

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 16

Bill No. 72-24

Introduced by Ms. Pickard, Ms. Hummer, Ms. Rodvien, and Mr. Smith

and by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, September 3, 2024

Introduced and first read on September 3, 2024
Public Hearing set for and held on October 7, 2024
Bill Expires December 7, 2024

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Public Works –
2 Subdivision and Development – Zoning – Housing Attainability Act of 2024

3
4 FOR the purpose of modifying fees paid into the Housing Trust Special Revenue Fund;
5 exempting moderately priced dwelling units from a certain percentage of capital facility
6 connection charges; adding, deleting, and modifying references to open areas, open
7 space, and recreation areas; modifying the definition of “site”; applying prior
8 provisions to applications and permits filed before a certain date; modifying the
9 requirements for a sketch plan application, final plan application, preliminary plan, and
10 site development plan; modifying references from “net density” to “density”; allowing
11 offsite recreation and adding requirements therefor; adding and modifying
12 requirements for active recreation areas; modifying parking requirements where off-
13 site parking is prohibited; adding development impact fee credits for moderately priced
14 dwelling units; adopting new Title 12, entitled “Moderately Priced Dwelling Units” in
15 the Subdivision and Development Article of the Code; defining certain terms;
16 providing for the applicability of the new title; requiring the establishment of
17 moderately priced dwelling units in certain residential developments; allowing for
18 payment of a fee in lieu of providing moderately priced dwelling units under certain
19 circumstances; requiring an application and agreement with specified terms for a
20 residential development required to include moderately priced dwelling units;
21 providing for the applicability and modification of bulk regulations for moderately

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 priced dwelling units; establishing eligibility requirements for purchase or rental of
2 moderately priced dwelling units; providing a method for establishing sale and rental
3 prices for moderately priced dwelling units; providing the method of initial and
4 subsequent sale and rental of moderately priced dwelling units; requiring income
5 review and information for continued eligibility to rent moderately priced dwelling
6 units; providing for notice and disposition of proceeds from foreclosure proceedings
7 related to moderately priced dwelling units; requiring covenants for moderately priced
8 dwelling units; permitting bulk transfers of moderately priced dwelling units under
9 certain circumstances; providing for the conversion of rental moderately priced
10 dwelling unit to condominiums or cooperatives; permitting the program administrator
11 to waive certain requirements of the new title under certain conditions; providing a
12 right of appeal; requiring the program administrator to report certain information to the
13 County Executive and County Council; modifying the definitions of duplex,
14 townhouse, and multifamily dwelling units, and the definition of open area; adding
15 definitions of triplex, fourplex, multiplex, and stacked townhouse dwelling units;
16 removing the definition of and provisions relating to semi-detached dwelling units;
17 adding and modifying parking requirements for various dwelling types; modifying the
18 use chart and bulk regulations for existing and new dwelling unit types in residential
19 zoning districts; modifying the use chart for existing and new dwelling types in
20 commercial, mixed use, and other zoning districts; modifying the open area
21 requirement in Town Center Districts; modifying and adding conditional use
22 requirements for duplex, triplex, fourplex, multiplex, multifamily, townhouse, and
23 stacked townhouse dwelling units; modifying special exception requirements for
24 assisted living facilities; removing special exception requirements for duplex and semi-
25 detached dwellings; providing for a density bonus for developments containing
26 moderately priced dwelling units under certain circumstances; modifying uses in
27 commercial revitalization areas; providing for a delayed effective date; and generally
28 relating to finance, taxation, and budget, public works, subdivision and development,
29 and zoning.

30
31 BY repealing: §§ 17-6-604(e); 17-7-801(5); 17-7-901(5); and 18-11-123

32 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 84-23)

33
34 BY repealing and reenacting, with amendments: §§ 4-11-124(a); 13-5-603(h)(1); 13-5-
35 813(k)(3); 13-6-103(b); 17-1-101(17), (77) and (82); 17-2-101(b)(17) and (18); 17-2-
36 102(9); 17-3-201(c)(10) and (11); 17-3-301(c)(11) and (12); 17-3-302(6) and (9); 17-
37 3-401(c); 17-4-201(b); 17-6-104; 17-6-110(c); 17-6-111; 17-7-305(a); 17-6-307(a);
38 17-7-604; 17-7-605; 17-7-606; 17-7-905(a)(2)(i)1, (a)(2)(ii)3, and (c)(7); 17-7-
39 1002(3); 17-9-208(b)(1); 17-11-207(a); 18-1-101(49) and (97); 18-3-104; 18-4-106;
40 18-4-301; 18-4-401(a)(1); 18-4-501; 18-4-601; 18-4-701; 18-4-801(a); 18-4-901(a);
41 18-4-1001; 18-5-102; 18-8-301(b); 18-8-303; 18-9-103(b); 18-9-303(a); 18-9-402; 18-
42 10-105(5)(iii); 18-10-124(5); 18-10-125; 18-10-126; 18-10-127; 18-11-104(3)(iii), (6),
43 and (11); 18-11-117(2)(v); 18-11-133(4); 18-12-203(c) 18-14-303(c)(1); and 18-14-
44 503(a)

45 Anne Arundel County Code (2005, as amended) (as amended by Bill Nos. 84-23, 88-
46 23, 3-24, 17-24, 20-24, and 29-24)

1 BY renumbering: §§ 17-1-101(92) through (104) to be 17-1-101(93) through (105); 17-4-
2 202(b)(27) through (38) to be 17-4-202(b)(28) through (39); 17-7-901(6) to be 17-7-
3 901(5); 17-11-207(f) to be 17-11-207(g); and 18-11-124 through 18-11-166 to be 18-
4 11-123 through 18-11-165

5 Anne Arundel County Code (2005, as amended)

6
7 BY adding: §§ 17-1-101(92); 17-2-101(b)(19); 17-3-201(c)(12); 17-3-301(c)(13); 17-4-
8 202(b)(27); 17-11-207(f); 17-12-101 through 17-12-116 to be under the new title “Title
9 12. Moderately Priced Dwelling Units”; and 18-12-701 to be under the new subtitle
10 “Subtitle 7. Moderately Priced Dwelling Units”

11 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 84-23)

12
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
14 That §§ 17-6-604(e); 17-7-801(5); 17-7-901(5); and 18-11-123 of the Anne Arundel
15 County Code (2005) (as amended by Bill No. 84-23) are hereby repealed.

16
17 SECTION 2. *And be it further enacted,* That §§ 17-1-101(92) through (104); 17-4-
18 202(b)(27) through (38); 17-7-901(6); 17-11-207(f); and 18-11-124 through 18-11-166 of
19 the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 17-1-
20 101(93) through (105); 17-4-202(b)(28) through (39); 17-7-901(5); 17-11-207(g); and 18-
21 11-123 through 18-11-165, respectively.

22
23 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
24 Code (2005, as amended) (as amended by Bill Nos. 84-23, 88-23, 3-24, 17-24, 20-24, and
25 29-24) read as follows:

26 27 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

28 29 **TITLE 11. BUDGET**

30 31 **4-11-124. Housing Trust Special Revenue Fund.**

32
33 (a) **Fund established.** There is a Housing Trust Special Revenue Fund into which shall
34 be paid the revenue attributable to:

35
36 (1) any real property transfer tax rate levied under § 4-3A-101(c)(2) in excess of
37 the revenue that would be derived from the real property transfer tax rate levied under § 4-
38 3A-101(c)(1); **[[and]]**

39
40 (2) any special recordation tax rate in excess of the generally applicable rate that is
41 levied on an instrument of writing for which the consideration payable or the principal
42 amount of debt secured is \$1,000,000 or more; AND

43
44 (3) ANY FEE IN LIEU OR OTHER PAYMENTS UNDER TITLE 12 OF ARTICLE 17 OF THIS
45 CODE.

1 ***

2
3 (77) “Open area” means that portion of a lot OR SITE that protects natural features [[and
4 provides for recreational activities and]] that is required [[only when an open space lot is
5 not created]] under § 17-6-111.

6
7 ***

8
9 (82) “Planned unit development areas” means developments comprising a combination
10 of land uses or varying intensities of the same land use in accordance with an integrated
11 plan that provides flexibility in land use design approved by the local jurisdiction [[with at
12 least 20% of the land permanently dedicated to open space]].

13
14 ***

15
16 (92)(I) “SITE” MEANS THE LOTS OR PARCELS OF LAND THAT ARE CONTIGUOUS AND ARE
17 BEING DEVELOPED AS PART OF A COMMON SUBDIVISION OR SITE DEVELOPMENT PLAN.

18
19 (II) “SITE” INCLUDES ANY CONFRONTING LOTS OR PARCELS OF LAND THAT ARE
20 OTHERWISE CONTIGUOUS AND BEING DEVELOPED AS PART OF A COMMON SUBDIVISION
21 OR SITE DEVELOPMENT PLAN, IF SEPARATED BY NO MORE THAN ONE OF THE FOLLOWING:

22
23 1 EXISTING ROAD RIGHT-OF-WAY WITH A FUNCTIONAL CLASSIFICATION OF
24 COLLECTOR OR LOCAL;

25
26 2. TRANSMISSION RIGHT-OF-WAY; OR

27
28 3. AT THE DISCRETION OF THE OFFICE OF PLANNING AND ZONING, EXISTING
29 ROAD RIGHT-OF-WAY WITH A FUNCTIONAL CLASSIFICATION OF ARTERIAL.

30
31 ***

32
33 **TITLE 2. GENERAL PROVISIONS**

34
35 **17-2-101. Scope; applicability.**

36
37 (b) **Applicability to pending and future proceedings.** Subject to the grandfathering
38 provisions of COMAR Title 27, this article applies to all pending and future proceedings
39 and actions of any board, department, or agency empowered to decide applications under
40 this Code, except that:

41
42 ***

43
44 (17) For a property located in the Parole Town Center, the following shall be
45 governed by Subtitle 9 of Title 7 as it existed prior to December 8, 2023:

46
47 ***

48
49 (ii) an application for any building or grading permits not associated with a final
50 plan or site development plan filed on or before December 8, 2023; [[and]]

1 (18) For a property located in the Odenton Town Center, the following shall be
2 governed by Subtitle 8 of Title 7 as it existed prior to March 29, 2024:

3
4 ***

5
6 (ii) an application for any building or grading permits not associated with a final
7 plan or site development plan filed on or before March 29, 2024[.]; AND

8
9 (19) AN APPLICATION FOR A SKETCH PLAN, PRELIMINARY PLAN, FINAL PLAN, OR
10 BUILDING PERMIT, SITE DEVELOPMENT PLAN, OR GRADING PERMIT ASSOCIATED WITH A
11 PROPOSED DEVELOPMENT FILED BEFORE JULY 1, 2025, SHALL BE GOVERNED BY THE LAW
12 AS IT EXISTED PRIOR TO JULY 1, 2025.

13
14 **17-2-102. Policy.**

15
16 The County policy is to:

17
18 ***

19
20 (9) ensure that land is not subdivided or developed until adequate facilities and
21 improvements, such as drainage, water, sewerage, and open [[space]] AREA, are provided
22 or security acceptable to the County is given to ensure that the required improvements will
23 be made;

24
25 ***

26
27 **TITLE 3. SUBDIVISION**

28
29 **17-3-201. Sketch plan application.**

30
31 (c) **Attachments.** A sketch plan shall be accompanied by all information required by
32 the Office of Planning and Zoning and the Department of Inspections and Permits,
33 including to the extent applicable:

34
35 ***

36
37 (10) an equivalent dwelling unit (EDU) worksheet; [[and]]

38
39 (11) a copy of a summary of comments received at the pre-submission community
40 meeting; an affidavit signed by the developer or other evidence acceptable to the Office of
41 Planning and Zoning to prove that a community meeting was held and that a copy of the
42 summary of comments was mailed to each participant at the pre-submission community
43 meeting, to all lot owners within 300 feet of the property to be subdivided, and to the
44 County Councilmember of the Councilmanic District where the property is located and, if
45 the property abuts another Councilmanic District, to that County Councilmember; AND

46
47 (12) A MODERATELY PRICED DWELLING UNIT WORKSHEET FORMULATED BY THE
48 OFFICE OF PLANNING AND ZONING OR THE ADMINISTRATOR, AS THAT TERM IS DEFINED
49 IN § 17-12-101, THAT INCLUDES, AT A MINIMUM, THE NUMBER AND DWELLING TYPES OF

1 MODERATELY PRICED DWELLING UNITS THAT WILL BE OFFERED FOR SALE OR RENTAL
2 AND THE NUMBER OF BEDROOMS IN EACH MODERATELY PRICED DWELLING UNIT, WHICH
3 SHALL BE APPROVED AS A CONDITION OF THE SKETCH PLAN APPLICATION APPROVAL.
4

5 **17-3-301. Final plan application.**
6

7 (c) **Attachments.** A final plan shall be accompanied by all information required by the
8 Office of Planning and Zoning and the Department of Inspections and Permits, including
9 to the extent applicable:
10

11 ***
12

13 (11) a proposed record plat; **[[and]]**
14

15 (12) a digital copy of the proposed record plat or the fee for digital conversion of a
16 proposed record plat; AND
17

18 (13) IDENTIFICATION OF EACH LOT THAT WILL CONTAIN A MODERATELY PRICED
19 DWELLING UNIT OR UNITS, AND A NOTATION THAT USE OF EACH UNIT IS SUBJECT TO THE
20 RECORDED AGREEMENT REQUIRED BY § 17-12-104(B).
21

22 **17-3-302. Contents of proposed record plat.**
23

24 A proposed record plat shall be on an 18" x 24" mylar sheet with a 1½" margin at the
25 left edge, and shall contain the following:
26

27 (6) a tabulation below the general notes that includes the total number of lots; the
28 current zoning of the property; the **[[net]]** density of the site; the density of any bulk parcel;
29 and the gross AND NET area of the site, each lot, open space, OPEN AREA, recreation area,
30 floodplain, public road rights-of-way, and private road rights-of- way;
31

32 (9) for a residential subdivision in which open **[[space]]** AREA is required, one of the
33 following paragraphs within the dedication:
34

35 The open **[[space]]** AREA shown on this record plat is conveyed to Anne Arundel
36 County, Maryland, by deed to be set aside for public use, such lands being deeded
37 to Anne Arundel County, Maryland, or the State of Maryland, as may be
38 appropriate, before or with the recordation of this plat.
39

40 or
41

42 The open **[[space]]** AREA shown on this record plat is set aside for the use of the
43 residents of the subdivision and is conveyed to _____ [insert name of
44 incorporated homeowner' association] before or with the recordation of this plat.
45

46 or

1 In lieu of setting aside open [[space]] AREA, the owner(s) has/have paid a fee to
2 Anne Arundel County, Maryland for the County's acquisition, creation,
3 maintenance, and administration of offsite open [[space]] AREA.
4

5 **17-3-401. Lot and block size.**

6
7 (c) **Open area.** Open [[space]] AREA lots shall have a minimum road frontage of 15
8 feet or a 15-foot access easement.
9

10 **TITLE 4. SITE DEVELOPMENT**

11
12 **17-4-201. Preliminary Plan.**

13
14 (b) **Contents.**

15
16 (1) A preliminary plan shall be on a 24" x 36" sheet at a scale that is no smaller than
17 1"=100' and shall contain all information including attachments as required on the most
18 recent preliminary plan checklist on file at the Office of Planning and Zoning or
19 Department of Inspections and Permits. The preliminary plan shall show an initial location
20 of development, including roads, buildings, parking, stormwater management, utilities, and
21 forest conservation, and shall provide any other information required by the Office of
22 Planning and Zoning and the Department of Inspections and Permits to clearly
23 identify areas on the site that are suitable for development.
24

25 (2) A PRELIMINARY PLAN SHALL INCLUDE A MODERATELY PRICED DWELLING
26 UNIT WORKSHEET FORMULATED BY THE OFFICE OF PLANNING AND ZONING OR THE
27 ADMINISTRATOR, AS THAT TERM IS DEFINED IN § 17-12-101, THAT INCLUDES, AT A
28 MINIMUM, THE NUMBER AND DWELLING TYPES OF MODERATELY PRICED DWELLING
29 UNITS THAT WILL BE OFFERED FOR SALE OR RENTAL AND THE NUMBER OF BEDROOMS IN
30 EACH MODERATELY PRICED DWELLING UNIT, WHICH SHALL BE APPROVED AS A
31 CONDITION OF THE PRELIMINARY PLAN APPLICATION APPROVAL.
32

33 **17-4-202. Site development plan.**

34
35 (b) **Contents.** A site development plan shall be on a 24" x 36" sheet at a scale that is
36 no greater than 1" = 40' and no smaller than 1" = 60' and shall contain all information
37 required by the Office of Planning and Zoning and the Department of Inspections and
38 Permits. The information ordinarily shall include:
39

40 (27) IDENTIFICATION OF EACH LOT THAT WILL CONTAIN A MODERATELY PRICED
41 DWELLING UNIT OR UNITS, AND A NOTATION THAT USE OF EACH UNIT IS SUBJECT TO THE
42 RECORDED AGREEMENT REQUIRED BY § 17-12-104(B);
43

44 **TITLE 6. GENERAL DEVELOPMENT PROVISIONS**

45
46 **17-6-104. Transfer of density.**

47
48 A developer may transfer density from a portion of a lot located in one zoning district
49 to another portion of the same lot located in a more intense zoning district if the portion

1 from which density is transferred is placed in a perpetual easement and designated for
2 public use or held as open ~~[[space]]~~ AREA by a homeowners' association.

3
4 **17-6-110. Setbacks from certain roads.**

5
6 (c) **Noise mitigation measures.** Outdoor noise mitigation measures provided by the
7 developer shall be noted on the proposed record plat and shall be located in open space OR
8 OPEN AREA maintained by a homeowners association, community association, or council
9 of condominium unit owners. In the absence of open ~~[[space]]~~ AREA, the developer shall
10 provide a noise mitigation maintenance easement to be recorded in the land records and
11 noted on the proposed record plat. Required indoor noise mitigation measures shall be
12 noted on the building architectural plans.

13
14 **17-6-111. Open area; active recreation area.**

15
16 (a) **Scope.** This section does not apply to an agricultural preservation subdivision or to
17 a subdivision located in an RA District.

18
19 (b) **Required open area generally.** Unless the Planning and Zoning Officer grants a
20 modification to allow a reduction in the amount of required open ~~[[space]]~~ AREA, a
21 minimum of ~~[[30%]]~~ 20% of the gross area of a residential site MINUS ANY FLOODPLAIN
22 AREAS, AND excluding the area of transmission line easements, shall be ~~[[dedicated~~
23 ~~permanently as open space for the use of the residents in the subdivision]]~~ PROVIDED AS
24 OPEN AREA. ~~[[The recreation area requirements of subsection (c) and wetlands and their~~
25 ~~buffers shall be located in required open space.]]~~ WETLANDS AND STREAM BUFFERS,
26 FOREST CONSERVATION EASEMENTS, STORMWATER MANAGEMENT OR DRAINAGE
27 FACILITY EASEMENTS, INLETS, OUTFALLS, STORMWATER MANAGEMENT CREDIT AREAS,
28 AND STEEP SLOPES SHALL BE LOCATED IN THE OPEN AREA ON A SITE.

29
30 (c) **Required active recreation area generally.** Unless the Planning and Zoning
31 Officer under subsection (g) requires the developer to pay a fee in lieu of ACTIVE recreation
32 area, a single-family detached, DUPLEX, TRIPLEX, FOURPLEX, townhouse, ~~[[semi-detached,~~
33 ~~or duplex]]~~ OR STACKED TOWNHOUSE subdivision ~~[[that provides open space under~~
34 ~~subsection (b)]]~~ shall have at least ~~[[1,000]]~~ 350 square feet of ACTIVE recreation area for
35 each dwelling unit. A multifamily OR MULTIPLEX subdivision ~~[[that provides open space~~
36 ~~under subsection (b)]]~~ shall ~~[[dedicate and use 20%]]~~ PROVIDE 10% of the ~~[[gross]]~~ NET
37 area of the site as ACTIVE recreation area. ~~[[At least 50% of the required recreation area~~
38 ~~shall be reserved for active recreation, such as shared-use paths, tennis courts, swimming~~
39 ~~and boating areas, playgrounds, and playfields. The remainder of the recreation area may~~
40 ~~be passive recreation area and may be encumbered by forest conservation easements that~~
41 ~~permit minimal disturbance for trails, stormwater management areas, or environmentally~~
42 ~~sensitive areas.]]~~ ACTIVE RECREATION AREA SHALL BE LOCATED WITHIN THE REQUIRED
43 OPEN AREA, BUT MAY NOT BE LOCATED WITHIN FLOODPLAINS, WETLAND AND STREAM
44 BUFFERS, FOREST CONSERVATION EASEMENTS, STORMWATER MANAGEMENT OR
45 DRAINAGE FACILITY EASEMENTS, INLETS, OUTFALLS, STORMWATER MANAGEMENT
46 CREDIT AREAS, OR STEEP SLOPES.

1 **[(d) Open area and required recreation area for certain multifamily dwellings.** A
2 multifamily dwelling that has not provided an open space lot under subsection (b) shall
3 have 45% of the gross area of the site as open area and 20% of the gross area of the site as
4 recreation area. At least 50% of the required recreation area shall be reserved for active
5 recreation, such as shared-use paths, tennis courts, swimming and boating areas,
6 playgrounds, and playfields.]]

7
8 **(D) Offsite active recreation area.**

9
10 (1) (I) FOR A DEVELOPMENT WITH 20 DWELLING UNITS OR LESS, THE REQUIRED
11 ACTIVE RECREATION AREA MAY BE FULFILLED BY AN OFFSITE PARK IF APPROVED BY THE
12 PLANNING AND ZONING OFFICER AFTER CONSIDERING COMMENTS FROM THE
13 DEPARTMENT OF RECREATION AND PARKS.

14
15 (II) FOR A DEVELOPMENT WITH MORE THAN 20 DWELLING UNITS, THE
16 REQUIRED ACTIVE RECREATION AREA MAY BE FULFILLED BY AN OFFSITE PARK THROUGH
17 APPROVAL OF A MODIFICATION BY THE PLANNING AND ZONING OFFICER AFTER
18 CONSIDERING COMMENTS FROM THE DEPARTMENT OF RECREATION AND PARKS.

19
20 (2) FOR ALL DEVELOPMENTS, AN OFFSITE PARK MUST:

21
22 (I) BE OWNED BY A PUBLIC ENTITY AND BE AVAILABLE FOR PUBLIC USE;

23
24 (II) BE LOCATED WITHIN ONE-QUARTER MILE OF THE PROPOSED
25 DEVELOPMENT AND SAFELY ACCESSIBLE BY PEDESTRIANS FROM THE PROPOSED
26 DEVELOPMENT WITHOUT CROSSING ANY ROAD OTHER THAN ONE LOCAL ROAD; AND

27
28 (III) PROVIDE ACTIVE RECREATION AMENITIES, SUCH AS BALLFIELDS, COURTS,
29 SWIMMING POOLS, PLAYGROUNDS, PICNIC AREAS, TRAILS, OR SIMILAR AMENITIES.

30
31 **(e) Characteristics of active recreation area generally.**

32
33 ACTIVE [[Recreation]] RECREATION area [[shall]]:

34
35 (1) SHALL be designed to demonstrate ADA accessibility to the maximum extent
36 practicable, and may not include parking lot islands, transmission line easements, or strips
37 with a width of less than 20 feet, other than shared-use paths[.];

38
39 (2) SHALL BE INTEGRATED INTO THE DESIGN TO CREATE FOCAL POINTS ALONG
40 ROADS AND AT ENTRANCES;

41
42 (3) SHALL BE SQUARE OR RECTANGULAR IN SHAPE, TO THE EXTENT PRACTICAL,
43 AND SUITABLE FOR RECREATION USES SUCH AS TOT LOTS, BALL FIELDS, AND COURTS, OR
44 FOR RECREATION IN FORMAL PARKS AND SQUARES;

45
46 (4) SHALL HAVE AT LEAST 15 FEET OF FRONTAGE ON A PUBLIC OR PRIVATE ROAD;

47
48 (5) SHALL BE CENTRALLY LOCATED AMONG THE LOTS IT SERVES;

49
50 (6) SHALL BE EQUITABLY DISTRIBUTED INTO TWO AREAS IF THE SUBDIVISION OR
51 SITE CONTAINS AT LEAST 50 RESIDENTIAL LOTS OR CONTAINS AT LEAST 50 RESIDENTIAL
52 UNITS; AND

1 (7) MAY INCLUDE SHARED-USE PATHS, WHICH ARE NOT SUBJECT TO THE
2 RESTRICTIONS SET FORTH IN PARAGRAPHS (1) THROUGH (6).

3
4 **(f) Conveyance or dedication.** At the discretion of the County and to the full extent
5 allowed by law, the County may require a developer to convey fee simple title of open
6 **[[space]] AREA** to the County without charge. Alternatively, if the property is adjacent to
7 an existing State park and the State agrees to accept title, the County may require
8 conveyance of open **[[space]] AREA** to the State. If open **[[space]] AREA** is not conveyed to
9 the County or the State, a developer shall convey open **[[space]] AREA** in fee simple to, AS
10 APPLICABLE: an incorporated homeowners association for **[[the]] A RESIDENTIAL**
11 subdivision; AN ASSOCIATION OF CONDOMINIUM OWNERS FOR A CONDOMINIUM
12 DEVELOPMENT; OR A SOLE OWNER FOR A RENTAL FACILITY. Before recordation of the
13 proposed record plat, the Office of Planning and Zoning and the Office of Law shall review
14 and approve all documents deemed necessary to ensure that membership in the
15 homeowners association OR CONDOMINIUM ASSOCIATION is mandatory and automatic
16 upon conveyance of title to any lot or unit in the subdivision and that the maintenance of
17 open **[[space]] AREA** owned by the homeowners association is guaranteed. The conveyance
18 to the homeowners association OR CONDOMINIUM ASSOCIATION shall be concurrent with
19 the recording of the proposed record plat.

20
21 **(g) Fee in lieu.**

22
23 (1) A DEVELOPMENT CONTAINING TEN OR LESS DWELLING UNITS MAY PAY A FEE
24 IN LIEU OF PROVIDING ACTIVE RECREATION AREA.

25
26 (2) FOR A DEVELOPMENT CONTAINING MORE THAN TEN UNITS, **[[The]] THE**
27 Planning and Zoning Officer may require a developer to pay a fee in lieu of **[[establishment**
28 **of]] PROVIDING ACTIVE** recreation area if the Planning and Zoning Officer determines that
29 land is not of significant quality or size for community purposes.

30
31 (3) The fees shall be used to provide public recreation areas and facilities in the
32 County.

33
34 **[[h) Characteristics of active recreation area.** Recreation area to be used for active
35 recreation may not include wetlands or stream buffers, floodplains, forest conservation
36 easements, stormwater management or drainage facility easements, inlets, outfalls,
37 stormwater management credit areas, or slopes over five percent. Recreation area shall:

38
39 (1) be integrated into the subdivision design to create focal points along roads and
40 at entrances;

41
42 (2) be square or rectangular in shape, to the extent practical, and suitable for
43 recreation uses, such as tot lots, ball fields, and courts, or for recreation in formal parks and
44 squares;

45
46 (3) have at least 20 feet of frontage on a public or private road;

47
48 (4) be centrally located among the lots it serves;

1 (5) be equitably distributed into two areas if the subdivision or site contains at least
2 50 residential lots or the site contains at least 50 residential units; and

3
4 (6) may include shared-use paths, which are not subject to the restrictions set forth
5 in paragraphs (1) through (5) of this subsection.]]

6
7 **[[i)] (H) Characteristics of open area.** Open ~~[[space and open]]~~ area shall contain
8 the active ~~[[and passive]]~~ recreation areas, environmentally sensitive areas, and stormwater
9 management areas identified in the preliminary plan and sketch plan. These areas shall be
10 incorporated into the site design to maximize views and accessibility from proposed
11 dwelling units and public spaces. To the maximum extent practicable, open ~~[[space and~~
12 ~~open]]~~ area shall be located so as to augment land on adjacent property that has previously
13 been identified as open space, open area, conservation or preservation areas, or that has
14 been identified by the Office of Planning and Zoning as possible future open ~~[[space]]~~
15 AREA, conservation or preservation areas. The developer shall integrate open ~~[[space and~~
16 ~~open]]~~ area into the site design to maximize environmental protections while creating
17 quality community and public spaces.

18
19 **[[j)] (I) Design of bikeways and shared-use paths.** Bikeways and shared-use paths
20 shall be designed to be available for use by all lot or unit owners in the ~~[[subdivision]]~~
21 DEVELOPMENT and in accordance with the Design Manual. Shared-use paths provided as
22 active recreation area may only be considered as complying with all or part of the
23 requirements of § 17-6-113 if the shared-use paths support the objectives of bicycle,
24 pedestrian, and transit infrastructure and connectivity to existing, planned, or future offsite
25 infrastructure, and if the shared-use paths are placed in a public easement or public right-
26 of-way.

27
28 **17-6-307. Agreements.**

29
30 (a) **Forestation agreements and forest conservation easements.** A developer shall
31 execute a forestation agreement for planting, replanting, reforestation, or afforestation in
32 areas of 1,000 square feet or more. A developer also shall execute a forest conservation
33 easement, and the easement shall be located in areas that are at least 35 feet wide with a
34 total area of at least 10,000 square feet. At the discretion of the Planning and Zoning
35 Officer, the easement may be located on any ~~[[open space lot or]]~~ open area created under
36 § 17-6-111, in a limited common element of a condominium regime, or in an agricultural
37 preservation easement, but it may not otherwise be located on a residentially zoned lot of
38 less than one acre. Forest conservation easements shall preserve existing forest and
39 developed woodland.

40
41 **TITLE 7. DEVELOPMENT REQUIREMENTS FOR PARTICULAR TYPES OF**
42 **DEVELOPMENT**

43
44 **17-7-305. Recreation area, open area, landscaping.**

45
46 (a) **Recreation area; open area.** To the extent practical, and as provided in this
47 subsection, the developer shall comply with the requirements of § 17-6-111. If the

1 requirements create a practical difficulty or unnecessary hardship in achieving one or more
2 of the purposes of the overlay, the developer may submit an alternative proposal for [[open
3 space,]] ACTIVE recreation area[[,]] and open area, and the Planning and Zoning Officer
4 may approve the alternative proposal without the need for a modification.
5

6 **17-7-604. Integrated plan of development.**

7
8 All elements of the development, including uses, structures, parking, vehicular and
9 pedestrian circulation systems, open [[space]] AREA, public activity areas, landscaping, and
10 other amenities, shall be integrated by a plan. Structures shall be integrated into the
11 pedestrian circulation system. Residential uses shall be integrated in a manner that does
12 not isolate them from the remainder of the development and that maintains an appropriate
13 degree of privacy for the residents. Open [[space]] AREA, ACTIVE RECREATION AREA, and
14 public activity areas shall be integrated in a manner that provides convenient pedestrian
15 access and enhances the overall quality of the development.
16

17 **17-7-605. Structures.**

18
19 Structures shall be constructed from high quality materials, and structure designs in the
20 development shall complement each other. Structure facades shall be articulated and
21 contain architectural detail that promotes visual interest. Structure mass shall be countered
22 by the use of architectural detail, landscaping, open [[spaces]] AREAS, and public activity
23 areas. Structures shall be located close to streets or walkways and the primary accesses to
24 the structures shall be from those streets or walkways. The pedestrian levels of structures
25 shall provide easy access. Structures shall be clustered by activities, with focal points that
26 are visual or functional, and shall include structures to protect pedestrians from the weather.
27

28 **17-7-606. Pedestrian circulation system.**

29
30 The pedestrian circulation system shall be continuous, direct, and convenient.
31 Walkways shall be designed to accommodate bicycles as well as pedestrians, with facilities
32 for the temporary storage of bicycles. The pedestrian circulation system shall include
33 facilities to protect pedestrians from the weather. The system shall incorporate design
34 features to enhance convenience and safety, including illumination; appropriate grade
35 separations; appropriate at-grade, above-grade, or below-grade street and road crossings;
36 varying paving patterns; grade differences; and landscaping. Paved pedestrian access to
37 open [[space]] AREAS shall have a design that enhances the visual interest of the open
38 [[space]] AREAS.
39

40 **17-7-905. Allowed uses; prohibited uses; conditions.**

41 42 (a) **Uses allowed.**

43
44 (2) Regardless of whether allowed in the underlying zoning district, the following
45 uses are:

46 47 (i) permitted uses:

1 1. dwelling, townhouse AND DWELLING, STACKED TOWNHOUSE;

2
3 ***

4
5 (ii) conditional uses, subject to the conditions set forth:

6
7 ***

8
9 3. dwellings, [[semi-detached shall]] DUPLEX MAY be part of development
10 with townhouses, and shall constitute no more than 10% of the total number of dwelling
11 units.

12
13 (c) **Prohibited uses.** The following uses are prohibited, regardless of whether allowed
14 in the underlying zoning district, unless the use was lawfully in existence prior to December
15 8, 2023:

16
17 (7) [[dwellings, duplex,]] dwellings, single-family detached, and mobile home
18 parks;

19
20 ***

21
22 **17-7-1002. General principles.**

23
24 A PUD shall be developed in accordance with the following general principles.

25
26 (3) Open [[space]] AREA requirements shall be calculated for the entire area of the PUD
27 except that individual lots used exclusively for nonresidential uses shall be excluded.

28
29 **TITLE 9. BOG OVERLAY**

30
31 **17-9-208. Development within the contributing drainage area.**

32
33 (b) **Stormwater management.** All development within the contributing drainage area
34 shall comply with the following storm water requirements.

35
36 (1) Nonstructural storm water management practices, such as infiltration and
37 retention of forest, wetlands and associated buffers, undisturbed floodplains, open space
38 AND OPEN AREA, and slopes of 15% or greater, shall be used to the extent practical.

39
40 **TITLE 11. FEES AND SECURITY**

41
42 **17-11-207. Credits.**

43
44 (a) **When allowed.** Any conveyance of land or construction received and accepted by
45 the County or the County Board of Education from a developer, including construction of
46 a contract school by a developer or a developer's agent pursuant to an agreement with the
47 Board of Education, may be credited against the development impact fee due if the

1 conveyance or construction meets the same needs as the development impact fee in
2 providing expanded capacity over and above the requirements of this article. A DEVELOPER
3 OF A REGULATED DEVELOPMENT SHALL RECEIVE A CREDIT AGAINST DEVELOPMENT
4 IMPACT FEES AS SET FORTH IN THIS SECTION. If the developer wishes to receive credit
5 against the amount of the development impact fee due [[for such conveyance or
6 construction]], the developer shall enter into a written Impact Fee Credit Agreement with
7 the County [[prior to such conveyance or construction]]. The Impact Fee Credit Agreement
8 shall provide for establishment of credits and the procedure and time allowed for
9 redemption of such credits. Development impact fee credits shall be claimed and applied
10 at the time development impact fees are required to be paid.

11 ***

12
13
14 (F) **Moderately Priced Dwelling Units.** A DEVELOPER OF A REGULATED
15 DEVELOPMENT SHALL BE ENTITLED TO A CREDIT AGAINST IMPACT FEES DUE THAT IS
16 EQUAL TO THE IMPACT FEES OTHERWISE DUE FOR EACH MODERATELY PRICED DWELLING
17 UNIT PROVIDED, EVEN IF SOME OR ALL OF THE MODERATELY PRICED DWELLING UNITS
18 ARE NOT REQUIRED UNDER TITLE 12.

19 ***

20 21 22 **TITLE 12. MODERATELY PRICED DWELLING UNITS**

23 24 **17-12-101. Definitions.**

25
26 IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

27
28 (1) "ADMINISTRATOR" MEANS THE COMMUNITY SERVICE ENTITY WITH WHICH THE
29 COUNTY HAS AN AGREEMENT PURSUANT TO § 3-5-102 OF THIS CODE TO ADMINISTER THE
30 MODERATELY PRICED DWELLING UNIT PROGRAM FOR THE COUNTY AS PROVIDED IN THIS
31 TITLE.

32
33 (2) "APPLICANT" MEANS A PERSON OR ENTITY THAT SUBMITS AN APPLICATION TO
34 DEVELOP:

35
36 (I) 10 OR MORE DWELLING UNITS AT ONE LOCATION IN ONE OR MORE
37 DEVELOPMENTS OR REDEVELOPMENTS, PARTS OF DEVELOPMENTS OR
38 REDEVELOPMENTS, OR PHASES OF DEVELOPMENTS OR REDEVELOPMENTS; OR

39
40 (II) 9 OR LESS DWELLING UNITS AT ONE LOCATION IN ONE OR MORE
41 DEVELOPMENTS OR REDEVELOPMENTS, PARTS OF DEVELOPMENTS OR
42 REDEVELOPMENTS, OR PHASES OF DEVELOPMENTS OR REDEVELOPMENTS IF THE PERSON
43 OR ENTITY VOLUNTARILY SUBJECTS THE DEVELOPMENT OR REDEVELOPMENT TO THE
44 TERMS OF THIS TITLE.

45
46 (3) "BMSA" MEANS THE BALTIMORE METROPOLITAN STATISTICAL AREA.

47
48 (4) "CERTIFICATE OF ELIGIBILITY" MEANS A CERTIFICATE PROVIDED TO AN
49 ELIGIBLE PERSON THAT INDICATES THE PERSON MEETS THE ELIGIBILITY REQUIREMENTS
50 OF § 17-12-106.

51
52 (5) "CLOSING COSTS" MEANS STATUTORY CHARGES FOR TRANSFERRING TITLE,
53 FEES FOR OBTAINING NECESSARY FINANCING, TITLE EXAMINATION FEES, TITLE

1 INSURANCE PREMIUMS, HOUSE LOCATION SURVEY CHARGES, AND FEES FOR
2 PREPARATION OF LOAN DOCUMENTS AND DEED OF CONVEYANCE.

3
4 (6) "CONSUMER PRICE INDEX" MEANS THE LATEST PUBLISHED VERSION OF THE
5 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) OF THE U.S. DEPARTMENT
6 OF LABOR FOR THE BALTIMORE STATISTICAL METROPOLITAN AREA, OR ANY SIMILAR
7 INDEX SELECTED BY THE ADMINISTRATOR.

8
9 (7) "CONTROL PERIOD" MEANS:

10
11 (I) FOR UNITS INTENDED FOR OWNERSHIP, A 20-YEAR PERIOD COMMENCING ON
12 THE DATE OF ORIGINAL SALE IN WHICH A MODERATELY PRICED DWELLING UNIT IS
13 SUBJECT TO EITHER RESALE PRICE CONTROLS OR OWNER OCCUPANCY REQUIREMENTS
14 PROVIDED IN THIS TITLE; AND

15
16 (II) FOR UNITS INTENDED FOR RENTAL, A 40-YEAR PERIOD COMMENCING ON
17 THE DATE OF ORIGINAL RENTAL IN WHICH A MODERATELY PRICED DWELLING UNIT IS
18 SUBJECT TO EITHER MAXIMUM RENTAL LIMITS OR RENTAL OCCUPANCY REQUIREMENTS
19 PROVIDED IN THIS TITLE.

20
21 (8) "DATE OF ORIGINAL SALE" MEANS THE DATE OF SETTLEMENT FOR THE INITIAL
22 PURCHASE OF A MODERATELY PRICED DWELLING UNIT.

23
24 (9) "DATE OF ORIGINAL RENTAL" MEANS THE EFFECTIVE DATE OF THE FIRST LEASE
25 AGREEMENT FOR A MODERATELY PRICED DWELLING UNIT.

26
27 (10) "DWELLING UNIT" HAS THE MEANING STATED IN § 18-1-101 OF THIS CODE.

28
29 (11) "ELIGIBLE HOUSEHOLD" MEANS A HOUSEHOLD WHOSE INCOME QUALIFIES
30 THE HOUSEHOLD TO PARTICIPATE IN THE MODERATELY PRICED DWELLING UNIT
31 PROGRAM, AND WHO HOLDS A VALID CERTIFICATE OF ELIGIBILITY FROM THE
32 ADMINISTRATOR THAT ENTITLES THE HOUSEHOLD TO BUY OR RENT A MODERATELY
33 PRICED DWELLING UNIT.

34
35 (12) "GROSS HOUSEHOLD INCOME" MEANS THE SALARIES, INTEREST ON SAVINGS
36 AND CHECKING ACCOUNTS, SOCIAL SECURITY BENEFITS, UNEMPLOYMENT INSURANCE,
37 PENSION AND RETIREMENT BENEFITS, DISABILITY BENEFITS, INCOME FROM REAL ESTATE
38 OR OTHER INVESTMENTS, AND INCOME FROM BUSINESS ENTITIES OR PARTNERSHIPS OF
39 ALL ADULTS OVER 18 YEARS OF AGE THAT RESIDE IN A HOUSEHOLD.

40
41 (13) "HOUSEHOLD" MEANS THE INDIVIDUALS WHO INTEND TO LIVE TOGETHER IN
42 A MODERATELY PRICED DWELLING UNIT.

43
44 (14) "HOUSING TRUST SPECIAL REVENUE FUND" MEANS THE FUND ESTABLISHED
45 UNDER § 4-11-124 OF THIS CODE.

46
47 (15) "MARKET RATE UNIT" MEANS A DWELLING UNIT IN A REGULATED
48 DEVELOPMENT OTHER THAN A MODERATELY PRICED DWELLING UNIT.

49
50 (16) "MODERATELY PRICED DWELLING UNIT" MEANS A DWELLING UNIT IN A
51 REGULATED DEVELOPMENT THAT IS OFFERED FOR SALE OR RENT TO ELIGIBLE
52 HOUSEHOLDS THROUGH THE ADMINISTRATOR IN ACCORDANCE WITH THE
53 REQUIREMENTS OF THIS TITLE.

54
55 (17) "REGULATED DEVELOPMENT" MEANS DEVELOPMENT SUBJECT TO § 17-12-102.
56

1 (18) "SINGLE-FAMILY DETACHED DWELLING" HAS THE MEANING STATED IN § 18-1-
2 101 OF THIS CODE.

3
4 **17-12-102. Applicability.**

5
6 (A) **Applicability.** EXCEPT AS PROVIDED IN SUBSECTION, (B), THIS TITLE APPLIES TO:

7
8 (1) A DEVELOPMENT WITH A RESIDENTIAL COMPONENT, THAT PERMITS THE
9 CONSTRUCTION OF A TOTAL OF 10 OR MORE DWELLING UNITS;

10
11 (2) REHABILITATION OF AN EXISTING MULTIFAMILY RESIDENTIAL STRUCTURE
12 THAT INCREASES THE NUMBER OF DWELLING UNITS IN THE STRUCTURE BY A TOTAL OF
13 10 OR MORE DWELLING UNITS;

14
15 (3) CONVERSION OF A RENTAL PROPERTY TO A CONDOMINIUM OR COOPERATIVE
16 THAT INCREASES THE NUMBER OF DWELLING UNITS BY A TOTAL OF 10 OR MORE
17 DWELLING UNITS;

18
19 (4) A DEVELOPMENT THAT WILL CHANGE THE USE OF AN EXISTING BUILDING
20 FROM A NON-RESIDENTIAL USE TO A RESIDENTIAL USE THAT WILL CONTAIN A TOTAL OF
21 10 OR MORE DWELLING UNITS; AND

22
23 (5) A DEVELOPMENT CONTAINING FEWER THAN 10 DWELLING UNITS THAT AN
24 APPLICANT VOLUNTARILY SUBJECTS TO THE TERMS OF THIS TITLE.

25
26 (B) **Exceptions.** THIS TITLE DOES NOT APPLY TO:

27
28 (1) A DEVELOPMENT IN THE RA OR RLD ZONING DISTRICT;

29
30 (2) A DEVELOPMENT THAT:

31
32 (I) IS FINANCED UNDER LOCAL, STATE, OR FEDERAL FINANCING PROGRAMS,
33 INCLUDING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
34 PROGRAMS, MARYLAND COMMUNITY DEVELOPMENT ADMINISTRATION RENTAL
35 PROGRAMS, AND LOW INCOME HOUSING TAX CREDITS; AND

36
37 (II) PROVIDES AN EQUAL OR GREATER NUMBER OF INCOME-RESTRICTED
38 AFFORDABLE UNITS THAN WOULD BE REQUIRED BY THIS TITLE;

39
40 (3) A DEVELOPMENT FINANCED OR DEVELOPED BY ARUNDEL COMMUNITY
41 DEVELOPMENT SERVICES, INC. THAT PROVIDES AN EQUAL OR GREATER NUMBER OF
42 INCOME-RESTRICTED AFFORDABLE UNITS THAN WOULD BE REQUIRED BY THIS TITLE;

43
44 (4) WORKFORCE HOUSING UNDER TITLE 10 OF ARTICLE 18 OF THIS CODE; AND

45
46 (5) HOUSING FOR ELDERLY OF MODERATE MEANS UNDER TITLE 10 OF ARTICLE 18
47 OF THIS CODE.

48
49 **17-12-103. Establishment of moderately priced dwelling units.**

50
51 (A) **Ten to nineteen dwelling units.** IF A REGULATED DEVELOPMENT WILL CONTAIN
52 NOT LESS THAN 10 NOR MORE THAN 19 DWELLING UNITS, AN APPLICANT SHALL EITHER:

53
54 (1) MAKE A CONTRIBUTION TO THE HOUSING TRUST SPECIAL REVENUE FUND IF
55 PERMITTED BY AND IN ACCORDANCE WITH § 17-12-105; OR

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

6 (B) **Twenty or more dwelling units.** IF A REGULATED DEVELOPMENT WILL CONTAIN
7 20 OR MORE DWELLING UNITS, AN APPLICANT SHALL DESIGNATE NOT LESS THAN 10% OF
8 DWELLING UNITS OFFERED FOR SALE AND NOT LESS THAN 15% OF DWELLING UNITS
9 OFFERED FOR RENTAL IN THE DEVELOPMENT AS MODERATELY PRICED DWELLING UNITS
10 THAT MEET THE REQUIREMENTS OF THIS TITLE.
11

12 (C) **Fractional units.** WHEN THE APPLICATION OF THE PERCENTAGES SET FORTH IN
13 SUBSECTIONS (A) AND (B) RESULT IN A FRACTIONAL UNIT OF LESS THAN 0.50%, THE
14 RESULT SHALL BE ROUNDED DOWN TO THE NEXT WHOLE NUMBER, AND WHEN THE
15 RESULT IS A FRACTIONAL UNIT OF 0.50% OR MORE, THE RESULT SHALL BE ROUNDED UP
16 TO THE NEXT WHOLE NUMBER.
17

18 **17-12-104. Application and agreement.**
19

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

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

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

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

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

43 (4) DETAILS THE NUMBER, TYPE, LOCATION, AND SEQUENCING PLAN FOR ALL OF
44 THE MODERATELY PRICED DWELLING UNITS;
45

46 (5) REQUIRES THE MODERATELY PRICED DWELLING UNITS MEET DESIGN
47 STANDARDS ESTABLISHED BY THE COUNTY OR THE ADMINISTRATOR;
48

49 (6) REQUIRES COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND THE
50 AGREEMENT FOR THE CONTROL PERIOD;
51

52 (7) RUNS WITH THE LAND UNTIL THE CONTROL PERIOD ENDS;

1 (8) CONTAINS ANY OTHER INFORMATION OR CONDITIONS THE PLANNING AND
2 ZONING OFFICER DETERMINES TO BE NECESSARY TO ENSURE THE APPLICANT'S
3 COMPLIANCE WITH THIS TITLE; AND

4
5 (9) IS NOTED ON THE FINAL SUBDIVISION PLAT AND RECORDED IN THE LAND
6 RECORDS OF THE COUNTY.

7
8 **(C) Types of units.**

9
10 (1) MODERATELY PRICED DWELLING UNITS OFFERED FOR SALE IN A REGULATED
11 DEVELOPMENT MAY BE THE TYPES AS PERMITTED IN THE UNDERLYING ZONING DISTRICT.

12
13 (2) THE REQUIREMENT FOR MODERATELY PRICED DWELLING UNITS TO BE
14 OFFERED FOR SALE MAY NOT BE SATISFIED BY PROVISION OF MODERATELY PRICED
15 DWELLING UNIT TO BE OFFERED FOR RENT.

16
17 **(D) Bulk regulations.** THE APPLICANT SHALL COMPLY WITH APPLICABLE BULK
18 REGULATIONS.

19
20 **17-12-105. Contribution in lieu of developing moderately priced dwelling units.**

21
22 **(A) When allowed.** IN EXCEPTIONAL CIRCUMSTANCES, THE PLANNING AND ZONING
23 OFFICER MAY PERMIT AN APPLICANT THAT IS DEVELOPING OR REDEVELOPING A
24 SUBDIVISION, IN WHOLE, IN PART, OR IN PHASES, OF NOT LESS THAN 10 NOR MORE THAN
25 19 LOTS TO MAKE A CONTRIBUTION TO THE HOUSING TRUST SPECIAL REVENUE FUND IN
26 LIEU OF DEVELOPING MODERATELY PRICED DWELLING UNITS.

27
28 **(B) Requirements.** AN APPLICANT SHALL:

29
30 (1) APPLY TO THE PLANNING AND ZONING OFFICER FOR PERMISSION TO MAKE A
31 CONTRIBUTION AUTHORIZED BY SUBSECTION (A);

32
33 (2) PROVIDE ANY INFORMATION OR DOCUMENTS THAT THE PLANNING AND
34 ZONING OFFICER DEEMS NECESSARY TO DETERMINE WHETHER TO GRANT PERMISSION;
35 AND

36
37 (3) PROVE TO THE SATISFACTION OF THE PLANNING AND ZONING OFFICER, AFTER
38 CONSULTATION WITH AND RECOMMENDATION BY THE ADMINISTRATOR, THAT
39 EXCEPTIONAL CIRCUMSTANCES EXIST.

40
41 **(C) Definition of "exceptional circumstances".** FOR THE PURPOSES OF THIS SECTION,
42 EXCEPTIONAL CIRCUMSTANCES MEANS:

43
44 (1) IN A PROPOSED DEVELOPMENT, THE COST OF AN INDIVIDUAL PACKAGE OF
45 RESIDENT SERVICES AND FACILITIES TO BE PROVIDED TO ALL HOUSEHOLDS WOULD
46 LIKELY MAKE THE MODERATELY PRICED DWELLING UNITS EFFECTIVELY
47 UNAFFORDABLE TO ELIGIBLE HOUSEHOLDS; OR

48
49 (2) COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE WOULD RESULT IN THE
50 APPLICANT BEING UNABLE TO SECURE A REASONABLE RETURN FROM OR MAKE ANY
51 REASONABLE USE OF THE PROPERTY, AND THE HARDSHIP IS UNIQUE TO THE PROPERTY,
52 IS NOT DUE TO THE ZONING CLASSIFICATION OF THE PROPERTY, AND IS NOT THE RESULT
53 OF THE APPLICANT'S OWN ACTIONS.

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

3
4 (1) FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
5 SALE, 2.5% OF THE AVERAGE SALES PRICE OF ALL UNITS IN THE DEVELOPMENT FOR EACH
6 REQUIRED MODERATELY PRICED DWELLING UNIT; AND

7
8 (2) FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
9 RENT, EITHER:

10
11 (I) THE DIFFERENCE BETWEEN THE ACTUAL ANNUAL RENTAL INCOME FOR A
12 COMPARABLE MARKET RATE UNIT IN THE DEVELOPMENT AND THE MAXIMUM ANNUAL
13 RENTAL AMOUNT PERMITTED BY THIS TITLE FOR EACH YEAR OF THE 40-YEAR CONTROL
14 PERIOD, PAID BY DECEMBER 31 OF EACH YEAR; OR

15
16 (II) IF APPROVED BY THE ADMINISTRATOR, A SINGLE PAYMENT THAT IS
17 EQUIVALENT TO THE TOTAL AMOUNT DUE UNDER SUBPARAGRAPH (I) ON A PRESENT
18 VALUE BASIS.

19
20 **17-12-106. Eligibility to purchase or rent a moderately priced dwelling unit.**

21
22 (A) **Application.** HOUSEHOLDS SEEKING TO PURCHASE OR RENT A MODERATELY
23 PRICED DWELLING UNIT SHALL:

24
25 (1) APPLY FOR A CERTIFICATE OF ELIGIBILITY BY SUBMITTING TO THE
26 ADMINISTRATOR A FULLY COMPLETED APPLICATION ON A FORM PROVIDED BY THE
27 ADMINISTRATOR;

28
29 (2) PROVIDE PROOF THAT:

30
31 (I) FOR MODERATELY PRICED DWELLING UNITS OFFERED FOR RENT, THE
32 HOUSEHOLD INCOME DOES NOT EXCEED 75% OF THE MEDIAN INCOME ADJUSTED FOR
33 HOUSEHOLD SIZE FOR THE BMSA; AND

34
35 (II) FOR MODERATELY PRICED DWELLING UNITS OFFERED FOR SALE, THE
36 HOUSEHOLD INCOME DOES NOT EXCEED 100% OF THE MEDIAN INCOME ADJUSTED FOR
37 HOUSEHOLD SIZE FOR THE BMSA;

38
39 (3) IF SEEKING TO PURCHASE A MODERATELY PRICED DWELLING UNIT, PROVIDE
40 PROOF THAT THE HOUSEHOLD IS ABLE TO QUALIFY FOR AND OBTAIN FINANCING;

41
42 (4) PROVIDE PROOF THAT AT LEAST ONE ADULT MEMBER OF THE HOUSEHOLD IS A
43 RESIDENT OF THE COUNTY OR EMPLOYED IN THE COUNTY FOR AT LEAST SIX MONTHS
44 PRIOR TO THE DATE OF THE APPLICATION;

45
46 (5) EXCEPT WHEN WAIVED BY THE ADMINISTRATOR FOR GOOD CAUSE, PROVIDE
47 PROOF THAT NO ADULT MEMBER OF THE HOUSEHOLD HAS OWNED ANY RESIDENTIAL
48 REAL ESTATE DURING THE THREE-YEAR PERIOD PRIOR TO APPLICATION; AND

49
50 (6) CERTIFY THAT THE HOUSEHOLD INTENDS TO OCCUPY THE MODERATELY
51 PRICED DWELLING UNIT AS A PRIMARY RESIDENCE AND WILL NOT LEASE OR SUBLEASE
52 THE MODERATELY PRICED DWELLING UNIT TO ANY OTHER PERSON OR ENTITY.

53
54 (B) **Certificate of eligibility.** HOUSEHOLDS THAT MEET THE REQUIREMENTS OF
55 SUBSECTION (A) SHALL BE GIVEN A CERTIFICATE OF ELIGIBILITY THAT WILL BE VALID
56 FOR THREE YEARS. ELIGIBILITY SHALL BE REVIEWED WITHIN 60 DAYS BEFORE A SALE OR

1 RENTAL OF A MODERATELY PRICED DWELLING UNIT TO ENSURE THAT INCOME
2 ELIGIBILITY GUIDELINES CONTINUE TO BE MET.

3
4 (C) **Waiting list.** IN THE EVENT THERE ARE MORE ELIGIBLE HOUSEHOLDS THAT WISH
5 TO PURCHASE OR RENT A MODERATELY PRICED DWELLING UNIT THAN THERE ARE
6 AVAILABLE UNITS, THE ADMINISTRATOR SHALL ESTABLISH A WAITING LIST FROM WHICH
7 ELIGIBLE HOUSEHOLDS SHALL BE SELECTED AND NOTIFIED.

8
9 (D) **Adjustment of income requirements.** IF THERE ARE NO ELIGIBLE HOUSEHOLDS
10 ON THE WAITING LIST, THE ADMINISTRATOR MAY ADJUST THE INCOME REQUIREMENTS
11 FOR ELIGIBILITY UNDER SUBSECTION (A)(2).

12
13 (E) **Renewal of certificate of eligibility.** PRIOR TO THE EXPIRATION OF A CERTIFICATE
14 OF ELIGIBILITY, AN ELIGIBLE HOUSEHOLD MAY HAVE THE CERTIFICATE OF ELIGIBILITY
15 RENEWED FOR AN ADDITIONAL ONE YEAR IF THE ELIGIBLE HOUSEHOLD PROVES TO THE
16 SATISFACTION OF THE ADMINISTRATOR THAT THE ELIGIBLE HOUSEHOLD STILL MEETS
17 THE REQUIREMENTS OF SUBSECTION (A).

18
19 **17-12-107. Establishment of initial sales price and initial sale of moderately priced**
20 **dwelling units.**

21
22 (A) **Sales price.** THE INITIAL SALES PRICE OF THE MODERATELY PRICED DWELLING
23 UNITS:

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

29
30 (2) SHALL TAKE INTO CONSIDERATION THE ITEMS IDENTIFIED IN SUBSECTION (B);
31 AND

32
33 (3) MAY NOT EXCEED THE PRICE THAT A HOUSEHOLD EARNING 80% OF THE
34 MEDIAN INCOME FOR A HOUSEHOLD OF FOUR FOR THE BMSA CAN AFFORD.

35
36 (B) **Factors.** IN SETTING THE INITIAL SALES PRICE OF A MODERATELY PRICED
37 DWELLING UNIT, THE ADMINISTRATOR SHALL CONSIDER:

38 (1) THE TYPE OF DWELLING UNIT;

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

40 (3) THE NUMBER OF BEDROOMS AND BATHROOMS; AND

41 (4) AFFORDABILITY BASED ON AREA MEDIAN INCOME AND MARKET CONDITIONS.

42
43 (C) **Notice of availability of unit.** THE APPLICANT DEVELOPING MODERATELY PRICED
44 DWELLING UNITS SHALL PROMPTLY NOTIFY THE ADMINISTRATOR WHEN A MODERATELY
45 PRICED DWELLING UNIT IS INITIALLY AVAILABLE FOR SALE.

46
47 (D) **Contents of notice.** THE NOTICE BY THE APPLICANT SHALL:

48 (1) SET FORTH THE NUMBER, SIZE, PRICE, AND LOCATION OF UNITS OFFERED;

49 (2) PROVIDE THE ANTICIPATED TIMING FOR THE COMPLETION OF CONSTRUCTION;

50
51
52
53
54
55

1 (3) PROVIDE THE INFORMATION SPECIFIED IN SUBSECTION (B);

2

3 (4) INCLUDE A COPY OF THE APPROVED FINAL DEVELOPMENT PLAN AND PLAT;

4

AND

5

6 (5) INCLUDE ANY OTHER INFORMATION THE ADMINISTRATOR DEEMS NECESSARY.

7

8 (E) **Listing of unit.** THE APPLICANT SHALL LIST THE MODERATELY PRICED DWELLING
9 UNIT FOR SALE IN THE SAME MANNER AS A MARKET RATE UNIT.

10

11 (F) **Sale of unit.** THE APPLICANT SHALL SELL THE MODERATELY PRICED DWELLING
12 UNIT TO AN ELIGIBLE HOUSEHOLD AT THE TOP OF THE WAITING LIST DESCRIBED IN § 17-
13 12-106(C), AND AS MAY HAVE BEEN ADJUSTED IN ACCORDANCE WITH § 17-12-106(D).

14

15 (G) **No eligible household.**

16

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

22

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

29

30 **17-12-108. Resale of moderately priced dwelling units.**

31

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

33

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

36

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

40

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

45

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

51

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

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

4
5 (2) THE FAIR MARKET VALUE OF IMPROVEMENTS MADE TO THE UNIT DURING THE
6 DATES OF OWNERSHIP; AND

7
8 (3) A REASONABLE SALES COMMISSION, IF PAID BY THE SELLER.
9

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

14 **17-12-109. Rental of moderately priced dwelling units.**

15
16 (A) **Rental rate.** THE RENTAL RATE FOR A MODERATELY PRICED DWELLING UNIT:

17
18 (1) SHALL BE SET ANNUALLY BY THE ADMINISTRATOR WITHIN 30 DAYS OF THE
19 PUBLICATION OF THE UPDATED INFORMATION FOR THE BMSA AND MAY BE ADJUSTED BY
20 THE ADMINISTRATOR ONE TIME DURING THAT YEAR IF THE ADMINISTRATOR
21 DETERMINES THAT MARKET CONDITIONS WARRANT AN ADJUSTMENT;

22
23 (2) SHALL TAKE INTO CONSIDERATION THE ITEMS IDENTIFIED IN SUBSECTION (B);
24 AND

25
26 (3) MAY NOT EXCEED THE RATE THAT A HOUSEHOLD EARNING 75% OF THE MEDIAN
27 INCOME FOR A HOUSEHOLD OF FOUR IN THE BMSA CAN AFFORD.
28

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

30
31 (1) THE TYPE OF DWELLING UNIT;

32
33 (2) THE NUMBER OF SQUARE FEET IN THE DWELLING UNIT; AND

34
35 (3) THE NUMBER OF BEDROOMS AND BATHROOMS.
36

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

38
39 (1) THE ADMINISTRATOR SHALL ANNUALLY REVIEW INCOME ELIGIBILITY AND
40 RENTAL RATES FOR COMPLIANCE.
41

42 (2) A HOUSEHOLD WHOSE INCOME INCREASES OVER 75% OF THE MEDIAN INCOME
43 ADJUSTED FOR HOUSEHOLD SIZE IN THE BMSA WHILE RENTING A MODERATELY PRICED
44 DWELLING UNIT MAY CONTINUE TO RESIDE IN THE UNIT AND RENEW ITS LEASE UNTIL
45 THE END OF A LEASE TERM DURING WHICH THE HOUSEHOLD INCOME EXCEEDS 120% OF
46 THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE IN THE BMSA. WHEN THE
47 DWELLING UNIT IS VACATED, IT WILL BE OFFERED FOR RENT TO AN ELIGIBLE
48 HOUSEHOLD.
49

50 (D) **Advertising and marketing of moderately priced dwelling units.** A LANDLORD
51 SHALL ADVERTISE AND MARKET A MODERATELY PRICED DWELLING UNIT IN THE SAME
52 MANNER AS THE LANDLORD ADVERTISES AND MARKETS MARKET RATE UNITS THAT ARE
53 WITHIN THE SAME DEVELOPMENT.

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

3
4 (F) **Information to be provided.** LANDLORDS SHALL PROVIDE TO THE
5 ADMINISTRATOR COPIES OF ALL APPROVED LEASE APPLICATIONS, LEASES, LEASE
6 RENEWALS, INCOME CERTIFICATIONS, AND RENT INCREASE NOTICES FOR ALL
7 MODERATELY PRICED DWELLING UNITS.

8
9 **17-12-110. Foreclosure.**

10
11 (A) **Notice.** A PARTY INTENDING TO INITIATE A FORECLOSURE PROCEEDING RELATED
12 TO A MODERATELY PRICED DWELLING UNIT SHALL NOTIFY THE ADMINISTRATOR OF THE
13 PENDING ACTION AT LEAST 30 DAYS PRIOR TO FILING THE ACTION, AND THE
14 ADMINISTRATOR SHALL HAVE THE RIGHT TO CURE THE DEFAULT AND STAY
15 ACCELERATION OF THE NOTE OR OTHER INSTRUMENT.

16
17 (B) **Proceeds of foreclosure sale – dwelling unit.** IF A MODERATELY PRICED
18 DWELLING UNIT IS SOLD AT FORECLOSURE DURING THE CONTROL PERIOD THE
19 COVENANTS REQUIRED UNDER THIS TITLE SHALL BE RELEASED, AND THE AMOUNT OF
20 THE FORECLOSURE SALES PRICE THAT EXCEEDS THE PRICE ESTABLISHED UNDER § 17-12-
21 107 OR § 17-12-108, AFTER SATISFACTION OF ANY LIENS RECORDED AGAINST THE
22 PROPERTY, AND REASONABLE EXPENSES OF FORECLOSURE, AS APPROVED BY THE
23 ADMINISTRATOR, SHALL BE PAID TO THE COUNTY AND DEPOSITED INTO THE HOUSING
24 TRUST SPECIAL REVENUE FUND.

25
26 (C) **Proceeds of foreclosure sale – rental complex.** IF A RENTAL COMPLEX
27 CONSISTING OF MODERATELY PRICED DWELLING UNITS THAT ARE RENTAL UNITS IS SOLD
28 AT FORECLOSURE DURING THE CONTROL PERIOD, THE COVENANTS REQUIRED UNDER
29 THIS TITLE SHALL BE RELEASED AND THE AMOUNT OF THE SALES PRICE THAT EXCEEDS
30 THE FAIR MARKET VALUE OF THE RENTAL COMPLEX ON THE DATE OF ORIGINAL RENTAL
31 FOR THE FIRST UNIT RENTED IN THE COMPLEX, AFTER SATISFACTION OF ANY LIENS
32 RECORDED AGAINST THE PROPERTY, AND REASONABLE EXPENSES OF FORECLOSURE, AS
33 APPROVED BY THE ADMINISTRATOR, SHALL BE PAID TO THE COUNTY AND DEPOSITED
34 INTO THE HOUSING TRUST SPECIAL REVENUE FUND.

35
36 **17-12-111. Notice to purchasers of or lenders for a moderately priced dwelling unit.**

37
38 (A) **Covenant required – for sale dwelling unit.** DURING THE CONTROL PERIOD, ANY
39 DEED, MORTGAGE, OR DEED OF TRUST CONVEYING A MODERATELY PRICED DWELLING
40 UNIT OR AN INTEREST IN A MODERATELY PRICED DWELLING UNIT SHALL CONTAIN A
41 COVENANT RUNNING WITH THE LAND DECLARING THAT USE, RESALE, AND
42 FORECLOSURE OF THE UNIT IS SUBJECT TO THE REQUIREMENTS OF THIS TITLE AND THAT
43 THE ADMINISTRATOR SHALL HAVE THE RIGHT TO ENFORCE THE COVENANT.

44
45 (B) **Covenant required – rental complex.** PRIOR TO THE INITIAL RENTAL OF A
46 MODERATELY PRICED DWELLING UNIT IN A RENTAL COMPLEX, EACH LENDER WHOSE
47 LIEN IS SECURED BY ONE OR MORE MODERATELY PRICED DWELLING UNITS THAT WILL
48 BE UTILIZED AS RENTAL UNITS SHALL PROVIDE THE ADMINISTRATOR WITH
49 SATISFACTORY PROOF THAT RUNS WITH THE LAND FOR THE CONTROL PERIOD AND THAT
50 HAS BEEN RECORDED IN THE LAND RECORDS OF THE COUNTY, THAT ANY USE OF EACH
51 MODERATELY PRICED DWELLING UNIT AND ANY FORECLOSURE OF ANY LIEN WILL BE
52 SUBJECT TO THE REQUIREMENTS OF THIS TITLE AND THAT THE ADMINISTRATOR SHALL
53 HAVE THE RIGHT TO ENFORCE THIS OBLIGATION.

1 **17-12-112. Bulk transfers.**

2
3 THIS TITLE DOES NOT PROHIBIT THE BULK TRANSFER OR SALE OF ALL OR SOME OF
4 THE MODERATELY PRICED DWELLING UNITS DURING THE CONTROL PERIOD SO LONG AS
5 THE BUYER IS BOUND BY THE REQUIREMENTS OF THIS TITLE.
6

7 **17-12-113. Conversion to condominium or cooperative.**

8
9 (A) **Effect of conversion.** IF ALL OR PART OF A RENTAL COMPLEX THAT CONTAINS
10 MODERATELY PRICED DWELLING UNITS IS CONVERTED TO A CONDOMINIUM OR
11 COOPERATIVE, THE REQUIREMENTS OF THIS TITLE THAT PERTAIN TO THE SALE OF
12 INDIVIDUAL MODERATELY PRICED DWELLING UNITS SHALL APPLY.
13

14 (B) **Date of original sale.** FOR THE PURPOSES OF A SALE UNDER SUBSECTION (A), THE
15 DATE OF ORIGINAL RENTAL SHALL BE CONSIDERED THE DATE OF ORIGINAL SALE.
16

17 **17-12-114. Waiver.**

18
19 THE ADMINISTRATOR MAY WAIVE THE REQUIREMENTS OF THIS TITLE PERTAINING TO
20 THE RESALE OF MODERATELY PRICED DWELLING UNITS OR THE ESTABLISHMENT OF
21 RENTAL RATES IF THE REQUIREMENTS CONFLICT WITH THE REGULATIONS OF FEDERAL
22 OR STATE HOUSING PROGRAMS AND WILL PREVENT ELIGIBLE HOUSEHOLDS FROM
23 BUYING OR RENTING MODERATELY PRICED DWELLING UNITS.
24

25 **17-12-115. Appeal.**

26
27 A PERSON AGGRIEVED BY A FINAL DECISION OF THE ADMINISTRATOR OR THE
28 PLANNING AND ZONING OFFICER MAY APPEAL THE DECISION TO THE COUNTY BOARD OF
29 APPEALS.
30

31 **17-12-116. Report.**

32
33 ON OR BEFORE JULY 1, 2028, AND EVERY 3 YEARS THEREAFTER, THE ADMINISTRATOR
34 SHALL REPORT TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL ON THE
35 MODERATELY PRICED DWELLING UNIT PROGRAM, INCLUDING:
36

37 (1) THE TOTAL NUMBER OF MODERATELY PRICED DWELLING UNITS CREATED
38 DURING THE REPORTING PERIOD ITEMIZED BY:

39
40 (I) THE NUMBER OF UNITS OFFERED FOR RENT;

41
42 (II) THE NUMBER OF UNITS OFFERED FOR SALE;

43
44 (III) THE DWELLING UNIT TYPE; AND

45
46 (IV) THE SIZE OF THE UNIT MEASURED BY THE NUMBER OF BEDROOMS;

47
48 (2) THE AMOUNT OF CONTRIBUTIONS TO THE HOUSING TRUST SPECIAL REVENUE
49 FUND IN ACCORDANCE WITH THIS TITLE MADE DURING THE REPORTING PERIOD;

50
51 (3) THE INITIAL SALE PRICE, INCLUDING ANY ADJUSTMENTS, FOR MODERATELY
52 PRICED DWELLING UNITS ESTABLISHED DURING THE REPORTING PERIOD;

1 (4) THE RENTAL RATE, INCLUDING ANY ADJUSTMENTS, FOR MODERATELY PRICED
2 DWELLING UNITS ESTABLISHED DURING THE REPORTING PERIOD;

3
4 (5) THE INCOME ELIGIBILITY REQUIREMENTS, INCLUDING ANY ADJUSTMENTS, TO
5 PURCHASE OR RENT A MODERATELY PRICED DWELLING UNIT ESTABLISHED DURING THE
6 REPORTING PERIOD; AND

7
8 (6) THE NUMBER OF HOUSEHOLDS ON THE WAITING LIST DESCRIBED UNDER § 17-
9 12-106(C) DURING THE REPORTING PERIOD.

10
11 **ARTICLE 18 ZONING**

12
13 **TITLE 1. DEFINITIONS**

14 **18-1-101. Definitions.**

15
16 Unless defined in this article, the Natural Resources Article of the State Code, or
17 COMAR, words defined elsewhere in this Code apply in this article. The following words
18 have the meanings indicated:

19
20 (49) “Dwelling unit” means a single unit, including attached garages and decks,
21 providing complete, independent living facilities for at least one person, including
22 permanent provisions for sanitation, cooking, eating, sleeping, and other activities
23 routinely associated with daily life. The following variations of “dwelling” have the
24 meanings indicated:

25
26 (i) “Dwelling, duplex” means a structure ~~[[containing]]~~ THAT CONTAINS two
27 dwelling units ARRANGED SIDE-BY-SIDE OR one ~~[[on top of]]~~ ABOVE the other.

28
29 (II) “DWELLING, FOURPLEX” MEANS A STRUCTURE THAT CONTAINS FOUR
30 DWELLING UNITS WITH EACH UNIT SEPARATED HORIZONTALLY OR VERTICALLY FROM
31 ANOTHER DWELLING UNIT BY A COMMON WALL OR PARTITION.

32
33 ~~[[ii]]~~ (III) “Dwelling, Marina Caretaker’s Residence” means a dwelling for the sole
34 purpose of housing a person directly involved in the custodial, managerial, or operational
35 aspects of a marina.

36
37 ~~[[iii]]~~ (IV) “Dwelling, multifamily” means a structure that ~~[[is not a duplex, semi-~~
38 detached, or townhouse structure and that]] contains ~~[[three or]]~~ TWELVE OR more
39 DWELLING units ~~[[located back to back, adjacent to each other, or one on top of the other]]~~
40 WITH EACH UNIT SEPARATED HORIZONTALLY OR VERTICALLY FROM ANOTHER
41 DWELLING UNIT BY A COMMON WALL OR PARTITION AND WITH EACH UNIT HAVING
42 ACCESS FROM AN INTERIOR CORRIDOR SYSTEM.

43
44 (V) “DWELLING, MULTIPLEX” MEANS A STRUCTURE THAT CONTAINS BETWEEN
45 FIVE AND ELEVEN DWELLING UNITS WITH EACH UNIT SEPARATED HORIZONTALLY OR
46 VERTICALLY FROM ANOTHER DWELLING UNIT BY A COMMON WALL OR PARTITION AND
47 HAVING ACCESS FROM AN INTERIOR CORRIDOR SYSTEM.

48
49 ~~[[iv]]~~ “Dwelling, semi-detached” means a structure that contains two dwelling units
50 side by side with a common wall.]]

1 [[v]] (VI) “Dwelling, single-family detached” means a structure that contains one
2 dwelling unit used as a principal dwelling and entirely separated from any other structure
3 on all sides.

4
5 (VII) “DWELLING, STACKED TOWNHOUSE” MEANS A STRUCTURE THAT CONTAINS
6 FOUR OR MORE DWELLING UNITS ARRANGED OVER AND UNDER OR BACK-TO-BACK WITH
7 EACH UNIT SEPARATED HORIZONTALLY OR VERTICALLY FROM ANOTHER DWELLING
8 UNIT BY A COMMON WALL OR PARTITION AND WITH EACH UNIT HAVING SEPARATE
9 ACCESS DIRECTLY TO THE EXTERIOR OF THE STRUCTURE OR TO A GARAGE OR SMALL
10 EGRESS LANDING.

11
12 [[vi]] (VIII) “Dwelling, townhouse” means a structure that contains AT LEAST
13 three [[or]] AND NO more THAN EIGHT dwelling units side by side with EACH UNIT
14 SEPARATED BY a common wall OR PARTITION, AND WITH EACH UNIT HAVING SEPARATE
15 ACCESS DIRECTLY TO THE EXTERIOR OF THE STRUCTURE.

16
17 (IX) “DWELLING, TRIPLEX” MEANS A STRUCTURE THAT CONTAINS THREE
18 DWELLING UNITS WITH EACH UNIT SEPARATED HORIZONTALLY OR VERTICALLY FROM
19 ANOTHER DWELLING UNIT BY A COMMON WALL OR PARTITION.

20
21 [[vii]] (X) “Dwelling unit, accessory” means a smaller dwelling unit located on
22 the same lot as a principal single-family detached dwelling.

23
24 [[viii]] (XI) “Dwelling unit, adult independent” means a dwelling unit of any type
25 that is occupied by at least one person who is 55 years of age or older and resident minor
26 children are prohibited.

27
28 [[ix]] (XII) “Dwelling unit, apartment” means a single dwelling unit in conjunction
29 with another allowed use in the zoning district.

30
31 [[x]] (XIII) “Dwelling unit, abutting heavy industrial zone” means a dwelling unit
32 approved pursuant to § 17-3-505 of this Code.

33
34 ***

35
36 (97) “Open area” [[means that portion of a lot that protects natural features and provides
37 for recreational activities and that is required only when an open space lot is not created
38 under § 17-6-111]] HAS THE MEANING STATED IN § 17-1-101 OF THIS CODE.

39
40 ***

41 42 **TITLE 3. PARKING, OUTDOOR LIGHTING, AND SIGNAGE**

43 44 **18-3-104. Parking space requirements.**

45
46 **Generally.** The minimum onsite required parking spaces are listed in the chart below.
47 They may be increased based on site development plan review or special exception
48 approval, reduced as provided in § 18-3-105, or superseded by a parking program allowed
49 by this Code. The Planning and Zoning Officer may determine reasonable and appropriate

1 onsite parking requirements for structures and land uses that are not listed on the chart
 2 based on requirements for similar uses, comments from reviewing agencies, and the
 3 parking needs of the proposed use.
 4

Use	Parking

Dwellings: townhouses AND STACKED TOWNHOUSES	2.5 spaces for each dwelling unit
Dwellings: single-family detached, [[semi-detached, and]] duplex, TRIPLEX, AND FOURPLEX	2 spaces for each dwelling unit
Dwellings: adult independent units	1.5 spaces for each dwelling unit
Dwellings, multifamily AND MULTIPLEX	
Efficiency and 1 bedroom	1 space for each dwelling unit
2 bedrooms	[[2]] 1.5 spaces for each dwelling unit
3 or more bedrooms	[[3]] 2 spaces for each dwelling unit

5

6 **TITLE 4. RESIDENTIAL DISTRICTS**

7

8

9 **18-4-106. Use chart for residential districts.**

10

11 The permitted, conditional, and special exception uses allowed in each of the residential
 12 districts are listed in the chart in this section using the following key: P = permitted use; C
 13 = conditional use; SE = special exception use. A blank means that the use is not allowed in
 14 the district. Except as provided otherwise in this article, uses and structures customarily
 15 accessory to the listed uses also are allowed, except that guest houses as accessory
 16 structures are prohibited and outside storage as an accessory use is limited to the lesser of
 17 10% of the allowed lot coverage or 500 square feet.

18

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Dwellings, duplex [[and semi-detached]]			C	[[SE]] C	C	[[P]] C	[[P]] C	
DWELLINGS, FOURPLEX				C	C	C	C	C
Dwellings, multifamily			C	C	C	P	P	P
DWELLINGS, MULTIPLEX					C	C	C	C
Dwellings, single-family detached	P	P	P	P	P	P	P	
Dwellings, townhouses AND STACKED TOWNHOUSES			C	C	C	C	C	C
DWELLINGS, TRIPLEX				C	C	C	C	C

19

20 **18-4-301. Bulk regulations.**

1 Except as provided otherwise in this article, the following bulk regulations are
 2 applicable in an RA District:

3

Cluster development:	

Minimum setbacks for principal structures:	

Boundary line of the cluster development site	[[50]] 40 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot OR AN OPEN AREA LOT created under § 17-6-111 of this Code

4

5 **18-4-401. Bulk regulations.**

6

7 (a) **Generally.**

8

9 (1) Except as provided otherwise in this article, the following bulk regulations are
 10 applicable in an RLD District:

11

Cluster development:	
Minimum setbacks for principal structures:	

Boundary line of the cluster development site	[[50]] 40 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot OR AN OPEN AREA LOT created under § 17-6-111 of this Code

12

13 **18-4-501. Bulk Regulations.**

1 Except as provided otherwise in this article, the following bulk regulations are
 2 applicable in an R1 District:

3

Minimum lot size	[[40,000]] 30,000 square feet; OR 15,000 FOR SIDE BY SIDE DUPLEX
Maximum coverage by structures	[[25%]] 50% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	[[125]] 80 feet
MINIMUM WIDTH AT FRONT BUILDING RESTRICTION LINE FOR DUPLEX IF LOCATED ON MORE THAN ONE LOT; FOR WATERFRONT LOTS THE BUILDING RESTRICTION LINE IS MEASURED FROM THE REAR LOT LINE	40 FEET
Minimum setbacks for principal structures:	
Front lot line	[[40]] 35 feet
Rear lot line	[[35]] 30 feet
Side lot line	15 feet
SIDE LOT LINE FOR DUPLEX DWELLINGS ON SEPARATE LOTS	0 FOOT SHARED LOT LINE, 15 FEET SIDE LOT LINE
[[Combined side lot lines]]	[[40 feet]]
Corner side lot line	[[40]] 35 feet FOR SINGLE FAMILY DETACHED; OR 25 FEET FOR DUPLEX
Principal arterial or higher classification road	50 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	50 feet
Side and rear lot lines	15 feet or[[,]] 10 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings), 10 feet]]
Corner side lot line	[[40]] 35 feet FOR SINGLE FAMILY DETACHED; OR 25 FEET FOR DUPLEX

Maximum [[net]] density	One dwelling unit per 40,000 square feet

Maximum [[net]] density for adult independent dwelling units served by public sewer and located within a two-mile radius of an assisted living facility or a County owned and operated library or community center	Three dwelling units per acre
Cluster development:	

Minimum setbacks for principal structures:	
Boundary line of the cluster development site	[[50]] 40 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot OR AN OPEN AREA LOT created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or [[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings], 5 feet]])

1
2
3
4
5
6

18-4-601. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R2 District:

Minimum lot size:	
If not served by public sewer	20,000 square feet
If served by public sewer	[[15,000]] 10,000 square feet
DUPLEX AND FOURPLEX DWELLINGS ON SEPARATE LOTS	5,000 SQUARE FEET
Maximum coverage by structures	[[30%]] 60% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	[[80]] 70 feet

MINIMUM WIDTH AT FRONT BUILDING RESTRICTION LINE FOR DUPLEX IF LOCATED ON MORE THAN ONE LOT; FOR WATERFRONT LOTS, THE BUILDING RESTRICTION LINE IS MEASURED FROM THE REAR LOT LINE	35 FEET
Minimum setbacks for principal structures:	
Front lot line	[[30]] 25 feet
Rear lot line	[[25]] 20 feet
Side lot line	7 feet
SIDE LOT LINE FOR DUPLEX DWELLINGS ON SEPARATE LOTS	0 FOOT SHARED LOT LINE, 7 FEET SIDE LOT LINE
Corner side lot line	20 feet
Principal arterial or higher classification road	40 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	40 feet
Side and rear lot lines	7 feet or[[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]
Corner side lot line	20 feet
Maximum height limitations:	
Principal structures	[[35]] 50 feet
Accessory structures	25 feet or the height of the principal structure, whichever is less
Maximum [[net]] density:	

Maximum [[net]] density for adult independent dwelling units served by public sewer and located within a two-mile radius of an assisted living facility or a County owned and operated library or community center	Five dwelling units per acre

Cluster development:	

Minimum setbacks for principal structures:	

Boundary line of the cluster development site	[[50]] 40 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space OR AN OPEN AREA lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or [[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]

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18-4-701. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R5 District:

Minimum lot size:	[[7,000 square feet]]
IF NOT SERVICE BY PUBLIC SEWER	10,000 SQUARE FEET
IF SERVED BY PUBLIC SEWER	5,000 SQUARE FEET
Maximum coverage by structures	[[40%]] 65% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	[[60]] 50 feet
MINIMUM WIDTH AT FRONT BUILDING RESTRICTION LINE FOR DUPLEX IF LOCATED ON MORE THAN ONE LOT; FOR WATERFRONT LOTS, THE BUILDING RESTRICTION LINE IS MEASURED FROM THE REAR LOT LINE	25 FEET
Minimum setbacks for principal structures:	
Front lot line	[[25]] 20 feet
Rear lot line	[[20]] 15 feet
Side lot line	7 feet
SIDE LOT LINE FOR DUPLEX DWELLINGS ON SEPARATE LOTS	0 FOOT SHARED LOT LINE, 7 FEET SIDE LOT LINE
Corner side lot line	[[20]] 15 feet
Principal arterial or higher classification road	35 feet

Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area eight feet in height:	
Front lot line	40 feet
Side and rear lot lines	7 feet or [[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]])
Corner side lot line	15 feet
Maximum height limitations:	
Principal structures	[[35]] 50 feet
MULTIFAMILY AND MULTIPLEX DWELLINGS	50 FEET
Accessory structures	25 feet or the height of the principal structure, whichever is less
Maximum [[net]] density	Five dwelling units per acre
Maximum [[net]] density for adult independent dwelling units served by public sewer and located within a two-mile radius of an assisted living facility or a County owned and operated library or community center	Six dwelling units per acre
Cluster development:	

Minimum setbacks for principal structures:	

Boundary line of the cluster development site	[[50]] 40 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot OR AN OPEN AREA LOT created under § 17-6-111 of this Code

Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or [[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings], 5 feet]])
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18-4-801. Bulk regulations.

(a) **Generally.** Except as provided otherwise in this article, the following bulk regulations are applicable in an R10 District:

Minimum lot size	None
Maximum coverage by structures [[and parking]]	[[40%]] 75% of gross area
Minimum setbacks for principal structures:	
Front lot line for structures and a rear or side façade abutting roadway:	
Arterial road OR HIGHER CLASSIFICATION	35 feet
Collector road OR LOWER CLASSIFICATION	20 feet
Private access drives and parking courts	10 feet
All other lot lines	15 feet
Distance between opposing front facades	30 feet
[[Semi-detached and duplex]] SINGLE FAMILY DETACHED, DUPLEX, TRIPLEX, FOURPLEX, AND MULTIPLEX dwellings:	
[[Side lot line spacing between structures]] FRONT LOT LINE	[[14]] 20 feet
Side lot line	7 feet
SIDE LOT LINE FOR DUPLEX DWELLINGS ON SEPARATE LOTS	0 FOOT SHARED LOT LINE, 7 FEET SIDE LOT LINE
CORNER SIDE LOT LINE	15 FEET
[[Rear-facade- to rear or front-facade spacing]]	[[20 feet]]
[[Rear facade of unit to side facade of unit]]	[[15 feet]]
[[Front-facade-to-side-facade spacing]]	[[20 feet]]
Rear lot line	[[10]] 15 feet
Multifamily dwelling structures:	
[[Distance between projecting edges, corners, or facades of adjacent structures:]] MINIMUM DISTANCE BETWEEN MULTIFAMILY STRUCTURES LOCATED ON THE SAME LOT (CLOSEST PROJECTING EDGE):	
[[Both opposing facades with a window or door]] FACADES WITH WINDOWS	30 feet

[[One opposing facade with a window or door]]	[[20 feet]]
[[No opposing facade with a window or door]] WINDOWLESS FACADES	15 feet
Rear lot line	15 feet
Side lot line	10 feet
CORNER SIDE LOT LINE	15 FEET
Minimum setbacks from road for garage or carport	18 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	40 feet
Side and rear lot lines	7 feet or[[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]
Corner side lot line	15 feet
Maximum height limitations:	
[[Principal]] MULTIFAMILY structures	[[50 feet if all setbacks are increased by one foot for each foot of height in excess of 35 feet]] 75 FEET
MULTIPLEX DWELLINGS	50 FEET
SINGLE FAMILY DETACHED, DUPLEX, TRIPLEX, AND FOURPLEX DWELLINGS	50 FEET
Accessory structures	20 feet or the height of the principal structure, whichever is less
Maximum [[net]] density	10 dwelling units per acre

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18-4-901. Bulk regulations.

(a) **Generally.** Except as provided otherwise in this article, the following bulk regulations are applicable in an R15 District:

Maximum coverage by structures [[and parking]]	[[45%]] 75% of gross area
Minimum setbacks for principal structures:	
Front lot line	20 feet
Side lot line	15 feet

SIDE LOT LINE FOR DUPLEX DWELLINGS ON SEPARATE LOTS	0 FOOT SHARED LOT LINE, 7 FEET SIDE LOT LINE
Corner side lot lines	20 feet
Rear lot line	[[30]] 20 feet
Minimum distance between multifamily structures located on the same lot (closest projecting edge):	
Facades with windows	30 feet
Facades that are windowless	15 feet
[[Structure with eight or more units with facades that are windowless]]	[[30 feet]]
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Side and rear lot lines	7 feet or[[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]
Corner side lot line	15 feet
Maximum height limitations:	
[[Principal]] MULTIFAMILY structures	[[55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet]] 90 FEET
MULTIPLEX DWELLINGS	50 FEET
SINGLE FAMILY DETACHED, DUPLEX, TRIPLEX, AND FOURPLEX DWELLINGS	50 FEET
Accessory structures	20 feet or the height of the principal structure, whichever is less
Maximum length of a single elevation UNLESS SPECIAL ARCHITECTURAL, LANDSCAPING, OR TOPOGRAPHIC TREATMENT, SUCH AS A CHANGE OF MATERIAL, TEXTURE, DEPRESSION, BERM, OR OTHER SIMILAR CHANGE, IS USED	250 feet
Maximum [[net]] density	15 dwelling units per acre

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18-4-1001. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R22 District:

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Maximum coverage by structures [[and parking]]	[[45%]] 75% of gross area
[[Minimum width at building restriction line for multiple dwelling structures]]	[[125 feet]]
Minimum setbacks for principal structures:	
Front lot line	20 feet
Side lot line	25 feet
Corner side lot lines	30 feet
Rear lot line	30 feet
Minimum distance between multifamily structures located on the same lot (closest projecting edge):	
Facades with windows	30 feet [[, increased by 25% of the amount by which the height exceeds 45 feet]]
Facades that are windowless	[[25 feet, increased by 25% of the amount by which the height exceeds 45 feet]] 15 FEET
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Side and rear lot lines	7 feet or [[,]] 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi-detached dwellings], 5 feet]]
Corner side lot line	15 feet
Maximum height limitations:	
[[Principal]] MULTIFAMILY structures	None if all setbacks are increased by one foot for each two feet of height in excess of [[45 feet]] 150 FEET
MULTIPLEX DWELLINGS	50 FEET
SINGLE FAMILY DETACHED, DUPLEX, TRIPLEX, AND FOURPLEX DWELLINGS	50 FEET
Accessory structures	20 feet or the height of the principal structure, whichever is less
Maximum [[net]] density	22 dwelling units per acre

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TITLE 5. COMMERCIAL DISTRICTS

18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed permitted, conditional, and special exception uses also are allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Dwelling, caretaker or resident manager, not to exceed 1,500 square feet of floor area			P	P
DWELLINGS, FOURPLEX	C	C	C	
Dwellings, multifamily	C	C	C	
DWELLINGS, MULTIPLEX	C	C	C	
Dwellings, townhouses AND STACKED TOWNHOUSES	C	C	C	
DWELLINGS, TRIPLEX	C	C	C	
**				

TITLE 8. MIXED USE DISTRICTS

18-8-301. Permitted uses; conditional uses.

(b) **Categories in chart.** The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

PERMITTED AND CONDITIONAL USES	MXD-R	MXD-C	MXD-E	MXD-T
Residential				

[[Dwellings, adult independent units]]	[[P]]	[[P]]	[[P]]	[[P]]
DWELLINGS, DUPLEX	P	P	P	P
DWELLINGS, FOURPLEX	P	P	P	P
Dwellings, multifamily	P	P	P	P
DWELLINGS, MULTIPLEX	P	P	P	P
Dwellings, single-family detached	P	P	P	P
Dwellings, townhouses AND STACKED TOWNHOUSES	P	P	P	P
DWELLINGS, TRIPLEX	P	P	P	P

18-8-303. Densities; floor area ratios; building heights.

The maximum residential densities, maximum floor area ratios, and maximum building heights for uses other than workforce housing are described in the following chart.

	MXD-R	MXD-C	MXD-E	MXD-T
Maximum residential [[net]] density	7 units/acre	15 units/acre	15 units/acre	22 units/acre

TITLE 9. OTHER ZONING DISTRICTS

18-9-103. Uses.

(b) Use chart.

The permitted, conditional, and special exception uses allowed in each of the Odenton Town Center Districts and Historic Village Mix Block are listed in this section using the following keys: P=Permitted Use; C=Conditional Use; SE=Special Exception Use. A blank means the use is not allowed in the district or Historic Village Mix Block.

Uses	OTC-C	OTC-T	OTC-I	OTC-E	OTC-FM	OTC-H	Historic Village Mix Block

[[Dwelling units, adult independent]]	[[P]]	[[P]]	[[P]]	[[P]]	[[P]]	[[P]]	[[P]]
Dwellings, duplex [[and semi-detached]]	P	P	P	P	P	P	P
DWELLINGS, FOURPLEX	P	P	P	P	P		
Dwellings, multifamily	P	P	P	P	P		
DWELLINGS, MULTIPLEX	P	P	P	P	P		
Dwellings, single-family detached		P	P	P	P	P	P
Dwellings, townhouse AND STACKED TOWNHOUSE	P	P	P	P	P		P
DWELLINGS, TRIPLEX	P	P	P	P	P		

18-9-303. Bulk regulations.

(a) **Generally.** Except as provided otherwise in this article, the following bulk regulations are applicable in a Town Center District:

Minimum coverage by open area for multifamily residential uses, excluding any grade level parking	[[30%]] 20% of gross area

18-9-402. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in the Small Business Districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	

[[Dwellings, multifamily, in conjunction with another allowed use]]	[[P]]

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-105. Assisted living facilities.

An assisted living facility shall comply with all of the following requirements.

(5) For an assisted living facility that consists of land located outside the critical area in more than one zoning district:

(iii) open [[space]] AREA requirements shall be calculated for the entire area of the assisted living facility; and

18-10-124. Dwelling units, adult independent.

Adult independent dwelling units in a commercial district shall comply with all of the following requirements:

(5) The maximum [[net]] density shall be 22 dwelling units per acre.

18-10-125. Dwellings, duplexes, triplexes, fourplexes, and multiplexes.

[[A duplex or semi-detached dwelling development shall be a cluster development in accordance with the requirements of the district in which the use is located.]]

(1) **Density.** TRIPLEX, FOURPLEX, AND MULTIPLEX DWELLING DENSITY MAY NOT EXCEED 12 UNITS PER ACRE IN A C1 DISTRICT, 22 UNITS PER ACRE IN A C2 DISTRICT, OR 15 UNITS PER ACRE IN A C3 DISTRICT.

(2) **Utilities.** THE DEVELOPMENT SHALL BE SERVED BY PUBLIC WATER AND SEWER.

1 (3) **Distances between structures.** MINIMUM DISTANCES BETWEEN STRUCTURES
2 LOCATED ON THE SAME LOT (CLOSEST PROJECTING EDGE) ARE CONTAINED IN THE
3 FOLLOWING CHART.
4

SIDE FACADE TO SIDE FACADE	14 FEET
REAR FACADE TO REAR OR FRONT FACADE	20 FEET
REAR FACADE TO SIDE FACADE	15 FEET
FRONT FACADE TO SIDE FACADE	20 FEET

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6 **18-10-126. Dwellings, multifamily.**
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8 (1) **Commercial districts.** Multifamily dwellings in a commercial district shall comply
9 with all of the following requirements.
10

11 (i) Except as provided in paragraph (3), ~~[[net]]~~ density may not exceed 12 units per
12 acre in a C1 District, 22 units per acre in a C2 District, or 15 units per acre in 22 a C3
13 District.
14

15 (ii) Except as provided in paragraph (3), the development shall include commercial
16 uses that equal at least 25% of the floor area in a C1 District, 50% of the floor area in a C2
17 District, and 50% of the floor area in a C3 District.
18

19 (iii) In a C3 District, on a site with 20 or more dwelling units located in the
20 BWI/Fort Meade Growth Area, as shown on the official map adopted by the County
21 Council, entitled “BWI/Fort Meade Growth Area, 2016”. The commercial uses required
22 under paragraph 2 of this section may be replaced with multifamily dwellings subject to
23 the following requirements:
24

25 1. The property shall be encumbered by a recorded restrictive covenant
26 enforceable by the County or its designee that shall:
27

28 a. require that not less than 10% of the dwelling units be set aside for
29 occupancy by a household with an income that does not exceed 80% of the median income
30 adjusted for household size for the Baltimore Primary Metropolitan Statistical Area, as
31 defined and published annually by the United States Department of Housing and Urban
32 Development; and
33

34 b. restrict the occupancy of the units set aside to eligible households for at
35 least 10 years for home ownership units and at least 30 years for rental units; and
36

37 2. density is limited to 44 dwelling units per acre for the site.
38

39 (iv) If commercial uses are included within a multifamily dwelling, the dwelling
40 units shall have entrances that are separate from the entrances to the commercial uses.
41

42 (V) THE BULK REGULATIONS CONTAINED IN THE FOLLOWING CHART SHALL BE
43 MET.

1

MAXIMUM COVERAGE BY STRUCTURES	IN ACCORDANCE WITH THE REQUIREMENTS OF THE DISTRICT IN WHICH THE DEVELOPMENT IS LOCATED
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURES:	
FRONT LOT LINE	20 FEET
SIDE LOT LINE	15 FEET
CORNER SIDE LOT LINES	20 FEET
REAR LOT LINE	20 FEET
ALL LOT LINES	60 FEET FROM RIGHT-OF-WAY LINE OF A DIVIDED PRINCIPAL ARTERIAL ROAD
MINIMUM DISTANCE BETWEEN MULTIFAMILY STRUCTURES LOCATED ON THE SAME LOT (CLOSEST PROJECTING EDGE):	
FACADES WITH WINDOWS	30 FEET
FACADES THAT ARE WINDOWLESS	15 FEET
MINIMUM SETBACKS FOR ACCESSORY STRUCTURES OTHER THAN SHEDS THAT DO NOT EXCEED 64 SQUARE FEET IN AREA AND EIGHT FEET IN HEIGHT:	
SIDE AND REAR LOT LINES	7 FEET OR 5 FEET FOR STRUCTURES LESS THAN 8 FEET IN HEIGHT (OTHER THAN SWIMMING POOLS, TENNIS COURTS, BASKETBALL COURTS, AND SIMILAR PRIVATE RECREATIONAL FACILITIES)
CORNER SIDE LOT LINE	15 FEET
MAXIMUM HEIGHT LIMITATIONS:	
PRINCIPAL STRUCTURES	72 FEET
ACCESSORY STRUCTURES	20 FEET OR THE HEIGHT OF THE PRINCIPAL STRUCTURE, WHICHEVER IS LESS
MAXIMUM LENGTH OF A SINGLE ELEVATION UNLESS SPECIAL ARCHITECTURAL, LANDSCAPING, OR TOPOGRAPHIC TREATMENT, SUCH AS A CHANGE OF MATERIAL, TEXTURE, DEPRESSION, BERM, OR OTHER SIMILAR CHANGE, IS USED	250 FEET

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(2) **Residential districts.** Multifamily dwellings in [[an]] R1, R2, and R5 [[district]] DISTRICTS shall comply with the following requirements[.]:

(i) [[Multifamily]] MULTIFAMILY dwelling units shall be adult independent dwelling units[.];

(ii) [[The]] THE development shall be served by public water and sewer[.]; AND

(iii) [[The]] THE bulk regulations contained in the following chart shall be met.

1

Maximum coverage by structures and parking	[[45% of gross area of the site]] IN ACCORDANCE WITH THE REQUIREMENTS OF THE DISTRICT IN WHICH THE DEVELOPMENT IS LOCATED
Minimum setbacks for principal structures:	
Front lot line	20 feet
Side lot line	15 feet
Corner side lot lines	20 feet
Rear lot line	30 feet
Minimum distance between multifamily structures located on the same lot (closest projecting edge):	
Facades with windows	30 feet
Facades that are windowless	15 feet
[[Structure with eight or more dwelling units with facades that are windowless]]	[[30 feet]]
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Side and rear lot lines	7 feet [[,]] OR 5 FEET for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities [[accessory to single-family detached, duplex, or semi- detached dwellings]]) [[, 5 feet]]
Corner side lot line	15 feet
Maximum height limitations:	
Principal structures	45 feet
Accessory structures	20 feet or the height of the principal structure, whichever is less
Maximum length of a single elevation	200 feet
Maximum [[net]] density	In accordance with the requirements of the district in which the development is located

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18-10-127. Dwellings, townhouses, and stacked townhouses.

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Townhouses shall comply with all of the following requirements.

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(1) The bulk regulations contained in the following chart shall be met:

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Location of a townhouse structure from a residential lot line located in a less intensive zoning district	[[75]] 60 feet except that the setback may be [[50]] 40 feet if the adjoining lot is an open space lot OR OPEN AREA LOT created under § 17-6-111 of this Code
Minimum setbacks for a townhouse structure:	
Front lot line:	5 feet, but if parking is located in the front yard, 18 feet
Side lot line for end units	5 feet
Rear lot line	10 feet
Distance between townhouse structures:	
Front to front between structure facades	40 feet
Back to back between structure facades	40 feet
Adjacent end units	15 feet
Maximum units per townhouse structure	16 units if back-to-back; otherwise 8 units
Minimum width of individual unit	16 feet
Maximum [[net]] density	[[C1 and C3, 5 units per acre and, in]] DENSITY MAY NOT EXCEED 12 UNITS PER ACRE IN A C1 DISTRICT, 22 UNITS PER ACRE IN A C2 DISTRICT, OR 15 UNITS PER ACRE IN A C3 DISTRICT; FOR all other districts, in accordance with the requirements of the district in which the development is located
Public water and sewer	Required

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(2) The front façade of an individual unit shall be staggered from the front façade of an adjoining unit by at least two feet in order to create a variation in the front facades, or the developer shall submit a plan showing variations or architectural features to provide a variety of facades, features, and relief acceptable to the Planning and Zoning Officer.

(3) Pedestrian connections, such as walking paths, sidewalks, and hiker-biker trails, shall be provided to connect townhouses, multifamily dwelling buildings, and open [[spaces]] AREAS within the development.

(4) In an R1 or R2 District, townhouses shall be adult independent dwelling units.

(5) In addition to the requirements of subsections (1), (2), (3) and (4), the following is required for developments located in an R1, R2, and R5 District:

Minimum site area	[[10 acres]] 1 ACRE
Maximum coverage by structures [[and parking]]	[[45%]] 75% of the gross area of the site; COVERAGE SHALL NOT BE BASED ON EACH INDIVIDUAL TOWNHOME LOT

Minimum setbacks for townhouse structures from the boundary line of the development site	[[100]] 75 feet except that the setback may be [[50]] 30 feet if the adjoining lot is an open space lot OR OPEN AREA LOT created under § 17-6-111 of this Code or is zoned OS or located in either the same or a more intensive residential zone or in a nonresidential zone
Maximum height limitations:	
Principal structures	[[40]] 50 feet
Accessory structures	20 feet, or the height of the principal structure, whichever is less

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(6) In addition to the requirements of subsections (1), (2), and (3), the following is required for developments located in an R10, R15, and R22 District:

Maximum coverage by structures [[and parking]]	[[45%]] 75% of the gross area of the site; COVERAGE SHALL NOT BE BASED ON EACH INDIVIDUAL TOWNHOME LOT
Maximum height limitations:	
Principal structures	[[40]] 60 feet
Accessory structures	20 feet, or the height of the principal structure, whichever is less

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TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES

18-11-104. Assisted living facilities.

An assisted living facility shall comply with the following requirements.

(3) For an assisted living facility that consists of land located outside the critical area in more than one zoning district:

(iii) open [[space]] AREA requirements shall be calculated for the entire area of the assisted living facility;

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(6) Assisted care units shall be provided in a multifamily structure and may be provided in ~~[[semi-detached]]~~ DUPLEX dwelling units, STACKED TOWNHOUSE DWELLING UNITS, and townhouse dwelling units, whether or not allowed in the zoning district in which the facility is located. All assisted care units shall be located on the same lot. A multifamily structure shall contain a centrally located group dining facility.

(11) The bulk regulations contained in the following chart shall be met and are the only bulk regulations applicable to an assisted living facility.

Maximum height limitations for principal structures	The height allowed in the zoning district in which the facility is located, except that (1) the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height, and (2) [[semi-detached]] DUPLEX, STACKED TOWNHOUSE, and townhouse dwellings are limited to one story

Maximum [[net]] density for ADULT independent dwelling units	One unit per [[net]] acre in an RLD District; 3 units per [[net]] acre in an R1 District; 6 units per [[net]] acre in an R2 District; 8 units per [[net]] acre in an R5 District; and in all other districts in accordance with the density allowed in the district in which the facility is located
Maximum [[net]] density for all dwelling units other than multifamily dwellings and adult independent dwelling units	No increase in the [[net]] density allowed in the RLD District; 6 units per [[net]] acre in the R1 and R2 Districts; 8 units per [[net]] acre in an R5 District; and in all other districts in accordance with the density allowed in the district in which the facility is located
Maximum square footage for duplex, [[semi-detached,]] STACKED TOWNHOUSE, and townhouse dwellings	1,250 square feet

18-11-117. Commercial telecommunication facilities.

A commercial telecommunication facility shall comply with the following requirements.

(2) A structure permanently located on the ground shall be located at least 200 feet or one foot for each foot of height, whichever is greater, from the lot line of a:

1 (v) platted open space OR OPEN AREA;

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5 **[[18-11-134.]] 18-11-133. Mobile home parks.**

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7 A mobile home park shall comply with all of the following requirements.

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9 (4) Density **[[or net density]]** may not exceed that which is allowed in the district
10 in which the park is located, except that the density **[[or net density]]** may not in any event
11 exceed seven mobile homes per acre.

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13 **TITLE 12. SPECIAL USES**

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15 **18-12-203. Bulk regulations.**

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17 (c) **Density.** The density of development in a PUD may not exceed the density allowed
18 by the zoning district in which the development is located. A PUD in a C2 or C3 zoning
19 district may not exceed 15 dwelling units per **[[net]]** acre.

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21 **SUBTITLE 7. MODERATELY PRICED DWELLING UNITS**

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23 **18-12-701. Moderately priced dwelling units.**

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25 A DEVELOPMENT THAT INCLUDES MODERATELY PRICED DWELLING UNITS UNDER
26 TITLE 12 OF ARTICLE 17 OF THIS CODE SHALL QUALIFY FOR A DENSITY BONUS BY THE
27 PLANNING AND ZONING OFFICER AS FOLLOWS:

28
29 (1) SUBJECT TO SUBSECTION (2):

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31 (I) FOR DEVELOPMENTS THAT INCLUDE UP TO 100% ALLOWABLE DENSITY, NO
32 ADDITIONAL DENSITY;

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34 (II) FOR DEVELOPMENTS THAT INCLUDE MORE THAN 100% OF ALLOWABLE
35 DENSITY UP TO 115% OF THE ALLOWABLE DENSITY, 25% OF THE ADDITIONAL UNITS MUST
36 BE MODERATELY PRICED DWELLING UNITS; AND

37
38 (III) FOR DEVELOPMENTS ACHIEVING GREATER THAN 115% OF THE
39 ALLOWABLE DENSITY, 25% OF THE ADDITIONAL UNITS BETWEEN 100% AND 115% OF
40 ALLOWABLE DENSITY MUST BE MODERATELY PRICED DWELLING UNITS AND 40% OF THE
41 ADDITIONAL UNITS OVER 115% OF ALLOWABLE DENSITY MUST BE MODERATELY PRICED
42 DWELLING UNITS.

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44 (2) (I) IN R1 AND R2 ZONING DISTRICTS, DENSITY SHALL NOT EXCEED 125% OF
45 ALLOWABLE DENSITY.

46
47 (II) IN R5, R10, R15, AND R22 ZONING DISTRICTS, DENSITY SHALL NOT EXCEED
48 150% OF ALLOWABLE DENSITY.

TITLE 14. OTHER OVERLAYS

18-14-303. Uses.

(c) Residential use provisions. Multifamily, MULTIPLEX, STACKED TOWNHOUSE, and townhouse dwelling units are allowed on a property in a commercial revitalization area in any underlying zoning district as follows:

(1) Density may not exceed 22 dwelling units for each acre of [[net]] area.

18-14-503. Other development provisions.

(a) For multifamily and townhouse developments in the BWI Mixed Use Overlay Area, the following bulk regulations apply:

Maximum [[net]] density for townhouse	15 dwelling units per acre
Maximum [[net]] density for multifamily dwellings	22 dwelling units per acre

SECTION 4. And be it further enacted, That this Ordinance shall take effect on July 1, 2025.

READ AND PASSED this 7th day of October, 2024

By Order:



Kaley Schultze
Administrative Officer

PRESENTED to the County Executive for his approval this 8th day of October, 2024



Kaley Schultze
Administrative Officer

Bill No. 72-24
Page No. 50

APPROVED AND ENACTED this 15th day of October, 2024



Steuart Pittman
County Executive

EFFECTIVE DATE: July 1, 2025

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 72-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to be 'KS' followed by a long horizontal line.

Kaley Schultze
Administrative Officer