

Bill No. 62-14
Concerning: Taxation – Development
Impact Taxes – Exemptions –
Ancillary Facilities
Revised: 1-30-15 Draft No. 2
Introduced: November 25, 2014
Enacted: February 3, 2015
Executive: February 11, 2015
Effective: October 30, 2014
Sunset Date: None
Ch. 4, Laws of Mont. Co. 2015

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Rice, Council Vice President Leventhal, and Councilmembers Floreen, Katz, Riemer, and Navarro

AN ACT to:

- (1) exempt from development and school impact taxes certain ancillary facilities in certain residential developments; and
- (2) generally amend the law governing impact taxes.

By amending

Montgomery County Code
Chapter 52, Taxation
Sections 52-47, 52-49, 52-57, and 52-89

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:

28 [(2)] (3) any building that replaces an existing building on the same site
 29 or in the same project (as approved by the Planning Board or the
 30 equivalent body in Rockville or Gaithersburg) to the extent of the
 31 gross floor area of the previous building, if:

- 32 (A) construction begins within one year after demolition or
 33 destruction of the previous building was substantially
 34 completed; or
- 35 (B) the previous building is demolished or destroyed, after the
 36 replacement building is built, by a date specified in a
 37 phasing plan approved by the Planning Board or
 38 equivalent body.

39 However, if in either case the development impact tax that would
 40 be due on the new, reconstructed, or altered building is greater
 41 than the tax that would have been due on the previous building if
 42 it were taxed at the same time, the applicant must pay the
 43 difference between those amounts.

44 **52-57. Tax rates.**

45 (a) The tax rates for each impact tax district, except as provided in
 46 subsection (b) are:

	*	*	*
<u>Cultural institution</u>	<u>0.20</u>	<u>0.50</u>	<u>0.40</u>
<u>Charitable, philanthropic institution</u>	<u>0</u>	<u>0</u>	<u>0</u>
	*	*	*

51 **52-89. Imposition and applicability of tax.**

52 (d) The tax under this Article does not apply to:

- 53 (1) any reconstruction or alteration of an existing building or part of

55 a building that does not increase the number of dwelling units of
56 the building;

57 (2) any ancillary building in a residential development that:

58 (A) does not increase the number of dwelling units in that
59 development; and

60 (B) is used only by residents of that development and their
61 guests, and is not open to the public; and

62 [(2)] (3) any building that replaces an existing building on the same site
63 or in the same project (as approved by the Planning Board or the
64 equivalent body in Rockville or Gaithersburg) to the extent of the
65 number of dwelling units of the previous building, if:

66 (A) construction begins within one year after demolition or
67 destruction of the previous building was substantially
68 completed; or


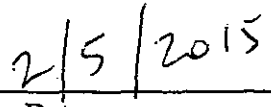
69 (B) the previous building is demolished or destroyed, after the
70 replacement building is built, by a date specified in a
71 phasing plan approved by the Planning Board or
72 equivalent body.

73 However, if in either case the tax that would be due on the new,
74 reconstructed, or altered building is greater than the tax that
75 would have been due on the previous building if it were taxed at
76 the same time, the applicant must pay the difference between
77 those amounts.

78 * * *

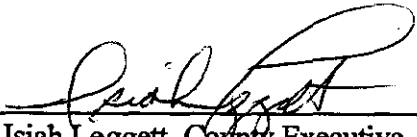

79 Sec. 2. This Act takes effect as of October 30, 2014.

80 *Approved:*

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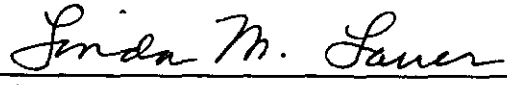
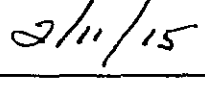
George Leventhal, President, County Council Date

82 *Approved:*

83  

Isiah Leggett, County Executive Date

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

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Linda M. Lauer, Clerk of the Council Date