

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2013 Legislative Session

Bill No. _____ CB-57-2013

Chapter No. _____

Proposed and Presented by _____ Council Members Olson, Lehman and Franklin

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Density Bonus Programs in the M-X-T Zone

3 For the purpose of authorizing the approval of density bonus programs in the M-X-T Zone under
 4 certain circumstances

5 BY adding:

6 Sections 27-548.01.04, 27-548.01.05, 27-548.01.06,
 7 27-548.01.07, 27-548.01.08, and 27-548.01.09

8 The Zoning Ordinance of Prince George's County, Maryland,
 9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code
 12 (2011 Edition, 2013 Supplement).

13 WHEREAS, the purpose of workforce housing is to provide housing affordable to
 14 households earning between 40 and 80 percent of the area median income, adjusted for family
 15 size, as defined by the U.S. Department of Housing and Urban Development (HUD) for the
 16 Washington, DC, Metropolitan area; and

17 WHEREAS, high land prices and construction costs do not support the development of
 18 workforce housing near fixed-guideway transit stations; and

19 WHEREAS, transit-oriented housing can help improve access to jobs, services, and other
 20 opportunities for moderate-income families; and

1 WHEREAS, in 2009, approximately 38% of homeowners and renters in Prince George's
2 County were contributing 35% or more of their incomes to select monthly owner costs and gross
3 rent, respectively; and

4 WHEREAS, in 2009, the median family income in Prince George's County was estimated
5 to be \$84,176, which is approximately 81% of the area median income for the Washington, DC,
6 Metropolitan area for a family of four; and

7 WHEREAS, Prince George's County has a long tradition of supporting the retention and
8 attraction of locally-owned businesses; and

9 WHEREAS, high land prices and construction costs frequently preclude the inclusion of
10 locally-owned business in projects near fixed-guideway transit stations; and

11 WHEREAS, locally-owned businesses traditionally build stronger communities, invest a
12 larger share of their revenue back into the local economy, create more economic opportunities
13 for local residents, and help forge a unique sense of place; and

14 WHEREAS, it is the intent of the Prince George's County Council, sitting as the District
15 Council, to encourage opportunities for workforce housing and locally-owned business; now,
16 therefore

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
19 District in Prince George's County, Maryland, that Sections 27-548.01.04, 27-548.01.05, 27-
20 548.01.06, 27-548.01.07, 27-548.01.08, and 27-548.01.09, of the Zoning Ordinance of Prince
21 George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and
22 the same are hereby added:

23 **SUBTITLE 27. ZONING.**

24 **PART 10. MIXED USE ZONES.**

25 **DIVISION 7. DENSITY BONUS PROGRAMS.**

26 **Sec. 27-548.01.04. Statement of Legislative Intent; objectives**

27 (a) The legislative policy of a density bonus program is to incentivize the provision of
28 public benefits in transit-oriented communities in Prince George's County in accordance with the
29 approved goals and strategies articulated in a Master Plan, Sector Plan, or Transit District
30 Development Plan.
31

(b) The primary objectives of establishing a density bonus program are to provide the following public benefits in the M-X-T Zone in close proximity to fixed-guideway transit stations:

(1) mixed-income, workforce housing opportunities for Prince George's County residents and workers in close proximity to lines of transportation within one-half mile of a Metro or MARC station; and

(2) economic opportunities for locally-owned businesses.

Sec. 27-548.01.05. Definitions.

(a) **Density Bonus Program** means a method of approving additional density or intensity above the base floor area ratio as prescribed by Sec. 27-548(a) for projects in designated areas provided that the project meets certain defined criteria, such as providing workforce housing and stimulating locally-owned business.

(b) **Local Business** means a private, for-profit firm or enterprise owned at least 51% by one or more residents of Prince George's County, Maryland, with no corporate or national headquarters outside the County and is licensed to operate within the County.

(c) **Moderate-income household** means a household of one or more individuals with a total annual income, adjusted for household size, equal to between forty percent (40%) and eighty percent (80%) of the Area Median income ("AMI") as defined by the U.S. Department of Housing and Urban Development for the Washington, DC, Metropolitan area.

(d) **Workforce housing unit** means a unit set aside for sale or rent to moderate-income households as defined by the density bonus program.

Sec. 27-548.01.06. Density Bonus Programs authorized; applicability and exemptions.

(a) The District Council may, by Resolution, approve a density bonus program for development projects that:

(1) are within an M-X-T Zone;

(2) are partially or completely within one-half mile of the platform of a Metro station or within a one-quarter mile of the platform of a MARC station or light rail station;

(3) are consistent with the recommendations of a Master Plan, Sector Plan, or Transit District Development Plan approved after January 1, 2010; and

(4) make a minimum of ten percent (10%) of their total residential units workforce housing units, or dedicate a minimum of ten percent (10%) of their commercial space

1 to locally-owned businesses, at half of the market-rate per square foot for a term of ten (10)
 2 years.

3 (b) The following types of development projects shall be exempt from the requirements of
 4 an approved density bonus program:

5 (1) new development that does not include residential, commercial, or mixed
 6 residential and/or commercial uses;

7 (2) new development by Federal, State, or County agencies or for Federal or State
 8 tenants;

9 (3) projects for Detailed Site Plans that were approved prior to the effective date of
 10 the Master Plan, Sector Plan, or Transit District Development Plan.

11 **Sec. 27-548.01.07. Contents of Density Bonus Program Resolution.**

12 The Density Bonus Program resolution shall set forth the following specifications:

13 (a) income eligibility requirements for prospective occupants of workforce housing,
 14 including:

15 (1) workforce housing requirements for rental projects, including any rental
 16 restrictions permitted by law; and

17 (2) workforce housing requirements for ownership units, including any
 18 applicable resale restrictions permitted by law.

19 (b) particularized statements of duration for workforce housing units for owner-occupied
 20 workforce units, for not less than thirty (30) years, and rental workforce units for the
 21 life of the project.

22 (c) specific workforce housing unit requirements, including:

23 (1) percentages of floor area on any floor of a building, not to exceed a twenty
 24 percent (20%) increase of the gross floor area permitted for the zone;

25 (2) that the type of ownership of the workforce housing units shall be consistent
 26 with that of the remainder of the building whether rental or owner-occupied;

27 (3) that the bedroom percentages shall be consistent with the market-rate units
 28 within the building proposed for the development project;

29 (4) that the floor area of the workforce housing units shall be consistent with the
 30 market-rate housing units within the building proposed for the development
 31 project;

- (5) that the workforce housing units shall be available for occupancy in a timeframe comparable to the market-rate housing units within the building proposed for the development project;
 - (6) that the exterior design, materials, and finish of the workforce housing units shall be comparable with the market-rate housing units within the building proposed for the development project;
 - (7) that the interior amenities of the workforce housing units such as finishes and appliances shall be comparable to the market-rate units within the building proposed for the development project; and
 - (8) that all workforce housing units shall be constructed on-site; and
 - (9) that the units shall not be overly concentrated in the development.
- (d) local business requirements, such as a provision to dedicate square footage in the proposed development project for local and emerging businesses.
- (e) certificate of compliance requirements addressing price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable compliance requirements for the workforce housing units required by the Prince George's County Department of Housing and Community Development.

Sec. 27-548.01.08. Applications for Density Bonus Program.

Participation in an approved density bonus program may be made by application to the Planning Department for eligible projects. The application shall be filed at the time of an application for a preliminary plan of subdivision.

Sec. 27-548.01.09. Approval of application for participation in a Density Bonus Program.

Approval of application for participation in a Density Bonus Program shall be evaluated at the time of application for preliminary plan of subdivision. A resolution authorizing a Density Bonus Program shall be submitted to the County Council subsequent to preliminary plan of subdivision approval. The Prince George's Department of Housing and Community Development shall track the units created under an approved Density Bonus Program. This implementing agency shall submit a report to the full Council annually chronicling the units designated as workforce housing pursuant to an approved Density Bonus Program.

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this _____ day of _____, 2013.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.