

ZTA 23-10

PARKING, QUEUING, AND LOADING – CALCULATION OF  
REQUIRED PARKING

Description

This ZTA exempts residential uses from providing minimum parking if located within ½ mile of a Metro or Purple Line station, or within ¼ mile of a Bus Rapid Transit Station that exists or is funded for construction in the 6 year capital improvement program.

ZTA 23-10

Completed: 12-14-2023

MCPB

Item No. 08

12-21-2023

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#### ZTA SPONSORS

##### Lead Sponsors:

Council President Friedson  
Councilmembers Mink, and Glass

##### Cosponsors:

Councilmembers Luedtke, Albornoz,  
Jawando, Fani-Gonzalez, Sayles, Stewart,  
Balcomb, and Katz

#### INTRODUCTION DATE

November 28, 2023

#### COUNCIL PUBLIC HEARING DATE

January 16, 2024

#### REVIEW BASIS

Chapter 59

## Summary

- Under current zoning, all uses have some level of required on-site parking, as specified in the baseline parking minimums table under Section 59-6.2.4.B.
- ZTA 23-10 creates a new adjustment to vehicle parking, exempting residential uses from providing the baseline parking minimums if they are located within ½ mile of Metro or Purple Line Stations, or within ¼ mile of an existing or funded Bus Rapid Transit station.
- Planning Staff is recommending changes to clarify what is meant by a Bus Rapid Transit station, and to ensure the full intent of eliminating parking minimums are able to be implemented.

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## SECTION 1 – BACKGROUND

### Rationale For Introduction

Zoning Text Amendment (ZTA) 23-10, Parking, Queuing, and Loading – Calculation of Required Parking, was introduced by Council President Friedson, and Councilmembers Glass, and Mink, and co-sponsored by Councilmembers Luedtke, Albornoz, Jawando, Fani-Gonzalez, Sayles, Stewart, Balomb, and Katz, on November 28, 2023 (Attachment A). The ZTA is scheduled for a District Council Public Hearing on January 16, 2024. The ZTA exempts residential uses from providing the baseline parking minimums if located within ½ mile of a Metro or Purple Line station, or within ¼ mile of an existing or capitolly funded for construction Bus Rapid Transit (BRT) station.

All uses in the Zoning Code require some level of off-street parking, and the code also provides opportunities to reduce amount of required parking by providing elements such as shared parking, unbundling of residential parking, or better bicycle amenities. The Council sponsors, in their press release for ZTA 23-10 pointed out how expensive providing parking can be, at a cost of between \$70,000 and \$100,000 per space when constructing underground parking. These costs are passed onto the future residents in the form of higher rent. Eliminating parking minimums does not restrict developers from providing parking, but permits them to provide the amount they feel is necessary to accommodate anticipated demand. This frees up space for more development adjacent to the County’s transit stations, and helps reduce the cost of construction. The Council also notes this measure is supported by many of the County’s recently adopted plans and policies that prioritize people over cars, and support concentrated development along development corridors and around transit.

During the 2023 State legislative session, House Bill 819 was introduced which would have prohibited Montgomery County from enforcing off-street parking minimums for residential development near Metro or Purple Line stations. This Bill was not adopted, but it started the conversation at the local level that similar legislation should be considered by the County.

## SECTION 2 – TEXT AS INTRODUCED

### ZTA 23-10 As Introduced

ZTA 23-10 adds a new subsection “Parking Minimums Near Transit” to the “Adjustments to Vehicle Parking” section located in Section 59-6.2.3.I. of the Zoning Code. The new subsection is as follows:

#### **8. Parking Minimums Near Transit**

Residential uses are exempt from the baseline parking minimums in the parking table under Section 6.2.4.B. if located the following distance from transit:

- a. Within ½ mile of a Metro station;
- b. Within ½ mile of a Purple Line station; or
- c. Within ¼ mile of an existing Bus Rapid Transit station or a Bus Rapid Transit station that has been funded for construction in the 6-year CIP at the time of application.

Planning Staff has included in Attachment 3 a map showing the above listed distances from transit, for reference on where the parking exemption would apply.

## SECTION 3 – ANALYSIS AND RECOMMENDATIONS

### ZTA 23-10 Analysis and Recommendations

Montgomery Planning Staff recommends the Planning Board support ZTA 23-10 with modifications. Planning Staff are very supportive of allowing a more market driven approach to providing parking, especially in close proximity to frequent, high-quality transit where alternatives to driving are available and land values are highest.

The current code has various options for reducing parking below the baseline parking minimums. There are general provisions that apply to larger geographies such as the provisions for Parking Lot Districts<sup>1</sup> (PLDs), which allow a property to pay an annual tax in exchange for providing on-site parking, and the Reduced Parking Areas<sup>2</sup> which have lower baseline minimum parking requirements, and allow for a waiver to reduce parking further. The code also includes site specific adjustments to vehicle parking that may reduce parking up to 50% below baseline minimums, including reductions for:

- Affordable and age-restricted housing
- Certain religious assembly
- Providing shared parking
- Providing car-share spaces
- Unbundling parking from leases
- Federal agencies

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<sup>1</sup> The Parking Lot Districts include Downtown Bethesda, Downtown Silver Spring, Montgomery Hills, and Downtown Wheaton

<sup>2</sup> A designated area defined by a property's zoning and location, including any property not in a Parking Lot District, and in a CR, CRT, LSC, EOF, or equivalent Floating zone, or in a CRN, NR, GR, or equivalent Floating zone that is within 1 mile of a transit station or stop, as defined by Transit Proximity.

- Carpool parking
- Providing Bike-share stations
- Providing on-site showers and lockers

Since 2021, there have been at least 10 projects, mostly in downcounty or midcounty, near Metrorail stations, that have utilized a combination of the PLD, site specific reductions, and waivers to provide less than the baseline minimum parking. Approximately half were in a PLD and would be required to pay the annual tax. Passing this ZTA could have future impacts on one of the funding mechanisms of PLDs if no new residential projects would be required to make those annual payments.

Planning Staff have a couple of minor recommendations to modify the ZTA, some are direct, and a couple that requires follow-up discussions with the Board and the District Council.

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#### MODIFICATION TO NEW SECTION

Planning Staff's first recommendation is to update an additional Section, 59-6.2.3.I.1.b. to ensure the full intent of this ZTA can be achieved. This section of code currently reads as follows:

- b. Adjustments under Section [6.2.3.I](#) to the minimum number of required parking spaces must not result in a reduction below 50% of the baseline parking minimum or shared parking model minimum.

This provision seems to limit the effect of any adjustment to vehicle parking under Subsection I to no more than 50% of the baseline minimum with no exceptions.

Recommendation - Planning Staff recommend the following amendment to the ZTA to provide an exception for residential uses near transit:

- b. Adjustments under Section [6.2.3.I](#) to the minimum number of required parking spaces must not result in a reduction below 50% of the baseline parking minimum or shared parking model minimum except for adjustments allowed under Section [6.2.3.I.8](#).

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#### DEFINE BUS RAPID TRANSIT

Planning Staff's second recommendation is to clarify what is meant by a Bus Rapid Transit (BRT) Station, as BRT planning and implementation can vary greatly. As an example, Montgomery County recently constructed and opened the US 29 FLASH as a high-quality transit line, with premium vehicles and stations and frequent service, but lacking dedicated transit lanes. Some consider the US 29 FLASH to be a BRT route while others feel it lacks sufficient investment to qualify as BRT. In the existing code, any references to proximity to BRT have been based on proximity to planned BRT routes, which is more straightforward since the planned routes are generally along our major roadway corridors and do not often change in alignment, and a BRT route is still considered planned, regardless of the level of infrastructure investment that may have gone into implementing high-

quality transit upgrades. This ZTA bases the benefit of not having to provide minimum parking on proximity to existing or funded BRT stations, which makes sense because the purpose this ZTA is to allow reduced or no parking in places with existing high-quality transit service. However, clarity should be given to what is considered an existing or funded BRT station to avoid differing opinions when it comes to implementing the zoning.

Recommendation – Planning Staff recommend that the term BRT in the ZTA be replaced with a reference to non-rail transitways as identified in the Master Plan of Highways and Transitways. This change serves two purposes, first by specifying a specific source for what qualifies as a transitway, it removes the ambiguity about whether any particular corridor with upgraded with high-quality transit infrastructure meets the threshold of BRT. This definition also ensures all planned non-rail transitways are captured including the BRT routes from the 2013 Countywide Transit corridors Functional Plan, amendments made in the 2014 White Oak Science Gateway Master Plan, the 2022 Corridor Forward plan, and any future updates to area plans or functional plans. The amended text would read as follows:

- c. Within ¼ mile of an existing [Bus Rapid Transit] non-rail transitway station or a [Bus Rapid Transit]non-rail transitway station that has been funded for construction in the 6-year CIP at the time of application that is associated with a non-rail transitway identified in the Master Plan of Highways and Transitways.

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#### FUTURE ANALYSIS – DEFINE HOW TO MEASURE DISTANCE

Planning Staff’s last recommendation does not directly apply to ZTA 23-10, but warrants further discussion because this ZTA is one of multiple ZTAs recently that have established zoning policies based on distance from features such as transit lines or stations. Planning Staff recommends a Rule of Interpretation be added to the code explaining how to perform distance measurements from features such as transit stations and transit lines. Currently, there is no definition or written interpretation in the Code on how to interpret a property or project's distance to a fixed location such as a transit station. There are at least three approaches that could be taken.

- Planning Staff’s understanding is the Department of Permitting Services (DPS) makes this determination based on a straight-line “as the crow flies” distance from the station to the site or property, and if any part of a site or property falls within the specified distance, the whole site or property qualifies.
- The Commercial/Residential and Employment Zones Incentive Density Guidelines also uses straight-line measurements for the Transit Proximity category, but specifies that at least 75% of a tract must fall within the range to fully qualify for incentive points, and for tracts with less than 75% coverage, a weighted average should be applied to the benefit.

- A third approach would be to base distance not on straight-line measurement, but instead based on the actual pedestrian path, determined by an existing sidewalk and shared use path connections.

Planning Staff is not at this point advocating that any methodology is better than the others, but does recommend a future ZTA be considered that amends Section 59-1.4.1 Rules of Interpretation to spell out the methodology on how to perform distance measurements to avoid misinformation or confusion among Planning Staff, DPS Staff, and applicants.

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## PARKING LOT DISTRICTS

Because PLDs are administered by the Montgomery County Department of Transportation, Planning Staff have no direct recommendations to the ZTA or on other code amendments to consider, but note this ZTA could cut off a substantial source of funding going forward. Currently all developments in PLDs providing less than the minimum parking (after allowed adjustments) must pay an annual tax to the PLD. Once this ZTA is adopted, the tax would still apply to new commercial development, but would no longer be required for new residential development. Also, as introduced there is nothing that would stop an existing residential development that pays the annual PLD tax from submitting a site plan amendment to remove their parking requirement going forward. The District Council should consider these implications for the PLDs which may need modified or new sources of funding in the future.

## SECTION 4 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment, effective March 1, 2023. Each climate assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and upon community resilience and adaptive capacity. The full climate impact assessment for ZTA 23-10 is attached in Attachment B with a brief summary provided below.

ZTA 23-10 will likely have minor positive impacts on greenhouse gas emissions by encouraging the development of more housing units that are not as car-dependent, resulting in fewer vehicle trips and vehicle miles traveled than may have otherwise occurred. The ZTA is also predicted to have indeterminate minor positive impacts on adaptive capacity by increasing the number of future residents with accessibility to community gathering spaces, increasing future access to public transportation, and encouraging less car-dependent lifestyles.

## SECTION 5 – CONCLUSION



Planning Staff recommends the Planning Board support ZTA 23-10 with modifications to ensure that parking may be fully eliminated near transit stations for residential uses and to define what is meant by a BRT station as discussed in this report. This ZTA is a major step toward implementing the County’s goals of reducing housing costs, incentivizing housing along existing development corridors and transit hubs, and placing people over vehicles in the built environment.

## SECTION 6 – ATTACHMENTS

*Attachment A: Zoning Text Amendment 23-10 Intro Packet*

*Attachment B: Climate Assessment 23-10*

*Attachment C: Map of transit buffers proposed by ZTA 23-10*

*Attachment D: HB 819*



**Committee:** PHP  
**Committee Review:** At a future date  
**Staff:** Livhu Ndou, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #Parking #Residential #Transit

AGENDA ITEM #3A  
November 28, 2023  
**Introduction**

## SUBJECT

Zoning Text Amendment (ZTA) 23-10, Parking, Queuing, and Loading – Calculation of Required Parking

Lead Sponsors: Councilmember Friedson, Councilmember Mink, and Council President Glass  
Co-Sponsors: Councilmember Luedtke

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce agenda item – no vote expected

## DESCRIPTION/ISSUE

ZTA 23-10 will exempt residential uses from the minimum parking requirements if located near transit.

## SUMMARY OF KEY DISCUSSION POINTS

- ZTA 23-10 will exempt residential uses from the baseline parking minimums in the Zoning Ordinance if located near transit.
- To qualify as “near transit”, the use will need to be: within ½ mile of a Metro station; within ½ mile of a Purple Line station; or within ¼ mile of an existing Bus Rapid Transit station or a Bus Rapid Transit station that has been funded for construction in the 6-year CIP at the time of application.
- A public hearing is tentatively scheduled for January 16, 2024.

### **This report contains:**

ZTA 23-10

© 1

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Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 23-10  
Concerning: Parking, Queuing, and  
Loading – Calculation of  
Required Parking  
Revised: 11/14/2023 Draft No.: 1  
Introduced: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**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 Sponsors: Councilmember Friedson, Councilmember Mink, and Council President Glass  
Co-Sponsors: Councilmember Luedtke

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

- (1) reduce the parking requirement near transit; and
- (2) generally amend the parking requirements.

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

Division 6.2.                   “Parking, Queuing, and Loading”  
Section 6.2.3.               “Calculation of Required Parking”

**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.*

*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:*

1           **Sec. 1. DIVISION 59-6.2 is amended as follows:**

2   **Division 6.2. Parking, Queuing, and Loading**

3   \*   \*   \*

4   **Section 6.2.3. Calculation of Required Parking**

5   The minimum number of vehicle and bicycle parking spaces required in all zones  
6   is the sum of the number of spaces required for each applicable land use in the  
7   tables in Section 6.2.4.B and Section 6.2.4.C, unless the total number is reduced  
8   under Section 6.2.3.I.

9   \*   \*   \*

10 **I.    Adjustments to Vehicle Parking**

11   \*   \*   \*

12       **8.    Parking Minimums Near Transit**

13       Residential uses are exempt from the baseline parking minimums in the  
14       parking table under Section 6.2.4.B. if located the following distance from  
15       transit:

- 16           a.    within ½ mile of a Metro station;
- 17           b.    within ½ mile of a Purple Line station; or
- 18           c.    within ¼ mile of an existing Bus Rapid Transit station or a Bus  
19               Rapid Transit station that has been funded for construction in  
20               the 6-year CIP at the time of application.

21   \*   \*   \*

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

This is a correct copy of Council action.

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Sara R. Tenenbaum  
Clerk of the Council



## CLIMATE ASSESSMENT FOR ZTA 23-10, PARKING, QUEUING, AND LOADING – CALCULATION OF REQUIRED PARKING

### PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the climate assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the County’s contribution to addressing climate change. These assessments will provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs at the County level. The scope of the climate assessments is limited to the County’s contribution to addressing climate change, specifically upon the County’s contribution to greenhouse gas (GHG) emissions, and how actions proposed by master plans and ZTAs could improve the County’s adaptive capacity to climate change and increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed master plans and ZTAs may impact GHG emissions and community resilience.

### SUMMARY

ZTA 23-10 will exempt residential uses from the baseline parking minimums in the Zoning Ordinance if located near transit. To qualify as “near transit”, the use will need to be within ½ mile of a Metro station; within ½ mile of a Purple Line station; or within ¼ mile of an existing Bus Rapid Transit station or a Bus Rapid Transit station that has been funded for construction in the 6-year CIP at the time of application.

### BACKGROUND AND PURPOSE OF ZTA 23-10

ZTA 23-10 is intended to allow residential projects around transit stations to reduce or fully eliminate vehicle parking spaces. Providing parking is a substantial driver in construction costs, especially in urban areas with structured parking. Reducing the parking minimums provides developers the flexibility to provide only as much parking as deemed necessary for future residents, resulting in fewer parking spaces and less project cost. This policy fits into the larger framework of prioritizing people over cars and supporting development and redevelopment along major corridors and transit infrastructure.

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## VARIABLES THAT COULD AFFECT THE ASSESSMENT

### CLIMATE-RELATED VARIABLES

#### **Greenhouse Gas-related Variables:**

Transportation: Vehicle miles traveled (VMT); Number of trips; Non-vehicle modes of transportation; Public Transportation use

#### **Community Resilience and Adaptive Capacity-Related Variables:**

Adaptive Capacity Factors: Change in prevalence of or accessibility to community and public spaces; Change in access to transportation; Change to community accessibility

### OTHER VARIABLES

None

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## ANTICIPATED IMPACTS

### GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

To the degree that applicants utilize this ZTA, Montgomery Planning anticipates that ZTA 23-10 will likely have an indeterminate minor positive impact on greenhouse gas emissions by encouraging more housing near transit that is less car-dependent. This will tend to reduce VMT and non-vehicle modes of transportation and encourage the use of public transportation.

### COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

To the degree that applicants utilize this ZTA, Montgomery Planning anticipates that ZTA 23-10 will likely have an indeterminate minor positive impact on adaptive capacity by encouraging more housing near transit that is less car-dependent. This will tend to increase accessibility to community and public spaces, access to transportation, and overall community accessibility.

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## RELATIONSHIP TO GHG REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

ZTA 23-10 does not involve any GHG or sequestration activities that relate to the GHG reduction and sequestration actions from the County's Climate Action Plan.



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## RECOMMENDED AMENDMENTS

ZTA 23-10 will likely result in indeterminate minor positive impacts on the County’s goals regarding greenhouse gas emissions and sequestration, and Planning staff does not have any recommended climate-related amendments to add. The ZTA does not offer obvious additional opportunities to significantly enhance positive climate change-related impacts beyond the potential benefits associated with the proposed required parking calculation as discussed in this assessment.

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## SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for ZTA 23-05 was prepared using the methodology (tables 1, 2, and 8, in particular) for ZTAs contained within the [\*Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022\*](#).

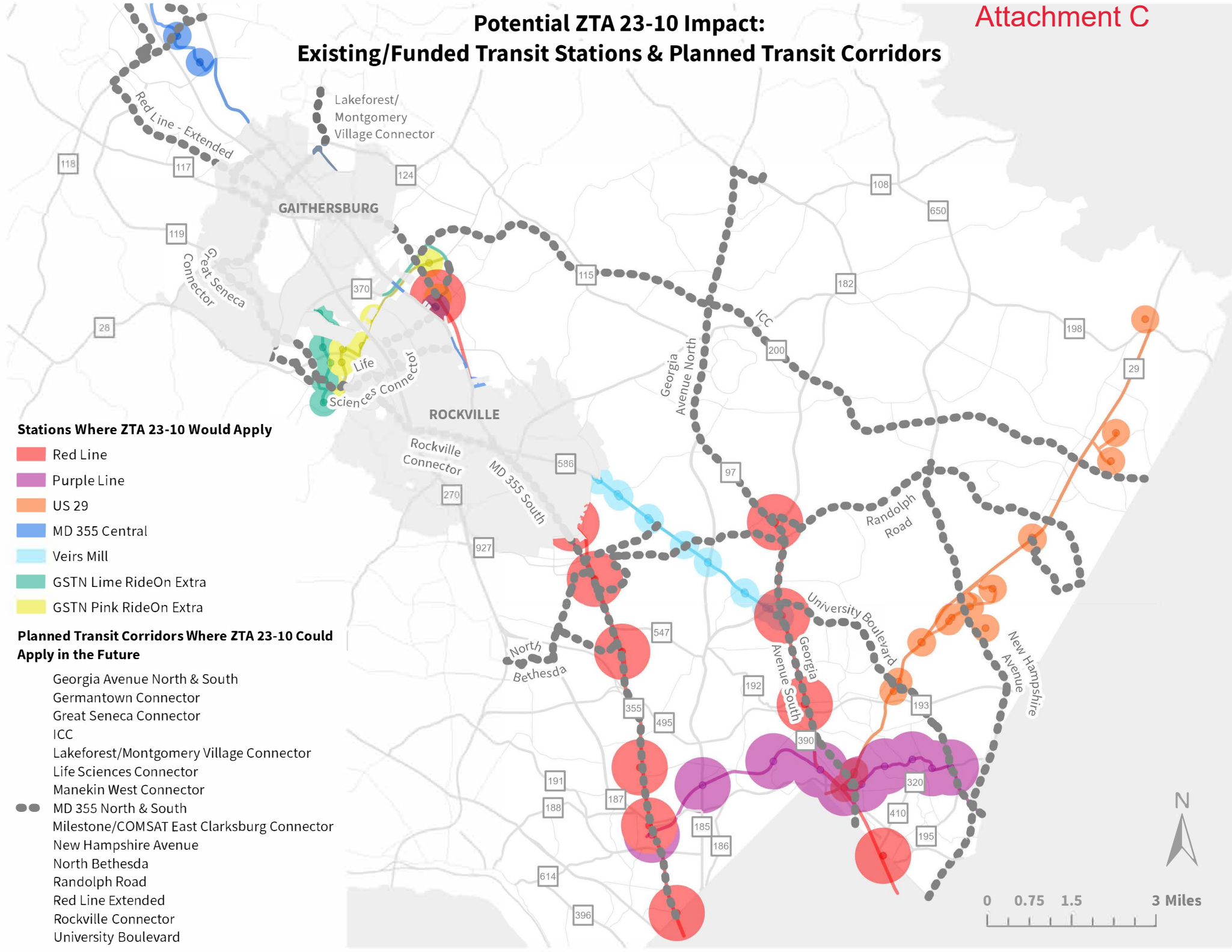
# Potential ZTA 23-10 Impact: Existing/Funded Transit Stations & Planned Transit Corridors

## Stations Where ZTA 23-10 Would Apply

- Red Line
- Purple Line
- US 29
- MD 355 Central
- Veirs Mill
- GSTN Lime RideOn Extra
- GSTN Pink RideOn Extra

## Planned Transit Corridors Where ZTA 23-10 Could Apply in the Future

- Georgia Avenue North & South
- Germantown Connector
- Great Seneca Connector
- ICC
- Lakeforest/Montgomery Village Connector
- Life Sciences Connector
- Manekin West Connector
- MD 355 North & South
- Milestone/COMSAT East Clarksburg Connector
- New Hampshire Avenue
- North Bethesda
- Randolph Road
- Red Line Extended
- Rockville Connector
- University Boulevard



HOUSE BILL 819

L5

3lr0550

By: **Montgomery County Delegation and Prince George’s County Delegation**

Introduced and read first time: February 8, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2023

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Off-Street Parking Requirements Near Mass Transit**  
3 **Stations**

4 **MC/PG 106–23**

5 FOR the purpose of prohibiting the Montgomery County district council from adopting or  
6 enforcing a local law that requires the creation of new off–street parking for a  
7 residential development that is located within a certain distance of a present or  
8 planned Metro or Purple Line station; and generally relating to requirements for  
9 off–street parking for developments in Montgomery County.

10 BY adding to  
11 Article – Land Use  
12 Section 22–109  
13 Annotated Code of Maryland  
14 (2012 Volume and 2022 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
16 That the Laws of Maryland read as follows:

17 **Article – Land Use**

18 **22–109.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IN THIS SECTION, "PURPLE LINE" MEANS THE 16-MILE LIGHT RAIL  
2 TRANSIT LINE BETWEEN BETHESDA IN MONTGOMERY COUNTY AND NEW  
3 CARROLLTON IN PRINCE GEORGE'S COUNTY.

4 (B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

5 (C) NOTWITHSTANDING § 22-104 OF THIS SUBTITLE, THE DISTRICT  
6 COUNCIL MAY NOT ADOPT OR ENFORCE A LOCAL LAW THAT REQUIRES THE  
7 CREATION OF NEW OFF-STREET PARKING FOR A RESIDENTIAL DEVELOPMENT THAT  
8 IS LOCATED WITHIN A 0.25-MILE RADIUS OF A PRESENT OR PLANNED METRO OR  
9 PURPLE LINE STATION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2023.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.