

Ordinance No.: 18-50  
Zoning Text Amendment No.: 18-10  
Concerning: Townhouse Living –  
                    Accessibility Tax Credit  
Draft No. & Date: 2 – 7/11/2018  
Introduced: July 24, 2018  
Public Hearing: September 18, 2018  
Adopted: October 2, 2018  
Effective: October 22, 2018

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Rice

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow a tax credit under Section 52-107 for a townhouse unit approved as a conditional use; and
- generally amend the standards for townhouses approved as a conditional use

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.3.           “Residential Uses”  
Section 3.3.1.       “Household Living”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment No. 18-10 was introduced on July 24, 2018. ZTA 18-10 would allow the owner of a project that was approved as an accessible, conditional use with increased density to be eligible for tax credits.

The provision for accessible townhouse projects includes the following:

*As a condition of approval, any property owner of the conditional use project must be prohibited from seeking a tax credit under Section 52-18U or Section 52-93(e). This prohibition does not apply to additional accessibility features that are installed post-occupancy and for which a property tax credit is requested.*

ZTA 18-10 would delete that provision. In the opinion of the sponsor, the public interest in getting accessible projects completed outweighs any potential loss in revenue.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced. Planning staff did not object to ZTA 18-10.

The Council's public hearing was conducted on September 18, 2018. All testimony supported ZTA 18-10.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on September 20, 2018. The Committee recommended approving ZTA 18-10 as introduced. Staff corrected the references to Sections in Chapter 52 in lines 13-15.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 18-10 will be approved as introduced.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance*

**Sec. 1. DIVISION 59-3.3 is amended as follows:**

**DIVISION 3.3. Residential Uses**

Section 3.3.1. Household Living

\* \* \*

D. Townhouse Living

\* \* \*

2. Use Standards

\* \* \*

b. Where Townhouse Living is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

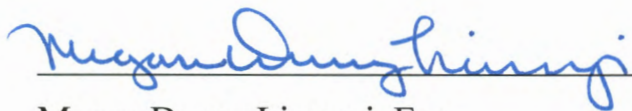
- i. All buildings and structures must meet or exceed the Level II Accessibility Standards established by Section [[52-18T]] 52-106 and detailed in Section [[52-18U]] 52-107.
- ii. Public bus service must be available on a road abutting the site.
- iii. A Metro Station must be within 2 miles of the site.
- iv. Public recreation or park facilities must be within 1,000 feet of the site.
- v. A grading plan must demonstrate that the post-construction site will have a slope less than 5%.
- vi. The minimum tract size is 2 acres.
- vii. The density limitations and development standards of the TMD zone under optional method (Section 4.4.12.C) apply in spite of any other limitation in this Chapter.

- viii. Reducing the number of required parking spaces through a parking waiver under Section 6.2.10 is prohibited.
- ix. A minimum of one parking space for each dwelling unit must satisfy the dimensional standards for handicapped-accessible vehicle parking and a minimum 8-foot-wide access aisle required by the State.
- [x. As a condition of approval, any property owner of the conditional use project must be prohibited from seeking a tax credit under Section 52-18U or Section 52-93(e). This prohibition does not apply to additional accessibility features that are installed post-occupancy and for which a property tax credit is requested.]

\* \* \*

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.



Megan Davey Limarzi, Esq.  
Clerk of the Council