

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: _____
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:

Sec. 1. Sections 2-55, 2-112, 2-137, 2-140, 2-150, 2B-1, 2B-8, 2B-17, 5-203, 19-3, 19-62, 19-64, 19-65, 22A-3, 22A-4, 22A-11, 22A-12, 23A-3, 25A-2, 25A-3, 25A-5, 25A-10, 25A-11, 25B-22, 25B-27, 31B-2, 42A-5, 42A-8, 52-47, 52-55, 52-89, 52-93, 60-5, 60-6, 60-7, 60-8, 60-10, 60-11 are amendede as follows:

2-55. Functions.

The Department of Transportation must:

* * *

- (f) review and approve transportation elements of development plans, including storm drainage and paving plans; grade establishment plans; ~~[[record plats;]]~~ utility plans; pre-preliminary, preliminary and site plans; and construction permits for any work in public space;

* * *

2-112. Jurisdiction.

* * *

- (b) The Board must hear and decide each [application for a] special exception or conditional use appeal, unless Chapter 59 directs otherwise.
- (c) The Board has the following appellate jurisdiction.

<i>The Board must hear and decide each appeal taken under:</i>	<i>Those appeals involve:</i>
* * *	
Chapter 59	Special exceptions and <u>conditional uses</u> decided by <u>the Hearing Examiner</u>

* * *

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 * * *

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

* * *

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

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

* * *

2-150. People's Counsel-Functions.

* * *

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

* * *

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

* * *

2B-1. Definitions.

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

* * *

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

* * *

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

* * *

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

* * *

2B-17. BLT Account.

* * *

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

* * *

5-203. Public nuisance and other violations.

(a) Violation. An owner must not:

* * *

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

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

* * *

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

* * *

19-3. Application for permit.

* * *

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

* * *

19-62. Applicability.

* * *

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

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

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

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

* * *

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

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

* * *

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

* * *

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

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

* * *

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

(a) General.

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

* * *

(b) Application.

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

* * *

(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.

* * *

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

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

* * *

22A-4. Applicability.

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

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

* * *

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

(a) General.

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

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

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.

This [chapter] Chapter does not apply to a:

* * *

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

25A-2. Declaration of public policy.

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

* * *

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

* * *

25A-3. Definitions.

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

* * *

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

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

* * *

25A-5. Requirement to build MPDUs; agreements

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

* * *

(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

- 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:

363 * * *

364 **25A-10. Executive regulations; enforcement.**

365 * * *

- 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

not be approved unless it meets the requirements of this Chapter. The Director of Permitting Services may deny, suspend or revoke any building or occupancy permit upon finding a violation of this Chapter. Any prior approval of a preliminary plan of subdivision, development plan, floating zone plan, or site plan may be suspended or revoked upon the failure to meet any requirement of this Chapter. 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.

* * *

Sec. 25A-11. Appeals.

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

* * *

25B-22. Compliance.

* * *

- (c) *Violations.*

* * *

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

25B-27. Compliance.

* * *

(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,

or [Division 59-C-12 or land in similar zones established in the future]
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
 political subdivision where Chapter 59 does not apply.

* * *

42A-5. Reductions in parking requirements.

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

* * *

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

42A-8. Agreement recorded in land records.

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

(b) The agreement [shall] must provide:

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

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

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

[[52-47]] 52-39. Definitions.

In this Article the following terms have the following meanings:

* * *

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

* * *

(4) *Multifamily-senior residential means:*

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

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

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

* * *

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

* * *

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

* * *

(3) 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 the Department of Transportation.

* * *

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

* * *

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

* * *

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

* * *

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

* * *

(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

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

558 *Approved:*

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

560 *Approved:*

561 _____
Isiah Leggett, County Executive Date

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

563 _____
Linda M. Lauer, Clerk of the Council Date

564