5 percent] 12.5% of the total number of units in the
- 360 subdivision. The amount of density bonus achieved in the
- 361 approved development determines the percentage of total units
- 362 that must be MPDUs, as follows:

\* \* \*

**25A-10. Executive regulations; enforcement.**

\* \* \*

- 366 (b) This Chapter applies to all agents, successors and assigns of an
- 367 applicant. A building permit must not be issued, and a preliminary plan
- 368 of subdivision, development plan, floating zone plan, or site plan must

369 not be approved unless it meets the requirements of this Chapter. The  
 370 Director of Permitting Services may deny, suspend or revoke any  
 371 building or occupancy permit upon finding a violation of this Chapter.  
 372 Any prior approval of a preliminary plan of subdivision, development  
 373 plan, floating zone plan, or site plan may be suspended or revoked upon  
 374 the failure to meet any requirement of this Chapter. An occupancy  
 375 permit must not be issued for any building to any applicant, or a  
 376 successor or assign of any applicant, for any construction which does  
 377 not comply with this Chapter.

378 \* \* \*

379 **Sec. 25A-11. Appeals.**

380 (a) Any person aggrieved by any denial, suspension, or revocation of a  
 381 building or occupancy permit or denial, suspension, or revocation of  
 382 approval of a preliminary plan of subdivision, development plan,  
 383 floating zone plan, or site plan may appeal to the official, agency, board,  
 384 Commission, or other entity designated by law to hear such appeal.

385 \* \* \*

386 **25B-22. Compliance.**

387 \* \* \*

388 (c) *Violations.*

389 \* \* \*

390 (2) The Planning Board may revoke any previously approved  
 391 preliminary plan of subdivision, sketch plan, or site plan,  
 392 [or development plan,] upon finding a violation of this Article.

394 **25B-27. Compliance.**

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(c) *Violations; enforcement.*

\* \* \*

(2) An occupancy permit must not be issued for any building to any applicant, or a successor or assign of any applicant, for any construction which does not comply with this Chapter. The Director of Permitting Services may deny, suspend, or revoke any applicable building or occupancy permit if the Director finds that the applicant or permittee has committed a violation of this Article. The Planning Board may revoke any previously approved preliminary plan of subdivision, site plan, or [development plan,] sketch plan, if the Board finds a violation of this Article.

**31B-2. Definitions.**

In this Chapter, the following words and phrases have the following meanings:

\* \* \*

*Noise area* means a residential or non-residential noise area:

- (1) *Residential noise area* means land in a zone established under Section [59-C-1.1, Section 59-C-2.1, Division 59-C-3, Section 59-C-6.1, Section 59-C-7.0, Section 59-C-8.1, Section 59-C-9.1] 2.1.3.A of Chapter 59 for which the owner has not transferred the development rights, or [Section 59-C-10.1 or land within similar zones established in the future] Sections 2.1.3.B, 2.1.3.C, 2.1.3.D, 2.1.3.G, 2.1.3.H.1, or 2.1.3.H.2 of Chapter 59, or by a political subdivision where Chapter 59 does not apply.
- (2) *Non-residential noise area* means land within a zone established under Section [59-C-4.1, Section 59-C-5.1, Section 59-C-9.1] 2.1.3.A of Chapter 59, for which the owner has transferred the development rights,

423 or [Division 59-C-12 or land in similar zones established in the future]  
424 Sections 2.1.3.E, 2.1.3.F, 2.1.3.H.3, or 2.1.3.H.4 of Chapter 59, or by a  
425 political subdivision where Chapter 59 does not apply.

426 \* \* \*

427 **42A-5. Reductions in parking requirements.**

428 (a) *In share-a-ride districts or share-a-ride outreach areas.* Under  
429 [chapter 59, article E of this Code] Section 6.2.3.G.2 of Chapter 59, an  
430 office development in a share-a-ride district or share-a-ride outreach  
431 area may obtain a reduction in its minimum parking requirements if the  
432 office development participates in:

433 \* \* \*

434 (b) *In other areas.* Under [chapter 59, article E of this Code] Section  
435 6.2.3.I of Chapter 59, an office development not in a share-a-ride district  
436 or a share-a-ride outreach area may obtain a reduction in its minimum  
437 parking requirements if the office development [provides private  
438 ridesharing incentives] undertakes other adjustments to vehicle parking.

439 **42A-8. Agreement recorded in land records.**

440 (a) Before a building permit for a facility that has been constructed with  
441 planned participation in the share-a-ride program under this [chapter]  
442 Chapter is issued, the [director] Director or the [planning board shall]  
443 Planning Board must require the owner of an office development to  
444 execute an agreement that is binding on that owner as well as all  
445 subsequent owners of the office development.

446 (b) The agreement [shall] must provide:

447 (1) [For] for the participation of the owner or subsequent owners in  
448 the share-a-ride program [under this chapter and chapter 59,  
449 article E of this Code]; and

450 (2) [That] that if the owner or a subsequent owner fails to comply  
451 with the terms of [chapter 59, article E of this Code] the  
452 agreement, the owner or the subsequent owner will be liable for  
453 the penalties under this [chapter] Chapter.

454 (c) The owner of the office development [shall] must record the  
455 agreement in the [land records of the county] County land records.

456  
457 **[[52-47]] 52-39. Definitions.**

458 In this Article the following terms have the following meanings:

459 \* \* \*

460 *Residential* means the use of a building as a dwelling unit.

461 \* \* \*

462 (4) *Multifamily-senior residential means:*

463 (A) multifamily housing and related facilities for elderly or  
464 handicapped persons, as defined in Section [59-A-2.1] 59-1.4.2,  
465 with occupancy restricted as provided in Section [59-G-2.35(b)]  
466 59-3.3.2.C;

467 (B) multifamily housing units located in the age-restricted section  
468 of a planned retirement community, as defined in Section  
469 [59-C-7.441] 59-8.3.5; and

470 (C) a domiciliary care home, as defined in Section [59-A-2.1]  
471 59-1.4.2 and subject to Section [59-G-2.37] 59-3.3.2.E, which  
472 consists of separate assisted living units.

473 \* \* \*

474 **[[52-55]] 52-47. Credits.**

475 \* \* \*

476 (b) A property owner must receive a credit for constructing or contributing  
 477 to an improvement of the type listed in Section ~~[[52-58]]~~ 52-50 if the  
 478 improvement reduces traffic demand or provides additional  
 479 transportation capacity. However, the Department must not certify a  
 480 credit for any improvement in the right-of-way of a State road, except a  
 481 transit or trip reduction program that operates on or relieves traffic on a  
 482 State road or an improvement to a State road that is included in a  
 483 memorandum of understanding between the County and either  
 484 Rockville or Gaithersburg.

485 \* \* \*

486 (3) An applicant for subdivision, site plan, or other development  
 487 approval from the County, Gaithersburg, or Rockville, or the  
 488 owner of property subject to an approved subdivision  
 489 plan, development plan, floating zone plan, or similar  
 490 development approval, may seek a declaration of allowable  
 491 credits from the Department of Transportation.

492 \* \* \*

493 ~~[[52-89]]~~ 52-54. Imposition and applicability of tax.

494 \* \* \*

495 (c) The tax under this Article must not be imposed on:

496 \* \* \*

497 (3) any Personal Living Quarters unit built under ~~[[Sec. 59-A-~~  
 498 6.15]] Section 59-3.3.2.D, which meets the price or rent  
 499 eligibility standards for a moderately priced dwelling unit under  
 500 Chapter 25A;

501 \* \* \*

502 ~~[[52-93]]~~ 52-58. Credits.

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\* \* \*

(d) An applicant for subdivision, site plan, or other development approval from the County, Gaithersburg, or Rockville, or the owner of property subject to an approved subdivision plan, development plan, floating zone plan, or similar development approval, may seek a declaration of allowable credits from MCPS. CPS must decide, within 30 days after receiving all necessary materials from the applicant, whether any public school improvement which the applicant has constructed, contributed to, or intends to construct or contribute to, will receive a credit under this subsection. If during the initial 30-day period after receiving all necessary materials, MCPS notifies the applicant that it needs more time to review the proposed improvement, MCPS may defer its decision an additional 15 days. If MCPS indicates under this paragraph that a specific improvement is eligible to receive a credit, the Director of Permitting Services must allow a credit for that improvement. If MCPS cannot or chooses not to perform any function under this subsection or subsection (c), the Department of Permitting Services must perform that function.

\* \* \*

**60-5. [Same] Off-street parking facilities-Location.**

\* \* \*

**60-6. [Same] Off-street parking facilities-Exemption or reduction from tax where provided.**

(a) *Tax exemption.* If the owner or lessee of real property or tangible personal property in a parking lot district provides off-street parking facilities that comply with all the requirements of [article 59-E] Division 6.2 of [chapter] Chapter 59 [of this Code], the real property and tangible

530 personal property [shall] must be exempt from the taxes levied under  
531 [section] Section 60-3 [of this chapter].

532 \* \* \*

533 (c) To be eligible for a reduction under subsection (b) of this [section]  
534 Section:

535 \* \* \*

536 (2) The owner or lessee [shall] must provide off-street parking  
537 facilities that comply with all of the requirements of [article 59-E]  
538 Division 6.2 of [chapter] Chapter 59 [of this code], except for the  
539 schedule of required parking spaces;

540 \* \* \*

541 (5) The following schedule of off-street parking spaces, as a  
542 percentage of the "schedule of requirements" under [chapter 59,  
543 article 59-E of this Code] Division 6.2 of Chapter 59, must be  
544 provided:

545 \* \* \*

546 **60-7. [Same] Off-street parking facilities-Location of with reference to**  
547 **establishment served by.**

548 \* \* \*

549 **60-8. [Same] Off-street parking facilities-Availability to public or customers**  
550 **required for exemption.**

551 \* \* \*

552 **60-10. [Same] Off-street parking facilities-County authorized to lease, operate,**  
553 **and maintain.**

554 \* \* \*

555 **60-11. [Same] Off-street parking facilities-Lease to Montgomery County**  
556 **Revenue Authority.**

557

558 *Approved:*

559 *Nancy Floreen* *April 7, 2016*  
Nancy Floreen, President, County Council Date

560 *Approved:*

561 *Isiah Leggett* *April 13, 2016*  
Isiah Leggett, County Executive Date

562 *This is a correct copy of Council action.*

563 *Linda M. Lauer* *April 14, 2016*  
Linda M. Lauer, Clerk of the Council Date

564