



# City of Annapolis

Planning Commission  
Department of Planning & Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, MD 21401-2535

410-263-7961 • Fax 410-263-1129 • [www.annapolis.gov](http://www.annapolis.gov)  
Deaf, hard of hearing or speech disability - use MD Relay or 711

March 6, 2020

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Findings for Ordinance O-6-20: Planned Development - Public Housing Bulk Standards**

## SUMMARY

This ordinance proposes a code change to allow more flexibility in the bulk requirements for the redevelopment of projects that are eligible for federal low income housing credits (FLIHTC).

## ANALYSIS

In 2019, under O-21-19, the regulations applicable to Moderately Priced Dwelling Units were amended. These amendments included a modification to the applicability requirement under Section 20.30.030 – *Applicability* that specified that the requirements of Chapter 20 do not apply to a development that sets aside affordable dwelling units in accordance with Section 42 of the Federal Internal Revenue Code, pursuant to which a restricted covenant is to be recorded in the land records of Anne Arundel County setting forth income limitations of tenants in accordance with the Federal Low Income Housing Tax Credit Program in favor of the Maryland Department of Housing and Community Development or a subsidiary thereof or other governmental entity responsible for administration of the Federal Low Income Housing Tax Credit Program. FLIHTC eligible projects were exempted because these projects in their entirety provide an affordable housing option.

Projects that provide MPDU's are allowed to apply for up to a twenty percent tolerance to the bulk requirements for lot size, yards, height, building bulk, parking and loading. Since FLIHTC housing is exempted from providing MPDUs, it is also no longer eligible for the tolerances allowed to other developments under Chapter 20.30.160 - *Density bonus*.

As a planned development, the Planning Commission, under section 21.24.050- Bulk and density standards, can adjust bulk standards, other than height.

This ordinance proposes a modification to the planned development regulations to restore the height tolerance provision to FLIHTC eligible projects that they lost when they were exempted from the requirement to provide MPDU's. The ordinance allows the Planning Commission thru review under the Planned Development process to approve a twenty percent increase in the height limit for FLIHTC eligible projects.

## RECOMMENDATION

On March 5, 2020, the Planning Commission held a public hearing on this legislation and one member of the public, and Alderman Arnett testified on the ordinance. The Planning Commission recommended adoption of the ordinance with a vote of 6 to 0, with one amendment.

They recommend that the word "shall" on line 41 be changed to "may" to clarify the Planning Commission's discretion in determining exactly what tolerance to height and other bulk regulations will be used.

Adopted this 9<sup>th</sup> day of March, 2020

A handwritten signature in black ink, appearing to read "Ben Sale", written over a horizontal line.

Ben Sale, Chair