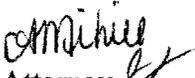


MEMORANDUM

March 11, 2016

TO: County Council

FROM: Amanda Mihill, Legislative Attorney 
Jeffrey L. Zyontz, Senior Legislative Attorney 

SUBJECT: **Introduction:** Bill 8-16, Zoning Rewrite – Revisions, Clarifications and Corrections

Bill 8-16, Zoning Rewrite – Revisions, Clarifications and Corrections, sponsored by Lead Sponsor County Council, is scheduled to be introduced on March 15, 2016. A public hearing is tentatively scheduled for April 5 at 1:30 p.m.

Bill 8-16 would correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law. These changes are necessary to conform the County Code to the Zoning Ordinance after the Council's adoption of Zoning Ordinance 13-04 and subsequent amendments.

This packet contains:	<u>Circle #</u>
Bill 8-16	1
Legislative Request Report	24

Bill No. 8-16
Concerning: Zoning Rewrite – Revisions,
Clarifications, and Corrections
Revised: 2/22/2016 Draft No. 2
Introduced: March 15, 2016
Expires: September 15, 2017
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<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 a written report, with a [recommendation for]
48 decision, to the body that assigned the matter, including findings
49 of fact and conclusions of law where required or appropriate;

50 * * *

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

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

55 * * *

56 **2-150. People's Counsel-Functions.**

57 * * *

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

61 * * *

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

67 * * *

68 **2B-1. Definitions.**

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

71 * * *

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

74 * * *

75 **2B-8. Activities and uses permitted on land under a County agricultural**
76 **easement.**

77 * * *

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

86 * * *

87 **2B-17. BLT Account.**

88 * * *

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

93 * * *

94 **5-203. Public nuisance and other violations.**

95 (a) Violation. An owner must not:

96 * * *

97 (8) Allow a domestic or exotic bird, including a homing pigeon, to
98 be in an aviary within 100 feet of any structure owned or leased
99 by another person and used for human habitation or work. This
100 paragraph does not apply to a bird:

101 * * *

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

104 * * *

105 **19-3. Application for permit.**

106 * * *

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

116 * * *

117 **19-62. Applicability.**

118 * * *

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

124 (1) who is required by law to obtain approval of a development plan,
125 diagrammatic plan, schematic development plan, project plan,
126 special exception, sketch plan, floating zone plan, conditional
127 use, preliminary plan of subdivision, or site plan; or

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

133 * * *

134 **19-64. Water Quality Inventory Submittal; Water Quality Plans.**

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

143 * * *

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

146 * * *

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

155 * * *

156 **19-65. Application, review, and approval procedures.**

157 (a) *General.*

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

167 * * *

168 (b) *Application.*

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

180 * * *

181 (d) *Condition of approval.*

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

188 * * *

189 **22A-3. Definitions.**

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

191 * * *

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

195 * * *

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

202 * * *

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

206 * * *

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

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

211 * * *

212 **22A-4. Applicability.**

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

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

218 * * *

219 **22A-11. Application, review, and approval procedures.**

- 220 (a) *General.*

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

235 facilities that will serve a tract in a manner that avoids identified
 236 conservation areas and minimizes tree loss.

237 * * *

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

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

251 (2) *Forest conservation plan.*

252 * * *

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

262 application. For a development plan or a floating zone plan, a
263 Planning Board recommendation to the District Council on the
264 preliminary forest conservation plan must be made under
265 Section [59-D-1.4] 59-7.2.1. A final forest conservation plan
266 must be approved by the Planning Board or Planning Director,
267 as appropriate, before the Planning Board approves a record
268 plat.

269 * * *

270 **22A-12. Retention, afforestation, and reforestation requirements.**

271 * * *

272 (e) *Standards for reforestation and afforestation.*

273 * * *

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

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

286 * * *

287 **23A-3. Applicability of chapter.**

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

289 * * *

290 (g) group of persons, not related by blood or marriage, living together in a
291 dwelling unit as a [family] household as defined in Chapter 59.

292 **25A-2. Declaration of public policy.**

293 The County Council hereby declares it to be the public policy of the County
294 to:

295 * * *

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

302 * * *

303 **25A-3. Definitions.**

304 The following words and phrases, as used in this Chapter, have the following
305 meanings:

306 * * *

307 (r) Optional density bonus provision means any increase in density under
308 Chapter 59, in a zoning classification that allows residential
309 development, above the amount permitted in the base or standard
310 method of development [density], whether by exercise of the optional
311 provisions of Chapter 59 or by any special exception or conditional use.

312 * * *

313 **25A-5. Requirement to build MPDUs; agreements**

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

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342

* * *

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

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

* * *

- (c) When the development at one location is in a zone where a density bonus is allowed; and
 - (1) is covered by a plan of subdivision[.];
 - (2) is covered by a plan of development, [or a] site plan, or floating zone plan; or
 - (3) requires a building permit to be issued for construction, the required number of moderately priced dwelling units is a variable percentage that is not less than [12.5 percent] 12.5% of the total

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

358 * * *

359 **25A-10. Executive regulations; enforcement.**

360 * * *

361 (b) This Chapter applies to all agents, successors and assigns of an
 362 applicant. A building permit must not be issued, and a preliminary plan
 363 of subdivision, development plan, floating zone plan, or site plan must
 364 not be approved unless it meets the requirements of this Chapter. The
 365 Director of Permitting Services may deny, suspend or revoke any
 366 building or occupancy permit upon finding a violation of this Chapter.
 367 Any prior approval of a preliminary plan of subdivision, development
 368 plan, floating zone plan, or site plan may be suspended or revoked upon
 369 the failure to meet any requirement of this Chapter. An occupancy

370 permit must not be issued for any building to any applicant, or a
371 successor or assign of any applicant, for any construction which does
372 not comply with this Chapter.

373 * * *

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

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

380 * * *

381 **25B-22. Compliance.**

382 * * *

383 (c) *Violations.*

384 * * *

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

389 **25B-27. Compliance.**

390 * * *

391 (c) *Violations; enforcement.*

392 * * *

393 (2) An occupancy permit must not be issued for any building to any
394 applicant, or a successor or assign of any applicant, for any
395 construction which does not comply with this Chapter. The
396 Director of Permitting Services may deny, suspend, or revoke
397 any applicable building or occupancy permit if the Director finds

398 that the applicant or permittee has committed a violation of this
 399 Article. The Planning Board may revoke any previously
 400 approved preliminary plan of subdivision, site plan,
 401 or [development plan,] sketch plan, if the Board finds a violation
 402 of this Article.

403 **31B-2. Definitions.**

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

405 * * *

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

407 (1) *Residential noise area* means land in a zone established under Section
 408 [59-C-1.1, Section 59-C-2.1, Division 59-C-3, Section 59-C-6.1,
 409 Section 59-C-7.0, Section 59-C-8.1, Section 59-C-9.1] 2.1.3.A of
 410 Chapter 59 for which the owner has not transferred the development
 411 rights, or [Section 59-C-10.1 or land within similar zones established in
 412 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
 413 2.1.3.H.2 of Chapter 59, or by a political subdivision where
 414 Chapter 59 does not apply.

415 (2) *Non-residential noise area* means land within a zone established under
 416 Section [59-C-4.1, Section 59-C-5.1, Section 59-C-9.1] 2.1.3.A of
 417 Chapter 59, for which the owner has transferred the development rights,
 418 or [Division 59-C-12 or land in similar zones established in the future]
 419 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
 420 political subdivision where Chapter 59 does not apply.

421 * * *

422 **42A-5. Reductions in parking requirements.**

423 (a) *In share-a-ride districts or share-a-ride outreach areas.* Under
 424 [chapter 59, article E of this Code] Section 6.2.3.G.2 of Chapter 59, an

425 office development in a share-a-ride district or share-a-ride outreach
 426 area may obtain a reduction in its minimum parking requirements if the
 427 office development participates in:

428 * * *

429 (b) *In other areas.* Under [chapter 59, article E of this Code] Section
 430 6.2.3.I of Chapter 59, an office development not in a share-a-ride district
 431 or a share-a-ride outreach area may obtain a reduction in its minimum
 432 parking requirements if the office development [provides private
 433 ridesharing incentives] undertakes other adjustments to vehicle parking.

434 **42A-8. Agreement recorded in land records.**

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

441 (b) The agreement [shall] must provide:
 442 (1) [For] for the participation of the owner or subsequent owners in
 443 the share-a-ride program [under this chapter and chapter 59,
 444 article E of this Code]; and
 445 (2) [That] that if the owner or a subsequent owner fails to comply
 446 with the terms of [chapter 59, article E of this Code] the
 447 agreement, the owner or the subsequent owner will be liable for
 448 the penalties under this [chapter] Chapter.

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

452 **52-47. Definitions.**

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

454 * * *

455 Residential means the use of a building as a dwelling unit.

456 * * *

457 (4) Multifamily-senior residential means:

458 (A) multifamily housing and related facilities for elderly or
459 handicapped persons, as defined in Section [59-A-2.1] 59-1.4.2,
460 with occupancy restricted as provided in Section [59-G-2.35(b)]
461 59-3.3.2.C;

462 (B) multifamily housing units located in the age-restricted section
463 of a planned retirement community, as defined in Section
464 [59-C-7.441] 59-8.3.5; and

465 (C) a domiciliary care home, as defined in Section [59-A-2.1]
466 59-1.4.2 and subject to Section [59-G-2.37] 59-3.3.2.E, which
467 consists of separate assisted living units.

468 * * *

469 **Sec. 52-55. Credits.**

470 * * *

471 (b) A property owner must receive a credit for constructing or contributing
472 to an improvement of the type listed in Section 52-58 if the
473 improvement reduces traffic demand or provides additional
474 transportation capacity. However, the Department must not certify a
475 credit for any improvement in the right-of-way of a State road, except a
476 transit or trip reduction program that operates on or relieves traffic on a
477 State road or an improvement to a State road that is included in a

478 memorandum of understanding between the County and either
479 Rockville or Gaithersburg.

480 * * *

481 (3) An applicant for subdivision, site plan, or other development
482 approval from the County, Gaithersburg, or Rockville, or the
483 owner of property subject to an approved subdivision
484 plan, development plan, floating zone plan, or similar
485 development approval, may seek a declaration of allowable
486 credits from the Department of Transportation.

487 * * *

488 **52-89. Imposition and applicability of tax.**

489 * * *

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

491 * * *

492 (3) any Personal Living Quarters unit built under Sec. 59-A-6.15,
493 which meets the price or rent eligibility standards for a
494 moderately priced dwelling unit under Chapter 25A;

495 * * *

496 **52-93. Credits.**

497 * * *

498 (d) An applicant for subdivision, site plan, or other development approval
499 from the County, Gaithersburg, or Rockville, or the owner of property
500 subject to an approved subdivision plan, development plan, floating
501 zone plan, or similar development approval, may seek a declaration of
502 allowable credits from MCPS. CPS must decide, within 30 days after
503 receiving all necessary materials from the applicant, whether any public
504 school improvement which the applicant has constructed, contributed
505 to, or intends to construct or contribute to, will receive a credit under

506 this subsection. If during the initial 30-day period after receiving all
507 necessary materials, MCPS notifies the applicant that it needs more time
508 to review the proposed improvement, MCPS may defer its decision an
509 additional 15 days. If MCPS indicates under this paragraph that a
510 specific improvement is eligible to receive a credit, the Director of
511 Permitting Services must allow a credit for that improvement. If MCPS
512 cannot or chooses not to perform any function under this subsection or
513 subsection (c), the Department of Permitting Services must perform that
514 function.

515 * * *

516 **60-5. [Same] Off-street parking facilities-Location.**

517 * * *

518 **60-6. [Same] Off-street parking facilities-Exemption or reduction from tax**
519 **where provided.**

520 (a) *Tax exemption.* If the owner or lessee of real property or tangible
521 personal property in a parking lot district provides off-street parking
522 facilities that comply with all the requirements of [article 59-E] Division
523 6.2 of [chapter] Chapter 59 [of this Code], the real property and tangible
524 personal property [shall] must be exempt from the taxes levied under
525 [section] Section 60-3 [of this chapter].

526 * * *

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

529 * * *

530 (2) The owner or lessee [shall] must provide off-street parking
531 facilities that comply with all of the requirements of [article 59-E]

532 Division 6.2 of [chapter] Chapter 59 [of this code], except for the
533 schedule of required parking spaces;

534 * * *

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

539 * * *

540 **60-7. [Same] Off-street parking facilities-Location of with reference to
541 establishment served by.**

542 * * *

543 **60-8. [Same] Off-street parking facilities-Availability to public or customers
544 required for exemption.**

545 * * *

546 **60-10. [Same] Off-street parking facilities-County authorized to lease, operate,
547 and maintain.**

548 * * *

549 **60-11. [Same] Off-street parking facilities-Lease to Montgomery County
550 Revenue Authority.**

551

LEGISLATIVE REQUEST REPORT

Bill 8-16

Zoning Rewrite – Revisions, Clarifications and Corrections

DESCRIPTION:	Makes technical, typographical, grammatical, and other corrections to County law necessary to conform the County Code to the Zoning Ordinance after the Council's adoption of Zoning Ordinance 13-04 and subsequent amendments.
PROBLEM:	Comprehensively amending the Zoning Ordinance requires that the County Code be updated to conform to the Zoning ordinance. Otherwise, provisions that conflict with the Zoning Ordinance could confuse a person trying to follow or enforce County law.
GOALS AND OBJECTIVES:	To correct technical and other errors in the County Code.
COORDINATION:	Council legal staff.
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	Not applicable.
EXPERIENCE ELSEWHERE:	Not applicable.
SOURCE OF INFORMATION:	Amanda Mihill, Council Staff (240) 777-7815 Jeffrey Zyontz, Council Staff (240) 777-7896
APPLICATION WITHIN MUNICIPALITIES:	The applicability of other provisions in municipalities follows the applicability of the underlying provision of the County Code.
PENALTIES:	Not applicable.