

## MONTGOMERY COUNTY

directly attributable to the finishing of the moderately priced dwelling unit lots, to the County or to the County's designee, in order that the County might cause moderately-priced dwelling units to be constructed on the transferred land; and (2) by serving upon the Director of the Department of Environmental Protection at least ninety (90) days prior to the filing of such application for a building permit, a written notice of the intent to submit, in lieu of a written agreement to construct moderately priced dwelling units, the written agreement to transfer land.

BE IT ENACTED BY THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND, that

Sec. 1. Section 25A-4, title "Requirement," of Chapter 25A, title "Housing, Moderately Priced," Montgomery County Code 1972, as amended, is hereby amended to read as follows:

25A-4 Requirement.

(a) Any applicant, as defined hereinbefore, when applying for a building permit, shall submit to the Department of Environmental Protection concurrently with his application for such permit, a written agreement on a standard form supplied by the Director, which has been approved by the Office of the County Attorney. The agreement shall provide

(1) That not less than fifteen percent (15%) of the total number of dwelling units at one location

(i) covered by a plan of subdivision submitted by an applicant as defined in Section 25A-3(1) of this Chapter, or

(ii) covered by a plan of development or site plan submitted by an applicant as defined in Section 25A-3(2), or

(iii) covered by a building permit submitted by an applicant as defined in Section 25A-3(3), shall be moderately priced dwelling units, or

(2) That not less than twenty percent (20%) of the total number of dwelling units covered by a preliminary plan or site development plan in a Town Sector or Planned Neighborhood Zone, shall be moderately-priced dwelling units.

(b) Notwithstanding and in lieu of paragraph (1) of the preceding subsection, an applicant, as defined in Section 25A-3(3) of this Chapter, may, at the applicant's