

ORDINANCE NO. O-1-18

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE), ARTICLE XVI, ENTITLED, "AFFORDABLE HOUSING REQUIREMENTS," SECTION 24-250, ENTITLED, "DEFINITIONS," SECTION 24-251, ENTITLED, "APPLICABILITY," SECTION 24-252(A), ENTITLED, "REQUIREMENT TO BUILD AND SELL AFFORDABLE HOUSING IN FOR SALE DEVELOPMENTS," SECTION 24-253, ENTITLED, "REQUIREMENT TO BUILD AND LEASE AFFORDABLE HOUSING IN RENTAL DEVELOPMENTS," AND SECTION 24-254, ENTITLED, "MATERIALS, APPEARANCE, AND DISTRIBUTION OF AFFORDABLE HOUSING UNITS"

**Text Amendment CTAM-7748-2017**

Chapter 24

**ZONING**

**ARTICLE XVI. AFFORDABLE HOUSING REQUIREMENTS**

\* \* \* \*

**Sec. 24-250. - Definitions.**

\* \* \* \*

*Approved sale price:* Price at which a for-sale unit is determined to be affordable. For moderately priced dwelling units, the approved sales price will be affordable to households earning ~~seventy (70)~~ sixty-five (65) percent of area median income adjusted for household size. For workforce housing units, the approved sales price will be affordable to households earning ninety (90) percent of area median income adjusted for household size.

<b>Boldface</b>	Heading or defined term.
<u>Underlining</u>	Added to existing law by original bill.
<del>Single strikethrough</del>	Deleted from existing law by original bill.
<u>Double underlining</u>	Added by Amendment.
<del>Double strikethrough</del>	Deleted from existing law or the bill by amendment.
* * * * *	Existing law unaffected by bill.

*Approved rental price:* Price at which rental units are determined to be affordable. The approved rental price will be affordable to households earning sixty (60) percent of area median income adjusted for household size for low-rise units. For high-rise rental units, as defined in the International Building Code adopted in Chapter 5 of the City Code, the approved rental price will be affordable to households earning sixty-five (65) percent of Area Median Income.

\* \* \* \*

*Work force housing unit (WFHU):* ~~WFHU~~ WFHU that is offered to eligible participants under the terms of the affordable housing program and is affordable to households earning at least eighty (80) percent of AMI, but no more than one hundred twenty (120) percent of AMI adjusted for household size.

**Sec. 24-251. - Applicability.**

Except as otherwise provided in section 24-255, the requirements of this chapter shall apply to any new residential development, ~~or redevelopment~~ or conversion to residential use that includes twenty (20) or more dwelling units or, as applicable, meets the definition of Housing for the elderly set forth in Section 24-1. This article shall not apply to any residential development that has received schematic development plan approval or preliminary site plan approval prior to the effective date of this article. Additionally, this article shall not apply to any property that is subject to an annexation agreement that provides for an affordable housing component.

**Sec. 24-252. Requirement to build and sell affordable housing in for sale developments.**

- (a) Seven and one-half (7.5) percent of the total dwelling units shall be developed and initially sold as MPDUs at a price affordable to households earning ~~seventy (70)~~ sixty-five (65) percent of AMI adjusted for household size. The city manager shall determine the approved sales price of MPDUs based on a pricing formula set forth in the administrative regulations adopted pursuant to section 24-257 of this article.

\* \* \* \*

**Sec. 24-253. Requirement to build and lease affordable housing in rental developments.**

- (a) Fifteen (15) percent of the total dwelling units shall be developed and maintained as MPDUs for a period of thirty (30) years the life of the property as rental housing from the date of initial occupancy until the property is no longer used for rental housing as MPDUs at a rent affordable to households earning sixty (60) percent of AMI adjusted for household size for low-rise properties and at sixty-five (65) percent in high-rise properties. The city manager shall determine, and revise annually, the approved rental price based on a formula set forth in the administrative regulations adopted pursuant to section 24-257 of this article.

\* \* \* \*

**Sec. 24-254. Materials, appearance, and distribution of affordable housing units.**

MPDUs and WFHUs shall be of the same appearance, ~~and use comparable exterior materials to the market rate units and be proportionate of the same to the overall unit type and size of the market rate units unless otherwise approved by the city manager.~~ Additionally, these units must be ~~generally evenly~~ dispersed throughout the development, ~~and no affordable units shall be side-by-side unless otherwise approved by the city manager.~~

\* \* \* \*

ADOPTED by the City Council this 5th day of February, 2018.



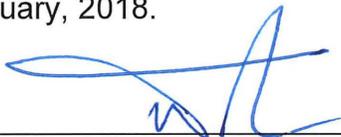
JUD ASHMAN, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 5th day of February, 2018. APPROVED by the Mayor of the City of Gaithersburg this 5th day of February, 2018.



JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 5th day of February, 2018; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 5th day of February, 2018. This Ordinance will become effective on the 25th day of February, 2018.



Tony Tomasello, City Manager