

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 17

Bill No. 78-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, October 2, 2023

Introduced and first read on October 2, 2023
Public Hearing set for November 6, 2023
Bill Expires January 5, 2024

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Subdivision and
2 Development – Zoning – Essential Worker Housing Access Act of 2023

3
4 FOR the purpose of modifying fees paid into the Housing Trust Special Revenue Fund;
5 exempting moderately priced dwelling units by a certain percentage from capital
6 facility connection charges; modifying the requirements for a sketch plan application,
7 final plan application, and site development plan; exempting moderately priced
8 dwelling units from development impact fees; adopting new Title 12, entitled
9 “Moderately Priced Dwelling Units” in the Subdivision and Development Article of
10 the Code; defining certain terms; providing for the applicability of the new Title;
11 requiring the establishment of moderately priced dwelling units in certain residential
12 developments; allowing for payment of a fee in lieu of providing moderately priced
13 dwelling units under certain circumstances; requiring an application and agreement
14 with specified terms for a residential development required to include moderately
15 priced dwelling units; establishing eligibility requirements for purchase or rental of
16 moderately priced dwelling units; providing a method for establishing sale and rental
17 prices for moderately priced dwelling units; providing the method of initial and
18 subsequent sale and rental of moderately priced dwelling units; requiring income
19 review and information for continued eligibility to rent moderately priced dwelling
20 units; providing for notice and disposition of proceeds from foreclosure proceedings
21 related to moderately priced dwelling units; requiring covenants for moderately priced
22 dwelling units; permitting bulk transfers of moderately priced dwelling units under
23 certain circumstances; providing for the conversion of rental moderately priced
24 dwelling unit to condominiums or cooperatives; permitting the program administrator

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 to waive certain requirements of the new Title under certain conditions; providing a
2 right of appeal; providing for a density bonus for developments containing moderately
3 priced dwelling units under certain circumstances; exempting certain residential
4 development started before a certain date from the provisions of this Ordinance;
5 providing for a delayed effective date; and generally relating to finance, taxation, and
6 budget, subdivision and development, and zoning.

7
8 BY repealing and reenacting, with amendments: §§ 4-11-124(a); 17-3-201(c)(10) and (11);
9 17-3-301(c)(11) and (12); and 17-11-203(c)(1)(vii) and (viii)
10 Anne Arundel County Code (2005, as amended)

11
12 BY renumbering: §§ 17-4-202(b)(27) through (38) to be 17-4-202(b)(28) through (39)
13 Anne Arundel County Code (2005, as amended)

14
15 BY adding: §§ 13-5-813(k)(3); 17-3-201(c)(12); 17-3-301(c)(13); 17-4-202(b)(27); 17-11-
16 203(c)(1)(ix); 17-12-101 through 17-12-115 to be under the new title, “Title 12.
17 Moderately Priced Dwelling Units”; and 18-12-701 to be under the new subtitle,
18 “Subtitle 7. Moderately Priced Dwelling Units”
19 Anne Arundel County Code (2005, as amended)

20
21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
22 *That §§ 17-4-202(b)(27) through (38) of the Anne Arundel County Code (2005, as*
23 *amended) are hereby renumbered to be 17-4-202(b)(28) through (39), respectively.*

24
25 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
26 Code (2005, as amended) read as follows:

27
28 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

29
30 **TITLE 11. BUDGET**

31
32 **4-11-124. Housing Trust Special Revenue Fund.**

33
34 (a) **Fund established.** There is a Housing Trust Special Revenue Fund into which shall
35 be paid the revenue attributable to:

36
37 (1) any real property transfer tax rate levied under § 4-3A-101(c)(2) of this Code in
38 excess of the revenue that would be derived from the real property transfer tax rate levied
39 under § 4-3A-101(c)(1); **[[and]]**

40
41 (2) any special recordation tax rate in excess of the generally applicable rate that is
42 levied on an instrument of writing for which the consideration payable or the principal
43 amount of debt secured is \$1,000,000 or more; AND

44
45 (3) ANY FEE IN LIEU OR OTHER PAYMENTS UNDER TITLE 12 OF ARTICLE 17 OF THIS
46 CODE.

ARTICLE 13. PUBLIC WORKS

TITLE 5. UTILITIES

13-5-813. Water and wastewater system connection charges and assessments.

(k) Properties exempt from all or part of capital facility connection charges.

(3) MODERATELY PRICED DWELLING UNITS ARE EXEMPT FROM 50% OF THE CAPITAL FACILITY CONNECTION CHARGES.

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 3. SUBDIVISION

17-3-201. Sketch plan application.

(c) Attachments. A sketch plan shall be accompanied by all information required by the Office of Planning and Zoning and the Department of Inspections and Permits, including to the extent applicable:

(10) an equivalent dwelling unit (EDU) worksheet; [[and]]

(11) a copy of a summary of comments received at the pre-submission community meeting; an affidavit signed by the developer or other evidence acceptable to the Office of Planning and Zoning to prove that a community meeting was held and that a copy of the summary of comments was mailed to each participant at the pre-submission community meeting, to all lot owners within 300 feet of the property to be subdivided, and to the County Councilmember of the Councilmanic District where the property is located and, if the property abuts another Councilmanic District, to that County Councilmember; AND

(12) A MODERATELY PRICED DWELLING UNIT WORKSHEET FORMULATED BY THE ADMINISTRATOR, AS THAT TERM IS DEFINED IN § 17-12-101, THAT INCLUDES, AT A MINIMUM, THE NUMBER AND TYPES OF MODERATELY PRICED DWELLING UNITS THAT WILL BE OFFERED FOR SALE OR RENTAL, WHICH SHALL BE SUBMITTED TO THE ADMINISTRATOR AND APPROVED BY THE ADMINISTRATOR AS A CONDITION OF THE SKETCH PLAN APPLICATION APPROVAL.

17-3-301. Final plan application.

(c) Attachments. A final plan shall be accompanied by all information required by the Office of Planning and Zoning and the Department of Inspections and Permits, including to the extent applicable:

(11) a proposed record plat; [[and]]

(12) a digital copy of the proposed record plat or the fee for digital conversion of a proposed record plat; AND

1 (13) IDENTIFICATION OF EACH LOT THAT WILL CONTAIN A MODERATELY PRICED
2 DWELLING UNIT, AND A NOTATION THAT USE OF EACH LOT IS SUBJECT TO THE RECORDED
3 AGREEMENT REQUIRED BY § 17-12-104(B).
4

5 **TITLE 4. SITE DEVELOPMENT PLANS**

6
7 **17-4-202. Site development plan.**

8
9 (b) **Contents.** A site development plan shall be on a 24" x 36" sheet at a scale that is
10 no greater than 1" = 40' and no smaller than 1" = 60' and shall contain all information
11 required by the Office of Planning and Zoning and the Department of Inspections and
12 Permits. The information ordinarily shall include:

13
14 (27) IDENTIFICATION OF EACH LOT THAT WILL CONTAIN A MODERATELY PRICED
15 DWELLING UNIT, AND A NOTATION THAT USE OF EACH LOT IS SUBJECT TO THE RECORDED
16 AGREEMENT REQUIRED BY § 17-12-104(B);
17

18 **TITLE 11. FEES AND SECURITY**

19
20 **17-11-203. Who must pay fees.**

21
22 (c) **Exemptions.**

23
24 (1) Subject to the conditions set forth in paragraphs (2) and (3) of this subsection,
25 the following shall be exempt from impact fees:

26
27 (vii) facilities for Anne Arundel Community College on property owned by or
28 leased to Anne Arundel Community College; **[[and]]**

29
30 (viii) accessory dwelling units, provided that the accessory dwelling unit is not
31 constructed during the new construction of a principal single-family detached dwelling~~[[.]]~~;
32 AND

33
34 (IX) MODERATELY PRICED DWELLING UNITS UNDER TITLE 12 OF THIS ARTICLE.
35

36 **TITLE 12. MODERATELY PRICED DWELLING UNITS**

37
38 **17-12-101. Definitions.**

39
40 IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

41
42 (1) "ADMINISTRATOR" MEANS THE COMMUNITY SERVICE ENTITY WITH WHICH THE
43 COUNTY HAS AN AGREEMENT PURSUANT TO § 3-5-102 OF THIS CODE TO ADMINISTER THE
44 MODERATELY PRICED DWELLING UNIT PROGRAM FOR THE COUNTY AS PROVIDED IN THIS
45 TITLE.

46
47 (2) "APPLICANT" MEANS A PERSON OR ENTITY THAT SUBMITS AN APPLICATION TO
48 DEVELOP:

49
50 (I) 10 OR MORE DWELLING UNITS AT ONE LOCATION IN ONE OR MORE
51 DEVELOPMENTS OR REDEVELOPMENTS, PARTS OF DEVELOPMENTS OR
52 REDEVELOPMENTS, OR PHASES OF DEVELOPMENTS OR REDEVELOPMENTS; OR

1 (II) 9 OR LESS DWELLING UNITS AT ONE LOCATION IN ONE OR MORE
2 DEVELOPMENTS OR REDEVELOPMENTS, PARTS OF DEVELOPMENTS OR
3 REDEVELOPMENTS, OR PHASES OF DEVELOPMENTS OR REDEVELOPMENTS IF THE PERSON
4 OR ENTITY VOLUNTARILY SUBJECTS THE DEVELOPMENT OR REDEVELOPMENT TO THE
5 TERMS OF THIS TITLE.

6
7 (3) "BMSA" MEANS THE BALTIMORE METROPOLITAN STATISTICAL AREA.

8
9 (4) "CERTIFICATE OF ELIGIBILITY" MEANS A CERTIFICATE PROVIDED TO AN
10 ELIGIBLE PERSON THAT INDICATES THE PERSON MEETS THE ELIGIBILITY REQUIREMENTS
11 OF § 17-12-106.

12
13 (5) "CLOSING COSTS" MEANS STATUTORY CHARGES FOR TRANSFERRING TITLE,
14 FEES FOR OBTAINING NECESSARY FINANCING, TITLE EXAMINATION FEES, TITLE
15 INSURANCE PREMIUMS, HOUSE LOCATION SURVEY CHARGES, AND FEES FOR
16 PREPARATION OF LOAN DOCUMENTS AND DEED OF CONVEYANCE.

17
18 (6) "CONSUMER PRICE INDEX" MEANS THE LATEST PUBLISHED VERSION OF THE
19 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) OF THE U.S. DEPARTMENT
20 OF LABOR FOR THE BALTIMORE STATISTICAL METROPOLITAN AREA, OR ANY SIMILAR
21 INDEX SELECTED BY THE ADMINISTRATOR.

22
23 (7) "CONTROL PERIOD" MEANS:

24
25 (I) FOR UNITS INTENDED FOR OWNERSHIP, A 20-YEAR PERIOD COMMENCING ON
26 THE DATE OF ORIGINAL SALE IN WHICH A MODERATELY PRICED DWELLING UNIT IS
27 SUBJECT TO EITHER RESALE PRICE CONTROLS OR OWNER OCCUPANCY REQUIREMENTS
28 PROVIDED IN THIS TITLE; AND

29
30 (II) FOR UNITS INTENDED FOR RENTAL, A 40-YEAR PERIOD COMMENCING ON
31 THE DATE OF ORIGINAL RENTAL IN WHICH A MODERATELY PRICED DWELLING UNIT IS
32 SUBJECT TO EITHER MAXIMUM RENTAL LIMITS OR RENTAL OCCUPANCY REQUIREMENTS
33 PROVIDED IN THIS TITLE.

34
35 (8) "DATE OF ORIGINAL SALE" MEANS THE DATE OF SETTLEMENT FOR THE INITIAL
36 PURCHASE OF A MODERATELY PRICED DWELLING UNIT.

37
38 (9) "DATE OF ORIGINAL RENTAL" MEANS THE EFFECTIVE DATE OF THE FIRST LEASE
39 AGREEMENT FOR A MODERATELY PRICED DWELLING UNIT.

40
41 (10) "DWELLING UNIT" HAS THE MEANING STATED IN § 18-1-101 OF THIS CODE.

42
43 (11) "ELIGIBLE HOUSEHOLD" MEANS A HOUSEHOLD WHOSE INCOME QUALIFIES
44 THE HOUSEHOLD TO PARTICIPATE IN THE MODERATELY PRICED DWELLING UNIT
45 PROGRAM, AND WHO HOLDS A VALID CERTIFICATE OF ELIGIBILITY FROM THE
46 ADMINISTRATOR THAT ENTITLES THE HOUSEHOLD TO BUY OR RENT A MODERATELY
47 PRICED DWELLING UNIT.

48
49 (12) "GROSS HOUSEHOLD INCOME" MEANS THE SALARIES, INTEREST ON SAVINGS
50 AND CHECKING ACCOUNTS, SOCIAL SECURITY BENEFITS, UNEMPLOYMENT INSURANCE,
51 PENSION AND RETIREMENT BENEFITS, DISABILITY BENEFITS, INCOME FROM REAL ESTATE
52 OR OTHER INVESTMENTS, AND INCOME FROM BUSINESS ENTITIES OR PARTNERSHIPS OF
53 ALL ADULTS OVER 18 YEARS OF AGE THAT RESIDE IN A HOUSEHOLD.

54
55 (13) "HOUSEHOLD" MEANS THE INDIVIDUALS WHO INTEND TO LIVE TOGETHER IN
56 A MODERATELY PRICED DWELLING UNIT.

57
58 (14) "HOUSING TRUST SPECIAL REVENUE FUND" MEANS THE FUND ESTABLISHED
59 UNDER § 4-11-124 OF THIS CODE.

1 (15) "MARKET RATE UNIT" MEANS A DWELLING UNIT IN A REGULATED
2 DEVELOPMENT OTHER THAN A MODERATELY PRICED DWELLING UNIT.

3
4 (16) "MODERATELY PRICED DWELLING UNIT" MEANS A DWELLING UNIT IN A
5 REGULATED DEVELOPMENT THAT IS OFFERED FOR SALE OR RENT TO ELIGIBLE
6 HOUSEHOLDS THROUGH THE ADMINISTRATOR IN ACCORDANCE WITH THE
7 REQUIREMENTS OF THIS TITLE.

8
9 (17) "REGULATED DEVELOPMENT" MEANS DEVELOPMENT SUBJECT TO § 17-12-102.

10
11 **17-12-102. Applicability.**

12
13 (A) **Applicability.** EXCEPT AS PROVIDED IN SUBSECTION, (B), THIS TITLE APPLIES TO:

14
15 (1) A DEVELOPMENT WITH A RESIDENTIAL COMPONENT, THAT PERMITS THE
16 CONSTRUCTION OF A TOTAL OF 10 OR MORE DWELLING UNITS;

17
18 (2) REHABILITATION OF AN EXISTING MULTIFAMILY RESIDENTIAL STRUCTURE
19 THAT INCREASES THE NUMBER OF DWELLING UNITS IN THE STRUCTURE BY A TOTAL OF
20 10 OR MORE DWELLING UNITS;

21
22 (3) CONVERSION OF A RENTAL PROPERTY TO A CONDOMINIUM OR COOPERATIVE
23 THAT INCREASES THE NUMBER OF DWELLING UNITS BY A TOTAL OF 10 OR MORE
24 DWELLING UNITS;

25
26 (4) A DEVELOPMENT THAT WILL CHANGE THE USE OF AN EXISTING BUILDING
27 FROM A NON-RESIDENTIAL USE TO A RESIDENTIAL USE THAT WILL CONTAIN A TOTAL OF
28 10 OR MORE DWELLING UNITS; AND

29
30 (5) A DEVELOPMENT CONTAINING FEWER THAN 10 DWELLING UNITS THAT AN
31 APPLICANT VOLUNTARILY SUBJECTS TO THE TERMS OF THIS TITLE.

32
33 (B) **Exceptions.** THIS TITLE DOES NOT APPLY TO:

34
35 (1) A DEVELOPMENT THAT:

36
37 (I) IS FINANCED UNDER LOCAL, STATE, OR FEDERAL FINANCING PROGRAMS,
38 INCLUDING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
39 PROGRAMS, MARYLAND COMMUNITY DEVELOPMENT ADMINISTRATION RENTAL
40 PROGRAMS, AND LOW INCOME HOUSING TAX CREDITS; AND

41
42 (II) PROVIDES AN EQUAL OR GREATER NUMBER OF INCOME-RESTRICTED
43 AFFORDABLE UNITS THAN WOULD BE REQUIRED BY THIS TITLE;

44
45 (2) A DEVELOPMENT FINANCED OR DEVELOPED BY ARUNDEL COMMUNITY
46 DEVELOPMENT SERVICES, INC. THAT PROVIDES AN EQUAL OR GREATER NUMBER OF
47 INCOME-RESTRICTED AFFORDABLE UNITS THAN WOULD BE REQUIRED BY THIS TITLE;

48
49 (3) WORKFORCE HOUSING UNDER TITLE 10 OF ARTICLE 18 OF THIS CODE; AND

50
51 (4) HOUSING FOR ELDERLY OF MODERATE MEANS UNDER TITLE 10 OF ARTICLE 18
52 OF THIS CODE.

53
54 **17-12-103. Establishment of moderately priced dwelling units.**

55
56 (A) **Ten to nineteen dwelling units.** IF A REGULATED DEVELOPMENT WILL CONTAIN
57 NOT LESS THAN 10 NOR MORE THAN 19 DWELLING UNITS, AN APPLICANT SHALL EITHER:

1 (1) MAKE A CONTRIBUTION TO THE HOUSING TRUST SPECIAL REVENUE FUND IN
2 ACCORDANCE WITH § 17-12-105(D); OR
3

4 (2) DESIGNATE NOT LESS THAN 10% OF EACH TYPE OF DWELLING UNIT OFFERED
5 FOR SALE AND NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT OFFERED FOR
6 RENTAL IN THE DEVELOPMENT AS MODERATELY PRICED DWELLING UNITS THAT MEET
7 THE REQUIREMENTS OF THIS TITLE.
8

9 (B) **Twenty or more dwelling units.** IF A REGULATED DEVELOPMENT WILL CONTAIN
10 20 OR MORE DWELLING UNITS, AN APPLICANT SHALL DESIGNATE NOT LESS THAN 10% OF
11 EACH TYPE OF DWELLING UNIT OFFERED FOR SALE AND NOT LESS THAN 15% OF EACH
12 TYPE OF DWELLING UNIT OFFERED FOR RENTAL IN THE DEVELOPMENT AS MODERATELY
13 PRICED DWELLING UNITS THAT MEET THE REQUIREMENTS OF THIS TITLE.
14

15 (C) **Fractional units.** WHEN THE APPLICATION OF THE PERCENTAGES SET FORTH IN
16 SUBSECTIONS (A) AND (B) RESULT IN FRACTIONAL UNITS, THE RESULT SHALL BE
17 ROUNDED UP TO THE NEXT WHOLE NUMBER.
18

19 **17-12-104. Application and agreement.**
20

21 (A) **Requirements.** A DEVELOPMENT PLAN REQUIRED BY THIS ARTICLE MAY NOT BE
22 APPROVED AND A BUILDING PERMIT MAY NOT BE ISSUED UNLESS THE REQUIREMENTS OF
23 THIS TITLE ARE MET.
24

25 (B) **Agreement.** BEFORE A REGULATED DEVELOPMENT THAT WILL CONTAIN
26 MODERATELY PRICED DWELLING UNITS OR THAT IS REQUIRED TO INCLUDE MODERATELY
27 PRICED DWELLING UNITS MAY BE APPROVED BY THE PLANNING AND ZONING OFFICER,
28 AN APPLICANT SHALL ENTER INTO AN AGREEMENT WITH THE COUNTY OR THE
29 ADMINISTRATOR THAT:
30

31 (1) REQUIRES A SPECIFIC NUMBER OF MODERATELY PRICED DWELLING UNITS TO
32 BE CONSTRUCTED ON A TIME SCHEDULE APPROVED BY THE PLANNING AND ZONING
33 OFFICER;
34

35 (2) REQUIRES EACH SINGLE-FAMILY MODERATELY PRICED DWELLING UNIT TO
36 HAVE TWO OR MORE BEDROOMS;
37

38 (3) REQUIRES THAT THE NUMBER OF EFFICIENCY AND ONE-BEDROOM
39 MODERATELY PRICED DWELLING UNITS IN A REGULATED DEVELOPMENT OF
40 MULTIFAMILY DWELLING UNITS MAY NOT EXCEED THE RATIO THAT MARKET RATE
41 EFFICIENCY AND ONE-BEDROOM UNITS RESPECTIVELY BEAR TO THE TOTAL NUMBER OF
42 MARKET RATE UNITS IN THE DEVELOPMENT;
43

44 (4) DETAILS THE NUMBER, TYPE, LOCATION, AND SEQUENCING PLAN FOR ALL OF
45 THE MODERATELY PRICED DWELLING UNITS TO ENSURE THAT:
46

47 (I) THE NUMBER OF MODERATELY PRICED DWELLING UNITS WHICH ARE
48 EITHER FOR SALE OR RENT ARE BUILT AT THE SAME RATE AND IN THE SAME PROPORTION
49 AS MARKET RATE UNITS; AND
50

51 (II) TO THE EXTENT FEASIBLE, THE MODERATELY PRICED DWELLING UNITS
52 LOCATED WITHIN THE REGULATED DEVELOPMENT ARE SPREAD THROUGHOUT THE
53 DEVELOPMENT AND NOT CLUSTERED IN ONE OR MORE AREAS;
54

55 (5) REQUIRES THAT THE MODERATELY PRICED DWELLING UNITS BE
56 ARCHITECTURALLY COMPATIBLE AND SIMILAR IN GENERAL EXTERIOR APPEARANCE TO

1 MARKET RATE UNITS CONSTRUCTED IN THE DEVELOPMENT IN WHICH THEY ARE
2 LOCATED;

3
4 (6) ALLOWS THE APPLICANT TO REDUCE THE INTERIOR AMENITY LEVEL OF THE
5 MODERATELY PRICED DWELLING UNITS IN ACCORDANCE WITH GUIDANCE PROVIDED BY
6 THE ADMINISTRATOR, PROVIDED THAT:

7
8 (I) THE UNITS CONFORM TO APPLICABLE HOUSING AND BUILDING CODES; AND

9
10 (II) THE REDUCTION TO THE INTERIOR AMENITY LEVEL DOES NOT INCLUDE
11 MODIFICATIONS THAT AFFECT ENERGY EFFICIENCY, INCLUDING MECHANICAL
12 EQUIPMENT, PLUMBING, INSULATION, AND DOORS AND WINDOWS;

13
14 (7) REQUIRES COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND THE
15 AGREEMENT FOR THE CONTROL PERIOD;

16
17 (8) RUNS WITH THE LAND UNTIL THE CONTROL PERIOD ENDS;

18
19 (9) CONTAINS ANY OTHER INFORMATION OR CONDITIONS THE PLANNING AND
20 ZONING OFFICER DETERMINES TO BE NECESSARY TO ENSURE THE APPLICANT'S
21 COMPLIANCE WITH THIS TITLE; AND

22
23 (10) IS NOTED ON THE FINAL SUBDIVISION PLAT AND RECORDED IN THE LAND
24 RECORDS OF THE COUNTY.

25
26 (C) **Types of units.** A REGULATED DEVELOPMENT SHALL CONTAIN MODERATELY
27 PRICED DWELLING UNITS THAT ARE A DWELLING TYPE ALLOWED IN THE UNDERLYING
28 ZONING DISTRICT.

29
30 **17-12-105. Contribution in lieu of developing moderately priced dwelling units.**

31
32 (A) **When allowed.** IN EXCEPTIONAL CIRCUMSTANCES, THE PLANNING AND ZONING
33 OFFICER MAY PERMIT AN APPLICANT THAT IS DEVELOPING A SUBDIVISION OF NOT LESS
34 THAN 10 NOR MORE 19 LOTS TO MAKE A CONTRIBUTION TO THE HOUSING TRUST SPECIAL
35 REVENUE FUND IN LIEU OF DEVELOPING MODERATELY PRICED DWELLING UNITS.

36
37 (B) **Requirements.** AN APPLICANT SHALL:

38
39 (1) APPLY TO THE PLANNING AND ZONING OFFICER FOR PERMISSION TO MAKE A
40 CONTRIBUTION AUTHORIZED BY SUBSECTION (A);

41
42 (2) PROVIDE ANY INFORMATION OR DOCUMENTS THAT THE PLANNING AND
43 ZONING OFFICER DEEMS NECESSARY TO DETERMINE WHETHER TO GRANT PERMISSION;
44 AND

45
46 (3) PROVE TO THE SATISFACTION OF THE PLANNING AND ZONING OFFICER, AFTER
47 CONSULTATION WITH AND RECOMMENDATION BY THE ADMINISTRATOR, THAT
48 EXCEPTIONAL CIRCUMSTANCES EXIST.

49
50 (C) **Definition of "exceptional circumstances"**. FOR THE PURPOSES OF THIS SECTION,
51 EXCEPTIONAL CIRCUMSTANCES MEANS:

52
53 (1) IN A PROPOSED DEVELOPMENT, THE COST OF AN INDIVIDUAL PACKAGE OF
54 RESIDENT SERVICES AND FACILITIES TO BE PROVIDED TO ALL HOUSEHOLDS WOULD
55 LIKELY MAKE THE MODERATELY PRICED DWELLING UNITS EFFECTIVELY
56 UNAFFORDABLE TO ELIGIBLE HOUSEHOLDS; OR

1 (2) COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE WOULD RESULT IN THE
2 APPLICANT BEING UNABLE TO SECURE A REASONABLE RETURN FROM OR MAKE ANY
3 REASONABLE USE OF THE PROPERTY, AND THE HARDSHIP IS UNIQUE TO THE PROPERTY,
4 IS NOT DUE TO THE ZONING CLASSIFICATION OF THE PROPERTY, AND IS NOT THE RESULT
5 OF THE APPLICANT'S OWN ACTIONS.
6

7 (D) **Amount of contribution.** THE CONTRIBUTION BY AN APPLICANT PURSUANT TO
8 SUBSECTION (A) OR § 17-12-103(A)(1) SHALL BE AS FOLLOWS:
9

10 (1) FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
11 SALE, 1% OF THE PURCHASE PRICE OF EACH UNIT PAID TO THE COUNTY WITHIN THREE
12 BUSINESS DAYS OF RECORDATION OF THE DEED FOR EACH UNIT; AND
13

14 (2) FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
15 RENT, EITHER:
16

17 (I) THE DIFFERENCE BETWEEN THE ACTUAL ANNUAL RENTAL INCOME FOR A
18 COMPARABLE MARKET RATE UNIT IN THE DEVELOPMENT AND THE MAXIMUM ANNUAL
19 RENTAL AMOUNT PERMITTED BY THIS TITLE FOR EACH YEAR OF THE 40-YEAR CONTROL
20 PERIOD, PAID BY DECEMBER 31 OF EACH YEAR; OR
21

22 (II) IF APPROVED BY THE ADMINISTRATOR, A SINGLE PAYMENT THAT IS
23 EQUIVALENT TO THE TOTAL AMOUNT DUE UNDER SUBPARAGRAPH (I) ON A PRESENT
24 VALUE BASIS.
25

26 **17-12-106. Eligibility to purchase or rent a moderately priced dwelling unit.**
27

28 (A) **Application.** HOUSEHOLDS SEEKING TO PURCHASE OR RENT A MODERATELY
29 PRICED DWELLING UNIT SHALL:
30

31 (1) APPLY FOR A CERTIFICATE OF ELIGIBILITY BY SUBMITTING TO THE
32 ADMINISTRATOR A FULLY COMPLETED APPLICATION ON A FORM PROVIDED BY THE
33 ADMINISTRATOR;
34

35 (2) PROVIDE PROOF THAT:
36

37 (I) FOR MODERATELY PRICED DWELLING UNITS OFFERED FOR RENT, THE
38 HOUSEHOLD INCOME DOES NOT EXCEED 75% OF THE MEDIAN INCOME ADJUSTED FOR
39 HOUSEHOLD SIZE FOR THE BMSA; AND
40

41 (II) FOR MODERATELY PRICED DWELLING UNITS OFFERED FOR SALE, THE
42 HOUSEHOLD INCOME DOES NOT EXCEED 100% OF THE MEDIAN INCOME ADJUSTED FOR
43 HOUSEHOLD SIZE FOR THE BMSA;
44

45 (3) IF SEEKING TO PURCHASE A MODERATELY PRICED DWELLING UNIT, PROVIDE
46 PROOF THAT THE HOUSEHOLD IS ABLE TO QUALIFY FOR AND OBTAIN FINANCING;
47

48 (4) PROVIDE PROOF THAT AT LEAST ONE ADULT MEMBER OF THE HOUSEHOLD HAS
49 BEEN A RESIDENT OF OR EMPLOYED IN THE COUNTY, INCLUDING THE CITY OF ANNAPOLIS,
50 FOR AT LEAST 12 CONSECUTIVE MONTHS IMMEDIATELY PRIOR TO THE DATE OF FILING OF
51 THE APPLICATION, OR IS CURRENTLY EMPLOYED BY THE COUNTY OR THE CITY OF
52 ANNAPOLIS, OR IS EMPLOYED AS A TEACHER FOR THE COUNTY BOARD OF EDUCATION;
53

54 (5) EXCEPT WHEN WAIVED BY THE ADMINISTRATOR FOR GOOD CAUSE, PROVIDE
55 PROOF THAT NO ADULT MEMBER OF THE HOUSEHOLD HAS OWNED ANY RESIDENTIAL
56 REAL ESTATE DURING THE THREE-YEAR PERIOD PRIOR TO APPLICATION; AND

1 (6) CERTIFY THAT THE HOUSEHOLD INTENDS TO OCCUPY THE MODERATELY
2 PRICED DWELLING UNIT AS A PRIMARY RESIDENCE AND WILL NOT LEASE OR SUBLEASE
3 THE MODERATELY PRICED DWELLING UNIT TO ANY OTHER PERSON OR ENTITY.
4

5 (B) **Certificate of eligibility.** HOUSEHOLDS THAT MEET THE REQUIREMENTS OF
6 SUBSECTION (A) SHALL BE GIVEN A CERTIFICATE OF ELIGIBILITY THAT WILL BE VALID
7 FOR THREE YEARS. ELIGIBILITY SHALL BE REVIEWED WITHIN 60 DAYS BEFORE A SALE OR
8 RENTAL OF A MODERATELY PRICED DWELLING UNIT TO ENSURE THAT INCOME
9 ELIGIBILITY GUIDELINES CONTINUE TO BE MET.
10

11 (C) **Waiting list.** IN THE EVENT THERE ARE MORE ELIGIBLE HOUSEHOLDS THAT WISH
12 TO PURCHASE OR RENT A MODERATELY PRICED DWELLING UNIT THAN THERE ARE
13 AVAILABLE UNITS, THE ADMINISTRATOR SHALL ESTABLISH A WAITING LIST FROM WHICH
14 ELIGIBLE HOUSEHOLDS SHALL BE SELECTED AND NOTIFIED.
15

16 (D) **Adjustment of income requirements.** IF THERE ARE NO ELIGIBLE HOUSEHOLDS
17 ON THE WAITING LIST, THE ADMINISTRATOR MAY ADJUST THE INCOME REQUIREMENTS
18 FOR ELIGIBILITY UNDER SUBSECTION (A)(2) FOR EMPLOYEES OF THE COUNTY AND THE
19 CITY OF ANNAPOLIS AND FOR TEACHERS EMPLOYED BY THE COUNTY BOARD OF
20 EDUCATION.
21

22 (E) **Renewal of certificate of eligibility.** PRIOR TO THE EXPIRATION OF A CERTIFICATE OF
23 ELIGIBILITY, AN ELIGIBLE HOUSEHOLD MAY HAVE THE CERTIFICATE OF ELIGIBILITY
24 RENEWED FOR AN ADDITIONAL ONE YEAR IF THE ELIGIBLE HOUSEHOLD PROVES TO THE
25 SATISFACTION OF THE ADMINISTRATOR THAT THE ELIGIBLE HOUSEHOLD STILL MEETS
26 THE REQUIREMENTS OF SUBSECTION (A).
27

28 **17-12-107. Establishment of initial sales price and initial sale of moderately priced**
29 **dwelling units.**
30

31 (A) **Sales price.** THE INITIAL SALES PRICE OF THE MODERATELY PRICED DWELLING
32 UNITS:
33

34 (1) SHALL BE SET ANNUALLY BY THE ADMINISTRATOR WITHIN 30 DAYS OF THE
35 PUBLICATION OF THE UPDATED INFORMATION FOR THE BMSA, AND MAY BE ADJUSTED BY
36 THE ADMINISTRATOR ONE TIME DURING THAT YEAR IF THE ADMINISTRATOR
37 DETERMINES THAT MARKET CONDITIONS WARRANT AN ADJUSTMENT;
38

39 (2) SHALL TAKE INTO CONSIDERATION THE ITEMS IDENTIFIED IN SUBSECTION (B);
40 AND
41

42 (3) MAY NOT EXCEED THE PRICE THAT A HOUSEHOLD EARNING 80% OF THE
43 MEDIAN INCOME FOR A HOUSEHOLD OF FOUR FOR THE BMSA CAN AFFORD.
44

45 (B) **Factors.** IN SETTING THE INITIAL SALES PRICE OF A MODERATELY PRICED
46 DWELLING UNIT, THE ADMINISTRATOR SHALL CONSIDER:
47

48 (1) THE TYPE OF DWELLING UNIT;

49 (2) THE NUMBER OF SQUARE FEET IN THE DWELLING UNIT;

50 (3) THE NUMBER OF BEDROOMS AND BATHROOMS; AND
51

52 (4) AFFORDABILITY BASED ON AREA MEDIAN INCOME AND MARKET CONDITIONS.
53
54

1 (C) **Notice of availability of unit.** THE APPLICANT DEVELOPING MODERATELY PRICED
2 DWELLING UNITS SHALL PROMPTLY NOTIFY THE ADMINISTRATOR WHEN A MODERATELY
3 PRICED DWELLING UNIT IS INITIALLY AVAILABLE FOR SALE.
4

5 (D) **Contents of notice.** THE NOTICE BY THE APPLICANT SHALL:
6

- 7 (1) SET FORTH THE NUMBER, SIZE, PRICE, AND LOCATION OF UNITS OFFERED;
8
9 (2) PROVIDE THE ANTICIPATED TIMING FOR THE COMPLETION OF CONSTRUCTION;
10
11 (3) PROVIDE THE INFORMATION SPECIFIED IN SUBSECTION (B);
12
13 (4) INCLUDE A COPY OF THE APPROVED FINAL DEVELOPMENT PLAN AND PLAT;
14 AND
15
16 (5) INCLUDE ANY OTHER INFORMATION THE ADMINISTRATOR DEEMS NECESSARY.
17

18 (E) **Sale of unit.** THE APPLICANT SHALL SELL THE MODERATELY PRICED DWELLING
19 UNIT TO AN ELIGIBLE HOUSEHOLD AT THE TOP OF THE WAITING LIST DESCRIBED IN § 17-
20 12-106(C), AND AS MAY HAVE BEEN ADJUSTED IN ACCORDANCE WITH § 17-12-106(D).
21

22 (F) **No eligible household.**
23

24 (1) IF THERE ARE NO ELIGIBLE HOUSEHOLDS WILLING OR ABLE TO PURCHASE A
25 MODERATELY PRICED DWELLING UNIT, ARUNDEL COMMUNITY DEVELOPMENT SERVICES,
26 INC. AND THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY SHALL HAVE THE FIRST
27 OPTION TO PURCHASE THE UNIT FOR USE IN THEIR PROGRAMS OR IN PROGRAMS
28 ADMINISTERED BY THEM.
29

30 (2) IF ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. OR THE HOUSING
31 COMMISSION OF ANNE ARUNDEL COUNTY DO NOT PURCHASE THE UNIT, THE APPLICANT
32 MAY SELL THE MODERATELY PRICED DWELLING UNIT TO A HOUSEHOLD THAT IS NOT
33 ELIGIBLE, PROVIDED THE PURCHASER COMPLIES WITH THE REQUIREMENTS OF THIS TITLE
34 THAT AN ELIGIBLE HOUSEHOLD WOULD HAVE TO COMPLY WITH AFTER PURCHASE OF A
35 MODERATELY PRICED DWELLING UNIT FOR THE CONTROL PERIOD.
36

37 **17-12-108. Resale of moderately priced dwelling units.**
38

39 (A) **Applicability.** THIS SECTION DOES NOT APPLY TO FORECLOSURE PROCEEDINGS.
40

41 (B) **Resale.** IF A MODERATELY PRICED DWELLING UNIT IS OFFERED FOR RESALE
42 DURING THE CONTROL PERIOD:
43

44 (1) ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. AND THE HOUSING
45 COMMISSION OF ANNE ARUNDEL COUNTY SHALL HAVE THE FIRST OPTION TO PURCHASE
46 THE UNIT FOR USE IN THEIR PROGRAMS OR IN PROGRAMS ADMINISTERED BY THEM;
47

48 (2) IF ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. OR THE HOUSING
49 COMMISSION OF ANNE ARUNDEL COUNTY DOES NOT PURCHASE THE MODERATELY
50 PRICED DWELLING UNIT, THEN THE OWNER SHALL SELL THE MODERATELY PRICED
51 DWELLING UNIT TO AN ELIGIBLE HOUSEHOLD; AND
52

53 (3) IF THERE ARE NO ELIGIBLE HOUSEHOLDS WILLING OR ABLE TO PURCHASE THE
54 UNIT, THE UNIT MAY BE SOLD TO A HOUSEHOLD THAT IS NOT ELIGIBLE PROVIDED THAT
55 THE PURCHASER COMPLIES WITH THE REQUIREMENTS OF THIS TITLE THAT AN ELIGIBLE
56 HOUSEHOLD WOULD HAVE TO COMPLY WITH AFTER PURCHASE OF A MODERATELY
57 PRICED DWELLING UNIT FOR THE REMAINDER OF THE CONTROL PERIOD.

1 (C) **Resale price.** THE RESALE PRICE OF A MODERATELY PRICED DWELLING UNIT FOR
2 SALE DURING THE CONTROL PERIOD SHALL BE EQUAL TO THE PRIOR SALE PRICE PLUS:

3
4 (1) A PERCENTAGE OF THE MODERATELY PRICED DWELLING UNIT'S SALE PRICE
5 EQUAL TO THE INCREASE IN THE COST OF LIVING, CALCULATED USING THE CONSUMER
6 PRICE INDEX, BETWEEN THE DATES OF OWNERSHIP;

7
8 (2) THE FAIR MARKET VALUE OF IMPROVEMENTS MADE TO THE UNIT DURING THE
9 DATES OF OWNERSHIP; AND

10
11 (3) A REASONABLE SALES COMMISSION, IF PAID BY THE SELLER.
12

13 (D) **Adjustment of resale price.** THE RESALE PRICE OF A MODERATELY PRICED
14 DWELLING UNIT MAY BE REDUCED BY THE ADMINISTRATOR TO REFLECT ABNORMAL
15 WEAR AND TEAR BECAUSE OF NEGLIGENCE, ABUSE, OR INSUFFICIENT MAINTENANCE.
16

17 **17-12-109. Rental of moderately priced dwelling units.**

18
19 (A) **Rental rate.** THE RENTAL RATE FOR A MODERATELY PRICED DWELLING UNIT:

20
21 (1) SHALL BE SET ANNUALLY BY THE ADMINISTRATOR WITHIN 30 DAYS OF THE
22 PUBLICATION OF THE UPDATED INFORMATION FOR THE BMSA AND MAY BE ADJUSTED BY
23 THE ADMINISTRATOR ONE TIME DURING THAT YEAR IF THE ADMINISTRATOR
24 DETERMINES THAT MARKET CONDITIONS WARRANT AN ADJUSTMENT;

25
26 (2) SHALL TAKE INTO CONSIDERATION THE ITEMS IDENTIFIED IN SUBSECTION (B);
27 AND

28
29 (3) MAY NOT EXCEED THE RATE THAT A HOUSEHOLD EARNING 75% OF THE MEDIAN
30 INCOME FOR A HOUSEHOLD OF FOUR IN THE BMSA CAN AFFORD.
31

32 (B) **Factors.** IN SETTING THE RENTAL RATE, THE ADMINISTRATOR SHALL CONSIDER:

33
34 (1) THE TYPE OF DWELLING UNIT;

35
36 (2) THE NUMBER OF SQUARE FEET IN THE DWELLING UNIT; AND

37
38 (3) THE NUMBER OF BEDROOMS AND BATHROOMS.
39

40 (C) **Review of rental rates.**

41
42 (1) THE ADMINISTRATOR SHALL ANNUALLY REVIEW INCOME ELIGIBILITY AND
43 RENTAL RATES FOR COMPLIANCE.
44

45 (2) A HOUSEHOLD WHOSE INCOME INCREASES OVER 75% OF THE MEDIAN INCOME
46 ADJUSTED FOR HOUSEHOLD SIZE IN THE BMSA WHILE RENTING A MODERATELY PRICED
47 DWELLING UNIT MAY CONTINUE TO RESIDE IN THE UNIT, AND THE NEXT AVAILABLE
48 RENTAL UNIT SHALL BE LEASED TO AN ELIGIBLE HOUSEHOLD, EVEN IF THAT UNIT WAS
49 NOT PREVIOUSLY DESIGNATED AS A MODERATELY PRICED DWELLING UNIT.
50

51 (D) **Lease term.** THE TERM FOR EACH LEASE OF A MODERATELY PRICED DWELLING
52 UNIT MAY NOT EXCEED ONE YEAR, BUT MAY BE SUBJECT TO RENEWALS.
53

54 (E) **Information to be provided.** LANDLORDS SHALL PROVIDE TO THE
55 ADMINISTRATOR COPIES OF ALL APPROVED LEASE APPLICATIONS, LEASES, LEASE
56 RENEWALS, INCOME CERTIFICATIONS, AND RENT INCREASE NOTICES FOR ALL
57 MODERATELY PRICED DWELLING UNITS.

1 **17-12-110. Foreclosure.**
2

3 (A) **Notice.** A PARTY INTENDING TO INITIATE A FORECLOSURE PROCEEDING RELATED
4 TO A MODERATELY PRICED DWELLING UNIT SHALL NOTIFY THE ADMINISTRATOR OF THE
5 PENDING ACTION AT LEAST 30 DAYS PRIOR TO FILING THE ACTION, AND THE
6 ADMINISTRATOR SHALL HAVE THE RIGHT TO CURE THE DEFAULT AND STAY
7 ACCELERATION OF THE NOTE OR OTHER INSTRUMENT.
8

9 (B) **Proceeds of foreclosure sale – dwelling unit.** IF A MODERATELY PRICED
10 DWELLING UNIT IS SOLD AT FORECLOSURE DURING THE CONTROL PERIOD FOR AN
11 AMOUNT THAT EXCEEDS THE PRICE ESTABLISHED UNDER § 17-12-107 OR § 17-12-108, PLUS
12 REASONABLE EXPENSES OF FORECLOSURE, AS APPROVED BY THE ADMINISTRATOR, ANY
13 SUCH EXCESS AMOUNT SHALL BE PAID TO THE COUNTY AND DEPOSITED INTO THE
14 HOUSING TRUST SPECIAL REVENUE FUND.
15

16 (C) **Proceeds of foreclosure sale – rental complex.** DURING THE CONTROL PERIOD, IF
17 THE SALE PRICE AT FORECLOSURE OF A RENTAL COMPLEX THAT CONTAINS MODERATELY
18 PRICED DWELLING UNITS EXCEEDS THE FAIR MARKET VALUE OF THE RENTAL COMPLEX
19 ON THE DATE OF ORIGINAL RENTAL FOR THE FIRST UNIT RENTED IN THE COMPLEX PLUS
20 REASONABLE EXPENSES OF FORECLOSURE, AS APPROVED BY THE ADMINISTRATOR, ANY
21 SUCH EXCESS AMOUNT SHALL BE PAID TO THE COUNTY AND DEPOSITED INTO THE
22 HOUSING TRUST SPECIAL REVENUE FUND.
23

24 **17-12-111. Notice to purchasers of or lenders for a moderately priced dwelling unit.**
25

26 (A) **Covenant required – for sale dwelling unit.** DURING THE CONTROL PERIOD, ANY
27 DEED, MORTGAGE, OR DEED OF TRUST CONVEYING A MODERATELY PRICED DWELLING
28 UNIT OR AN INTEREST IN A MODERATELY PRICED DWELLING UNIT SHALL CONTAIN A
29 COVENANT RUNNING WITH THE LAND DECLARING THAT USE, RESALE, AND
30 FORECLOSURE OF THE UNIT IS SUBJECT TO THE REQUIREMENTS OF THIS TITLE AND THAT
31 THE ADMINISTRATOR SHALL HAVE THE RIGHT TO ENFORCE THE COVENANT.
32

33 (B) **Covenant required – rental complex.** PRIOR TO THE INITIAL RENTAL OF A
34 MODERATELY PRICED DWELLING UNIT IN A RENTAL COMPLEX, EACH LENDER WHOSE
35 LIEN IS SECURED BY ONE OR MORE MODERATELY PRICED DWELLING UNITS THAT WILL
36 BE UTILIZED AS RENTAL UNITS SHALL PROVIDE THE ADMINISTRATOR WITH
37 SATISFACTORY PROOF THAT RUNS WITH THE LAND FOR THE CONTROL PERIOD AND THAT
38 HAS BEEN RECORDED IN THE LAND RECORDS OF THE COUNTY, THAT ANY USE OF EACH
39 MODERATELY PRICED DWELLING UNIT AND ANY FORECLOSURE OF ANY LIEN WILL BE
40 SUBJECT TO THE REQUIREMENTS OF THIS TITLE AND THAT THE ADMINISTRATOR SHALL
41 HAVE THE RIGHT TO ENFORCE THIS OBLIGATION.
42

43 **17-12-112. Bulk transfers.**
44

45 THIS TITLE DOES NOT PROHIBIT THE BULK TRANSFER OR SALE OF ALL OR SOME OF
46 THE MODERATELY PRICED DWELLING UNITS DURING THE CONTROL PERIOD SO LONG AS
47 THE BUYER IS BOUND BY THE REQUIREMENTS OF THIS TITLE.
48

49 **17-12-113. Conversion to condominium or cooperative.**
50

51 (A) **Effect of conversion.** IF ALL OR PART OF A RENTAL COMPLEX THAT CONTAINS
52 MODERATELY PRICED DWELLING UNITS IS CONVERTED TO A CONDOMINIUM OR
53 COOPERATIVE, THE REQUIREMENTS OF THIS TITLE THAT PERTAIN TO THE SALE OF
54 INDIVIDUAL MODERATELY PRICED DWELLING UNITS SHALL APPLY.

1 (B) **Date of original sale.** FOR THE PURPOSES OF A SALE UNDER SUBSECTION (A), THE
2 DATE OF ORIGINAL RENTAL SHALL BE CONSIDERED THE DATE OF ORIGINAL SALE.

3
4 **17-12-114. Waiver.**

5
6 THE ADMINISTRATOR MAY WAIVE THE REQUIREMENTS OF THIS TITLE PERTAINING TO
7 THE RESALE OF MODERATELY PRICED DWELLING UNITS OR THE ESTABLISHMENT OF
8 RENTAL RATES IF THE REQUIREMENTS CONFLICT WITH THE REGULATIONS OF FEDERAL
9 OR STATE HOUSING PROGRAMS AND WILL PREVENT ELIGIBLE HOUSEHOLDS FROM
10 BUYING OR RENTING MODERATELY PRICED DWELLING UNITS.

11
12 **17-12-115. Appeal.**

13
14 A PERSON AGGRIEVED BY A FINAL DECISION OF THE ADMINISTRATOR OR THE
15 PLANNING AND ZONING OFFICER MAY APPEAL THE DECISION TO THE COUNTY BOARD OF
16 APPEALS.

17
18 **ARTICLE 18 ZONING**

19
20 **TITLE 12. SPECIAL USES**

21
22 **SUBTITLE 7. Moderately Priced Dwelling Units**

23
24 **18-12-701. Moderately Priced Dwelling Units.**

25
26 A DEVELOPMENT THAT INCLUDES MODERATELY PRICED DWELLING UNITS UNDER
27 TITLE 12 OF ARTICLE 17 OF THIS CODE MAY BE GRANTED A DENSITY BONUS BY THE
28 PLANNING AND ZONING OFFICER OF UP TO:

29
30 (A) 10% ABOVE THE MAXIMUM PERMITTED DENSITY FOR SALE UNITS; AND

31
32 (B) 15% ABOVE THE MAXIMUM PERMITTED DENSITY FOR RENTAL UNITS.

33
34 SECTION 3. *And be it further enacted,* That the provisions of this Ordinance may not
35 be applied to a proposed development that will contain residential dwelling units and that
36 receives sketch plan approval, preliminary plan approval, final plan approval, or approval
37 of a building permit on or before July 1, 2024.

38
39 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect on July 1,
40 2024.