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 and held on November 6, 2023
Public Hearing on AMENDED bill set for and held on November 20, 2023
Public Hearing on SECOND AMENDED bill set for December 4, 2023
Bill Expires January 5, 2024

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

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

FOR the purpose of modifying fees paid into the Housing Trust Special Revenue Fund;
exempting moderately priced dwelling units by a certain percentage from capital
capacity connection charges; applying prior provisions to applications and permits filed
before a certain date; modifying the requirements for a sketch plan application, final
plan application, and site development plan; exempting moderately priced dwelling
units from development impact fees; adopting new Title 12, entitled “Moderately
Priced Dwelling Units” in the Subdivision and Development Article of the Code;
defining certain terms; providing for the applicability of the new Title; requiring the
establishment of moderately priced dwelling units in certain residential developments;
allowing for payment of a fee in lieu of providing moderately priced dwelling units
under certain circumstances; requiring an application and agreement with specified
terms for a residential development required to include moderately priced dwelling
units; providing for the applicability and modification of bulk regulations; establishing
eligibility requirements for purchase or rental of moderately priced dwelling units;
providing a method for establishing sale and rental prices for moderately priced
dwelling units; providing the method of initial and subsequent sale and rental of
moderately priced dwelling units; requiring income review and information for

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.
Underlining indicates matter added to bill by amendment.
Strikeover indicates matter removed from bill by amendment.
SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, that §§ 17-4-202(b)(27) through (38) of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be 17-4-202(b)(28) through (39), respectively.

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

ARTICLE 4. FINANCE, TAXATION, AND BUDGET

TITLE 11. BUDGET

4-11-124. Housing Trust Special Revenue Fund.

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

(1) any real property transfer tax rate levied under § 4-3A-101(c)(2) of this Code in excess of the revenue that would be derived from the real property transfer tax rate levied under § 4-3A-101(c)(1); [[and]]
(2) any special recordation tax rate in excess of the generally applicable rate that is levied on an instrument of writing for which the consideration payable or the principal amount of debt secured is $1,000,000 or more; AND

(3) ANY FEE IN LIEU OR OTHER PAYMENTS UNDER TITLE 12 OF ARTICLE 17 OF THIS 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 2. GENERAL PROVISIONS

17-2-101. Scope; applicability.

(b) Applicability to pending and future proceedings. Subject to the grandfathering provisions of COMAR Title 27, this article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

(15) an application for sketch plan approval, final plan approval, preliminary plan approval, or approval of a building or grading permit associated with a BRAC Mixed Use Development plan that was filed before December 15, 2022 shall be governed by the law as it existed prior to June 27, 2022; [and]

(16) an application for approval of a sketch plan or final plan for a cluster development, and any building permit, grading permit, or other application associated with a cluster development, filed before November 25, 2022 shall be governed by the law as it existed prior to November 25, 2022; AND

(17) AN APPLICATION FOR A SKETCH PLAN, PRELIMINARY PLAN, FINAL PLAN, OR BUILDING PERMIT ASSOCIATED WITH A PROPOSED DEVELOPMENT THAT WILL CONTAIN RESIDENTIAL DWELLING UNITS, FILED BEFORE JULY 1, 2024 SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR TO JULY 1, 2024.

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

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

TITLE 4. SITE DEVELOPMENT PLANS

17-4-202. Site development plan.

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

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

TITLE 11. FEES AND SECURITY

17-11-203. Who must pay fees.

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

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

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

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

TITLE 12. MODERATELY PRICED DWELLING UNITS

17-12-101. Definitions.

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

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

(2) “APPLICANT” MEANS A PERSON OR ENTITY THAT SUBMITS AN APPLICATION TO DEVELOP:

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

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

(3) “BMSA” MEANS THE BALTIMORE METROPOLITAN STATISTICAL AREA.

(4) “CERTIFICATE OF ELIGIBILITY” MEANS A CERTIFICATE PROVIDED TO AN ELIGIBLE PERSON THAT INDICATES THE PERSON MEETS THE ELIGIBILITY REQUIREMENTS OF § 17-12-106.

(5) “CLOSING COSTS” MEANS STATUTORY CHARGES FOR TRANSFERRING TITLE, FEES FOR OBTAINING NECESSARY FINANCING, TITLE EXAMINATION FEES, TITLE INSURANCE PREMIUMS, HOUSE LOCATION SURVEY CHARGES, AND FEES FOR PREPARATION OF LOAN DOCUMENTS AND DEED OF CONVEYANCE.


(7) “CONTROL PERIOD” MEANS:

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

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

(8) “DATE OF ORIGINAL SALE” MEANS THE DATE OF SETTLEMENT FOR THE INITIAL PURCHASE OF A MODERATELY PRICED DWELLING UNIT.

(9) “DATE OF ORIGINAL RENTAL” MEANS THE EFFECTIVE DATE OF THE FIRST LEASE AGREEMENT FOR A MODERATELY PRICED DWELLING UNIT.

(10) “DWELLING UNIT” HAS THE MEANING STATED IN § 18-1-101 OF THIS CODE.

(11) “ELIGIBLE HOUSEHOLD” MEANS A HOUSEHOLD WHOSE INCOME QUALIFIES THE HOUSEHOLD TO PARTICIPATE IN THE MODERATELY PRICED DWELLING UNIT PROGRAM, AND WHO HOLDS A VALID CERTIFICATE OF ELIGIBILITY FROM THE ADMINISTRATOR THAT ENTITLES THE HOUSEHOLD TO BUY OR RENT A MODERATELY PRICED DWELLING UNIT.

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

(13) “HOUSEHOLD” MEANS THE INDIVIDUALS WHO INTEND TO LIVE TOGETHER IN A MODERATELY PRICED DWELLING UNIT.

(14) “HOUSING TRUST SPECIAL REVENUE FUND” MEANS THE FUND ESTABLISHED UNDER § 4-11-124 OF THIS CODE.

(15) “MARKET RATE UNIT” MEANS A DWELLING UNIT IN A REGULATED DEVELOPMENT OTHER THAN A MODERATELY PRICED DWELLING UNIT.

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

(17) “REGULATED DEVELOPMENT” MEANS DEVELOPMENT SUBJECT TO § 17-12-102.

(18) “SINGLE-FAMILY DETACHED DWELLING” HAS THE MEANING STATED IN § 18-1-101 OF THIS CODE.

17-12-102. Applicability.

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

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

(2) REHABILITATION OF AN EXISTING MULTIFAMILY RESIDENTIAL STRUCTURE THAT INCREASES THE NUMBER OF DWELLING UNITS IN THE STRUCTURE BY A TOTAL OF 10 OR MORE DWELLING UNITS;
(3) Conversion of a rental property to a condominium or cooperative that increases the number of dwelling units by a total of 10 or more dwelling units;

(4) A development that will change the use of an existing building from a non-residential use to a residential use that will contain a total of 10 or more dwelling units; and

(5) A development containing fewer than 10 dwelling units that an applicant voluntarily subjects to the terms of this title.

(B) Exceptions. This title does not apply to:

(1) A development that:

(I) is financed under local, state, or federal financing programs, including the United States Department of Housing and Urban Development programs, Maryland Community Development Administration rental programs, and low income housing tax credits; and

(II) provides an equal or greater number of income-restricted affordable units than would be required by this title;

(2) a development financed or developed by Arundel Community Development Services, Inc. that provides an equal or greater number of income-restricted affordable units than would be required by this title;

(3) workforce housing under title 10 of article 18 of this code; and

(4) housing for elderly of moderate means under title 10 of article 18 of this code.

17-12-103. Establishment of moderately priced dwelling units.

(A) Ten to nineteen dwelling units. If a regulated development will contain not less than 10 nor more than 19 dwelling units, an applicant shall either:

(1) This subsection does not apply to a single-family detached dwelling that is located in an RA, RLD, R1, R2, or R5 zoning district.

(2) If a regulated development will contain not less than 10 nor more than 19 dwelling units, an applicant shall either:

(I) make a contribution to the housing trust special revenue fund in accordance with § 17-12-105(D); or

(II) designate not less than 10% 15% of each type of dwelling unit offered for sale and not less than 15% of each type of dwelling unit offered for rental in the development as moderately priced dwelling units that meet the requirements of this title.

(B) Twenty or more dwelling units. If a regulated development will contain 20 or more dwelling units, an applicant shall designate not less than 10% 15% of each type of dwelling unit offered for sale and not less than 15% of each type of dwelling unit offered for rental in the development as moderately priced dwelling units that meet the requirements of this title.
(1) THIS SUBSECTION DOES NOT APPLY TO A SINGLE-FAMILY DETACHED DWELLING THAT IS LOCATED IN AN RA, RLD, R1, R2, OR R5 ZONING DISTRICT.

(2) IF A REGULATED DEVELOPMENT WILL CONTAIN 20 OR MORE DWELLING UNITS, AN APPLICANT SHALL DESIGNATE NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT OFFERED FOR SALE AND NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT OFFERED FOR RENTAL IN THE DEVELOPMENT AS MODERATELY PRICED DWELLING UNITS THAT MEET THE REQUIREMENTS OF THIS TITLE.

(C) Ten or more single-family detached dwelling units. IF A REGULATED DEVELOPMENT WILL CONTAIN AT LEAST 10 SINGLE-FAMILY DETACHED DWELLING UNITS THAT ARE LOCATED IN AN RA, RLD, R1, R2, OR R5 ZONING DISTRICT, AN APPLICANT SHALL EITHER:

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

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

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

17-12-104. Application and agreement.

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

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

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

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

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

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

(I) THE NUMBER OF MODERATELY PRICED DWELLING UNITS WHICH ARE EITHER FOR SALE OR RENT ARE BUILT AT THE SAME RATE AND IN THE SAME PROPORTION AS MARKET RATE UNITS; AND
(II) TO THE EXTENT FEASIBLE, THE MODERATELY PRICED DWELLING UNITS LOCATED WITHIN THE REGULATED DEVELOPMENT ARE SPREAD THROUGHOUT THE DEVELOPMENT AND NOT CLUSTERED IN ONE OR MORE AREAS;

(5) REQUIRES THAT THE MODERATELY PRICED DWELLING UNITS BE ARCHITECTURALLY COMPATIBLE AND SIMILAR IN GENERAL EXTERIOR APPEARANCE TO MARKET RATE UNITS CONSTRUCTED IN THE DEVELOPMENT IN WHICH THEY ARE LOCATED;

(5) REQUIRES THE MODERATELY PRICED DWELLING UNITS MEET DESIGN STANDARDS ESTABLISHED BY THE COUNTY OR THE ADMINISTRATOR, TO INCLUDE:

(I) MINIMUM MODERATELY PRICED DWELLING UNIT SIZE BY UNIT TYPE; AND

(II) STANDARDS TO ENSURE MODERATELY PRICED DWELLING UNITS ARE ARCHITECTURALLY COMPATIBLE AND SIMILAR IN GENERAL EXTERIOR APPEARANCE TO MARKET RATE UNITS CONSTRUCTED IN THE DEVELOPMENT IN WHICH THEY ARE LOCATED;

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

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

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

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

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

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

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

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

(D) Bulk regulations.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE APPLICANT SHALL COMPLY WITH APPLICABLE BULK REGULATIONS.

(2) (I) THIS SUBSECTION DOES NOT APPLY TO DEVELOPMENT IN THE CRITICAL AREA.

(II) 1. SUBJECT TO SUBSUBPARAGRAPH 2, IF THE APPLICANT’S REGULATED DEVELOPMENT INCLUDES MODERATELY PRICED DWELLING UNITS, BULK REGULATIONS RELATED TO LOT SIZE, LOT COVERAGE, SETBACKS, OR BUILDING HEIGHT MAY BE MODIFIED UNDER § 17-2-108 IN LIEU OF A VARIANCE UNDER § 18-16-305 OF THIS CODE.
2. A MODIFICATION UNDER SUBSUBPARAGRAPH 1 SHALL BE GRANTED IF
THE REQUIREMENTS OF § 17-2-108 HAVE BEEN MET AND THE APPLICANT ESTABLISHES
THAT COMPLIANCE WITH THE BULK REGULATION FOR WHICH MODIFICATION IS SOUGHT
PREVENTS THE APPLICANT FROM ACHIEVING THE DENSITY BONUS UNDER § 18-12-701 OF
THIS CODE OR THE MAXIMUM ALLOWABLE DENSITY FOR THE UNDERLYING ZONING
DISTRICT.

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

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

(B) Requirements. AN APPLICANT SHALL:

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

2. PROVIDE ANY INFORMATION OR DOCUMENTS THAT THE PLANNING AND
ZONING OFFICER DEEMS NECESSARY TO DETERMINE WHETHER TO GRANT PERMISSION;
AND

3. PROVE TO THE SATISFACTION OF THE PLANNING AND ZONING OFFICER, AFTER
CONSULTATION WITH AND RECOMMENDATION BY THE ADMINISTRATOR, THAT
EXCEPTIONAL CIRCUMSTANCES EXIST.

(C) Definition of “exceptional circumstances”. FOR THE PURPOSES OF THIS SECTION,
EXCEPTIONAL CIRCUMSTANCES MEANS:

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

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

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

1. FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
SALE, 1% 3% 1% OF THE PURCHASE PRICE OF EACH UNIT ALL UNITS IN THE DEVELOPMENT
PAID TO THE COUNTY WITHIN THREE BUSINESS DAYS OF RECORDATION OF THE DEED FOR
EACH UNIT; AND

2. FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
RENT, EITHER:

(i) THE DIFFERENCE BETWEEN THE ACTUAL ANNUAL RENTAL INCOME FOR A
COMPARABLE MARKET RATE UNIT IN THE DEVELOPMENT AND THE MAXIMUM ANNUAL
RENTAL AMOUNT PERMITTED BY THIS TITLE FOR EACH YEAR OF THE 40-YEAR CONTROL
PERIOD, PAID BY DECEMBER 31 OF EACH YEAR; OR
(II) IF APPROVED BY THE ADMINISTRATOR, A SINGLE PAYMENT THAT IS EQUIVALENT TO THE TOTAL AMOUNT DUE UNDER SUBPARAGRAPH (I) ON A PRESENT VALUE BASIS.

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

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

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

(2) PROVIDE PROOF THAT:

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

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

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

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

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

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

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

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

(D) Adjustment of income requirements. IF THERE ARE NO ELIGIBLE HOUSEHOLDS ON THE WAITING LIST, THE ADMINISTRATOR MAY ADJUST THE INCOME REQUIREMENTS FOR ELIGIBILITY UNDER SUBSECTION (A)(2) FOR EMPLOYEES OF THE COUNTY, THE COUNTY BOARD OF EDUCATION, AND THE CITY OF ANNAPOLIS AND FOR TEACHERS EMPLOYED BY THE COUNTY BOARD OF EDUCATION.
(E) **Renewal of certificate of eligibility.** Prior to the expiration of a certificate of eligibility, an eligible household may have the certificate of eligibility renewed for an additional one year if the eligible household proves to the satisfaction of the administrator that the eligible household still meets the requirements of subsection (A).

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

(A) **Sales price.** The initial sales price of the moderately priced dwelling units:

(1) Shall be set annually by the administrator within 30 days of the publication of the updated information for the BMSA, and may be adjusted by the administrator one time during that year if the administrator determines that market conditions warrant an adjustment;

(2) Shall take into consideration the items identified in subsection (B);

(3) May not exceed the price that a household earning 80% of the median income for a household of four for the BMSA can afford.

(B) **Factors.** In setting the initial sales price of a moderately priced dwelling unit, the administrator shall consider:

(1) The type of dwelling unit;

(2) The number of square feet in the dwelling unit;

(3) The number of bedrooms and bathrooms; and

(4) Affordability based on area median income and market conditions.

(C) **Notice of availability of unit.** The applicant developing moderately priced dwelling units shall promptly notify the administrator when a moderately priced dwelling unit is initially available for sale.

(D) **Contents of notice.** The notice by the applicant shall:

(1) Set forth the number, size, price, and location of units offered;

(2) Provide the anticipated timing for the completion of construction;

(3) Provide the information specified in subsection (B);

(4) Include a copy of the approved final development plan and plat; and

(5) Include any other information the administrator deems necessary.

(E) (F) **Listing of unit.** The applicant shall list the moderately priced dwelling unit for sale on the REALTOR multiple listing service.

(E)(G) **Sale of unit.** The applicant shall sell the moderately priced dwelling unit to an eligible household at the top of the waiting list described in § 17-12-106(C), and as may have been adjusted in accordance with § 17-12-106(D).
(F) No eligible household.

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

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

17-12-108. Resale of moderately priced dwelling units.

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

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

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

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

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

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

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

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

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

(D) Adjustment of resale price. THE RESALE PRICE OF A MODERATELY PRICED
DWELLING UNIT MAY BE REDUCED BY THE ADMINISTRATOR TO REFLECT ABNORMAL
WEAR AND TEAR BECAUSE OF NEGLECT, ABUSE, OR INSUFFICIENT MAINTENANCE.
17-12-109. Rental of moderately priced dwelling units.

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

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

2. SHALL TAKE INTO CONSIDERATION THE ITEMS IDENTIFIED IN SUBSECTION (B);

3. MAY NOT EXCEED THE RATE THAT A HOUSEHOLD EARNING 75% OF THE MEDIAN
   INCOME FOR A HOUSEHOLD OF FOUR IN THE BMSA CAN AFFORD.

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

1. THE TYPE OF DWELLING UNIT;

2. THE NUMBER OF SQUARE FEET IN THE DWELLING UNIT; AND

3. THE NUMBER OF BEDROOMS AND BATHROOMS.

(C) Review of rental rates.

1. THE ADMINISTRATOR SHALL ANNUALLY REVIEW INCOME ELIGIBILITY AND
   RENTAL RATES FOR COMPLIANCE.

2. A HOUSEHOLD WHOSE INCOME INCREASES OVER 75% OF THE MEDIAN INCOME
   ADJUSTED FOR HOUSEHOLD SIZE IN THE BMSA WHILE RENTING A MODERATELY PRICED
   DWELLING UNIT MAY CONTINUE TO RESIDE IN THE UNIT, AND THE NEXT AVAILABLE
   RENTAL UNIT SHALL BE LEASED TO AN ELIGIBLE HOUSEHOLD, EVEN IF THAT UNIT WAS
   NOT PREVIOUSLY DESIGNATED AS A MODERATELY PRICED DWELLING UNIT AND RENEW
   ITS LEASE UNTIL THE END OF A LEASE TERM DURING WHICH THE HOUSEHOLD INCOME
   EXCEEDS 120% OF THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE IN THE BMSA.
   WHEN THE DWELLING UNIT IS VACATED, IT WILL BE OFFERED FOR RENT TO AN ELIGIBLE
   HOUSEHOLD.

(D) Advertising and marketing of moderately priced dwelling units. A LANDLORD

SHALL ADVERTISE AND MARKET A MODERATELY PRICED DWELLING UNIT IN THE SAME
MANNER AS THE LANDLORD ADVERTISES AND MARKETS MARKET RATE UNITS THAT ARE
WITHIN THE SAME DEVELOPMENT.

(E) (F) Lease term. THE TERM FOR EACH LEASE OF A MODERATELY PRICED DWELLING
UNIT MAY NOT EXCEED ONE YEAR, BUT MAY BE SUBJECT TO RENEWALS.

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

17-12-110. Foreclosure.

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

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

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

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

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

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

17-12-112. Bulk transfers.

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

17-12-113. Conversion to condominium or cooperative.

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

(B) Date of original sale. FOR THE PURPOSES OF A SALE UNDER SUBSECTION (A), THE DATE OF ORIGINAL RENTAL SHALL BE CONSIDERED THE DATE OF ORIGINAL SALE.
17-12-114. Waiver.

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

17-12-115. Appeal.

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


ON OR BEFORE JULY 1, 2027, AND EVERY 3 YEARS THEREAFTER, THE ADMINISTRATOR SHALL REPORT TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL ON THE MODERATELY PRICED DWELLING UNIT PROGRAM, INCLUDING:

1. THE TOTAL NUMBER OF MODERATELY PRICED DWELLING UNITS CREATED DURING THE REPORTING PERIOD ITEMIZED BY:
   (i) THE NUMBER OF UNITS OFFERED FOR RENT;
   (ii) THE NUMBER OF UNITS OFFERED FOR SALE; AND
   (iii) THE SIZE OF THE UNIT MEASURED BY THE NUMBER OF BEDROOMS;

2. THE AMOUNT OF CONTRIBUTIONS TO THE HOUSING TRUST SPECIAL FUND MADE DURING THE REPORTING PERIOD;

3. THE INITIAL SALE PRICE, INCLUDING ANY ADJUSTMENTS, FOR MODERATELY PRICED DWELLING UNITS ESTABLISHED DURING THE REPORTING PERIOD;

4. THE RENTAL RATE, INCLUDING ANY ADJUSTMENTS, FOR MODERATELY PRICED DWELLING UNITS ESTABLISHED DURING THE REPORTING PERIOD;

5. THE INCOME ELIGIBILITY REQUIREMENTS, INCLUDING ANY ADJUSTMENTS, TO PURCHASE OR RENT A MODERATELY PRICED DWELLING UNIT ESTABLISHED DURING THE REPORTING PERIOD; AND

6. THE NUMBER OF HOUSEHOLDS ON THE WAITING LIST DESCRIBED UNDER § 17-12-106(C) DURING THE REPORTING PERIOD.

ARTICLE 18 ZONING

TITLE 12. SPECIAL USES

SUBTITLE 7. Moderately Priced Dwelling Units

18-12-701. Moderately Priced Dwelling Units.

A DEVELOPMENT THAT INCLUDES MODERATELY PRICED DWELLING UNITS UNDER TITLE 12 OF ARTICLE 17 OF THIS CODE MAY BE GRANTED A DENSITY BONUS BY THE PLANNING AND ZONING OFFICER OF UP TO:
(A) 15\% ABOVE THE MAXIMUM PERMITTED DENSITY FOR SALE UNITS; AND

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

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

SECTION 4. 3. And be it further enacted, That this Ordinance shall take effect on July 1, 2024.