

ORDINANCE NO. 13A-24

ORDINANCE: To amend City Code Chapter 13.5, titled "Moderately Priced Housing," to require that all housing developments with twenty or more dwelling units provide moderately priced housing

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE,
MARYLAND** as follows:

SECTION I – That Chapter 13.5 of the Rockville City Code entitled "Moderately Priced Housing" be amended as follows:

**Chapter 13.5
MODERATELY PRICED HOUSING**

Sec. 13.5-2. – Declaration of public policy.

The Mayor and Council hereby declares it to be the public policy of the City to:

(5) Require that all subdivisions of twenty (20) ~~fifty (50)~~ or more dwelling units include a minimum number of moderately priced units of varying sizes with regard to family needs;

Sec. 13.5-3. – Definitions.

The following words and phrases, as used in this chapter, have the following meanings:

Applicant means any person, firm partnership, association, joint venture, corporation, or any other entity for combination of entities, and any transferee of all or part of the land at one (1) location, who after this chapter takes effect:

- (1) Submits for approval or extension of approval a preliminary plan of subdivision under chapter 25 which plan provides for the development of a total of twenty (20) ~~fifty (50)~~ or more dwelling units at one (1) location in one (1) or more subdivisions, parts of

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subdivisions, resubdivisions, or stages of development, regardless of whether any part of the land has been transferred to another party or;

- (2) Submits to the City a plan of housing development for any type of site plan approval or other development approval required by law, which plan includes construction or development of twenty (20) ~~fifty (50)~~ or more dwelling units at one (1) location; or
- (3) With respect to all land not subject to subdivision approval or site plan approval, applies for a building permit or permits under chapter 5, which permit is or permits are for the construction of a total of twenty (20) ~~fifty (50)~~ or more dwelling units at one (1) location.

In determining whether a development contains a total of twenty (20) ~~fifty (50)~~ or more dwelling units for the purpose of applying this chapter, all land at one (1) location within the City available for building development under common ownership or control by an applicant, including land owned or controlled by separate corporations in which any stockholder or family of the stockholder owns ten (10) percent or more of the stock, must be included. An applicant shall not avoid this chapter by submitting piecemeal applications or approval requests for subdivision plats, site plan approval, development approvals or building permits. Any applicant may submit a preliminary plan of subdivision for approval, site plan for approval, recorded plat or request for building permit for less than twenty (20) ~~fifty (50)~~ dwelling units at any time, but the applicant must agree in writing that upon the next such application or request, the applicant will comply with this chapter when the total number of dwelling units at one (1) location has reached twenty (20) ~~fifty (50)~~ or more. All applicants, with respect to land to which this chapter applies, have local official approval to participate in the federal rent supplement program.

Sec. 13.5-10. - Waiver of fees.

(a) *Qualifications.* If a person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities, or transferee of all or part of the land at one (1) location:

- (1) Submits for approval or extension of approval a preliminary plan of subdivision under Chapter 25 which plan provides for the development of a total of less than twenty (20)-fifty (50) dwelling units at one (1) location in one (1) or more subdivision, parts of subdivisions, resubdivisions, or stages of development, regardless of whether any part of the land has been transferred to another party or;
- (2) Submits to the City a plan of housing development for any type of site plan review or other development approval required by law, which plan includes construction or development of less than twenty (20)-fifty (50) dwelling units at one (1) location; or
- (3) With respect to all land not subject to subdivision approval or site plan review, applies for a building permit or permits under chapter 5, which permit is or permits are for the construction of a total of less than twenty (20)-fifty (50) dwelling units at one (1) location.

SECTION II – This ordinance shall become effective immediately upon adoption, except that this ordinance shall not apply to any housing development for which an applicant, as defined above, has submitted an application for a building permit, preliminary plan of subdivision, record plat, project plan, or site plan as of the date this ordinance was adopted.

NOTE: Underlining indicates material added
~~Strikethrough~~ indicates material deleted
Asterisks * * * indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted
by the Mayor and Council at its meeting of September 16, 2024.

A handwritten signature in blue ink, appearing to read "Sara Taylor-Ferrell", is written over a horizontal line.

Sara Taylor-Ferrell,

City Clerk/Director of Council Operations