

COUNTY LOCAL LAWS

ZONING PROVISIONS PERTAINING TO MODERATELY PRICED DWELLING UNITS. LAND UPON WHICH THE APPLICANT IS REQUIRED TO CONSTRUCT MODERATELY PRICED DWELLING UNITS MAY, AT THE APPLICANT'S ELECTION, BE SUBJECT TO SUCH OPTIONAL ZONING PROVISIONS. IF THE APPLICANT ELECTS OPTIONAL DENSITY PROVISIONS, PERMITTING THE CONSTRUCTION OF AN INCREASED NUMBER OF DWELLING UNITS, THE REQUISITE PERCENTAGE OF MODERATELY PRICED DWELLING UNITS SHALL APPLY TO THE TOTAL NUMBER OF DWELLING UNITS AS INCREASED BY THE OPTIONAL DENSITY PROVISIONS.

(B) WAIVER OF REQUIREMENT. ANY APPLICANT AS DEFINED IN SECTION 25A-3(3) OF THIS CHAPTER, UPON PRESENTATION OF SUFFICIENT EVIDENCE TO THE DIRECTOR IN SUBMITTING AN APPLICATION FOR A BUILDING PERMIT, OR ANY SECTION 25A-3(1) OR 25A-3(2) APPLICANT, UPON PRESENTATION OF SUFFICIENT EVIDENCE TO THE MONTGOMERY COUNTY PLANNING BOARD IN SUBMITTING A PRELIMINARY OR FINAL PLAN OF SUBDIVISION FOR APPROVAL OR REQUESTING APPROVAL OF A SITE OR OTHER DEVELOPMENT PLAN, MAY BE GRANTED A WAIVER FROM PART OR ALL OF THE REQUIREMENTS OF THIS CHAPTER IF THE DIRECTOR OR BOARD, AS APPLICABLE, FINDS THAT BECAUSE OF EXCEPTIONAL TOPOGRAPHICAL CONDITIONS OR OTHER EXTRAORDINARY SITUATIONS OR CONDITIONS OF SPECIFIC PARCELS OF LAND, THE STRICT APPLICATION OF THE REQUIREMENTS OF THIS CHAPTER WOULD RESULT IN PECULIAR AND UNUSUAL PRACTICAL DIFFICULTIES TO, OR EXCEPTIONAL OR UNDUE HARDSHIP UPON, THE APPLICANT, OR BECAUSE THE APPLICANT IS PREVENTED BY LAW OR OTHER GOOD CAUSE FROM BEING ABLE TO USE THE OPTIONAL ZONING PROVISIONS OF THE ZONING ORDINANCE FOR THE CONSTRUCTION OF MODERATELY PRICED DWELLING UNITS. ANY WAIVER GRANTED HEREUNDER SHALL BE STRICTLY CONSTRUED AND SHALL BE LIMITED TO A MINIMUM.

25A-6. DISTRIBUTION OF UNITS; CERTIFICATES; GENERAL PUBLIC; HOUSING AUTHORITY, AGENCY OR CORPORATION.

(A) SALE OR RENTAL TO GENERAL PUBLIC. SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, EVERY MODERATELY PRICED DWELLING UNIT REQUIRED BY THIS CHAPTER SHALL BE OFFERED TO THE GENERAL PUBLIC FOR SALE OR RENTAL TO A GOOD FAITH PURCHASER OR RENTER TO BE USED FOR HIS OR HER OWN RESIDENCE, WITH THE EXCEPTION OF UNITS OFFERED FOR SALE OR RENT WITH THE ASSISTANCE OF, AND SUBJECT TO THE CONDITIONS OF, A SUBSIDY UNDER A FEDERAL, STATE OR LOCAL GOVERNMENT PROGRAM WHOSE PURPOSE IS TO PROVIDE HOUSING FOR PERSONS OF LOW OR MODERATE INCOME.

WITH THE EXCEPTION OF THOSE MODERATELY PRICED DWELLING UNITS COVERED BY THE OPTION UNDER SUBSECTION (B) OF THIS SECTION, AT LEAST NINETY (90) DAYS PRIOR TO ANY OFFERING TO THE GENERAL PUBLIC, OR AT THE TIME OF ISSUANCE OF BUILDING PERMITS FOR SUCH UNITS, WHICHEVER