

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-08-21

AN ORDINANCE concerning inclusionary zoning

FOR THE PURPOSE of incorporating into the development process certain components of the moderately priced dwelling unit program

BY AMENDING Section 1002 of the Land Management Code (Appendix A of the Frederick City Code); and

BY AMENDING Section 507 of the Land Management Code (Appendix A of the Frederick City Code); and

BY AMENDING Section 405 of the Land Management Code (Appendix A of the Frederick City Code); and

BY AMENDING Section 309 of the Land Management Code (Appendix A of the Frederick City Code)

WHEREAS, the Mayor and Board of Aldermen have enacted Chapter 19, entitled "Affordable Housing", of the Frederick City Code (1966, as amended) (the "MPDU Ordinance"), for the purpose of providing affordable housing by creating a moderately priced dwelling unit program; and

WHEREAS, the MPDU Ordinance provides that development projects subject thereto may exceed the maximum allowable density for the zoning district as set forth in the Land Management Code; and

WHEREAS, under the MPDU Ordinance, moderately priced dwelling units should be indistinguishable from market-priced dwelling units to the greatest extent practicable; and

WHEREAS, the Planning Commission discussed these proposed amendments to the text of the Land Management Code at public hearings on October 13, 2008 and November 10, 2008, and on November 10, 2008 voted to recommend that the Mayor and Board of Aldermen adopt the proposed amendments; and

WHEREAS, the Mayor and Board of Aldermen, having received the recommendation of the Planning Commission, held a public hearing on December 18, 2008 and

WHEREAS, the Mayor and Board of Aldermen desire to amend the Land Management Code to incorporate therein those provisions relating to the land development process necessitated by the MPDU Ordinance.

Section 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN THAT the Code of The City of Frederick, Appendix A, "Land Management Code", Article 10, Section 1002, "Definitions", is amended by adding in alphabetical order a definition of "Moderately Priced Dwelling Unit, or MPDU" to read as follows:

Moderately Priced Dwelling Unit or MPDU means a dwelling unit that is constructed, sold or rented under a government program that controls the rental or sale price in order to provide affordable housing for families of low or moderate income.

Section 2. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN THAT the Code of The City of Frederick, Appendix A, "Land Management Code", Article 5, Section 507, "Criteria for Subdivision Plat Approval", more specifically Section 507(a), "General Requirements for Subdivision of Land" is amended by adding subsection (9) to read as follows:

- (9) A preliminary plan for a proposed development project that is subject to Chapter 19 of the City Code and includes moderately priced dwelling units shall provide that the MPDUs are integrated within, and dispersed throughout, the entire development project (or residential portion of the project) to the greatest extent feasible.

Section 3. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN THAT the Code of The City of Frederick, Appendix A, "Land Management Code", Article 4, Section 405, "Dimensional and Density Regulations", is amended by adding subsection (e) to read as follows:

(e) Density Bonus for MPDUs.

(1) **In General.** As an incentive to developers to construct more than the minimum required number of MPDUs, a development project that is subject to the requirements of Chapter 19 of the City Code may deviate from the density regulations set forth in this article, as described in this subsection (e).

(2) **Euclidean Zoning Districts.** For a development project located in any of the zoning districts established in Table 401-1 of this LMC, the maximum density set forth in Table 405-1, Column (C) may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.

(3) **Planned Neighborhood Developments.** For a PND project, the maximum density calculated pursuant to Section 410(f)(3) of this LMC may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.

(4) **Traditional Neighborhood Developments.** For a TND project, the maximum density for multiple-family or detached dwellings set forth in Table 411-1, Column (E) may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.

(5) **Mixed Use Districts.** For a MU-1 or MU-2 project, the maximum density for residential uses set forth in Table 417-1, Column (E) may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.

(6) **Mixed Use Employment Center.** For a MXE project, the maximum density for multiple-family dwelling units set forth in Section 418(d) may be exceeded with a

corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.

(7) Density Bonus.

Table 405-3 Density Bonuses

Density Bonus (Percentage Increase Over Maximum Density)	MPDUs Required
Zero% (0%)	12.5%
Up to 1%	12.6%
Up to 2%	12.7%
Up to 3%	12.8%
Up to 4%	12.9%
Up to 5%	13.0%
Up to 6%	13.1%
Up to 7%	13.2%
Up to 8%	13.3%
Up to 9%	13.4%
Up to 10%	13.5%
Up to 11%	13.6%
Up to 12%	13.7%
Up to 13%	13.8%
Up to 14%	13.9%
Up to 15%	14.0%
Up to 16%	14.1%
Up to 17%	14.2%
Up to 18%	14.3%
Up to 19%	14.4%
Up to 20%	14.5%
Up to 22%	15.0%

Section 4. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN THAT the Code of The City of Frederick, Appendix A, "Land Management Code", Article 3, Section 309, "Site Plan Review", subsection (h), "Site Plan Review Criteria", is amended as follows:

(h) Site Plan Review Criteria

Site plans shall comply with the following criteria:

- (1) The site plan shall conform to all applicable requirements of Articles 4, 5, 6, 7, and 8 of this Code.
- (2) The site plan shall conform to any Area Plan or Master Plan that has been approved for the subject property.
- (3) The development shall be served by public facilities and services, including

sewer, water, streetlights, sidewalks, storm water management and/or storm drains; and police, fire and refuse collection, that have adequate capacity to accommodate the impacts of the development on those facilities.

(4) A site plan for a proposed development project that is subject to Chapter 19 of the City Code and includes moderately priced dwelling units shall provide that the MPDUs are integrated within, and dispersed throughout, the entire development project (or residential portion of the project) to the greatest extent feasible.

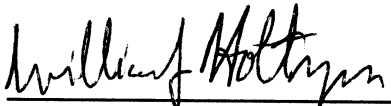
[[4)] **(5)** The reviewing agency may require any reasonable changes to the proposed site plan that are necessary, to comply with the requirements of this Code and assure compliance with criteria of subsections (1), (2), [and] (3), **and (4)** above.

Section 5. In the event any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.


Section 6. This ordinance shall take effect as of December 18, 2008 and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

APPROVED: December 18, 2008

PASSED: December 18, 2008

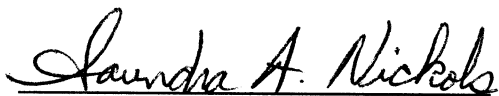


WILLIAM J. HOLTZINGER, Mayor



WILLIAM J. HOLTZINGER, President
Board of Aldermen

Approved for Legal Sufficiency:



Legal Department