




**City of Annapolis**  
Planning Commission  
Department of Planning & Zoning  
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February 7, 2019

**MEMORANDUM**

**To:** Annapolis Planning Commission

**From:** C. Pete Gutwald, Director of Planning and Zoning 

**Re:** Ordinance 44-18, Moderately Priced Dwelling Units – Density Bonus

**Purpose**

The purpose of Ordinance 44-18 is to establish review criteria for the granting of density bonus tolerances for developments required to provide Moderately Priced Dwelling Units. The Ordinance also clarifies that developments with structures over forty-five feet must follow the Planned Development process.

**Analysis**

Chapter 20.30.160, Density Bonus, provides incentives for applicants to provide Moderately Priced Dwelling Units (MPDU). Applicants are entitled to a fifteen percent density bonus for for-sale housing and ten percent density bonus for rental housing. In order to achieve those densities, the chapter also provides up to a twenty percent tolerance of the requirements outlined in Title 21 (bulk, height, lot size etc.).

This ordinance proposes to modify the density bonus requirements for residential developments that provide Moderately Price Dwelling Units (MPDU). The changes include establishing criteria that an applicant must satisfy in order to receive any tolerances to Title 21, up to twenty percent. Currently the regulation states that the Director of Planning and Zoning “shall” provide up to twenty percent tolerance if MPDU’s are provided, regardless of the situation.

The proposed ordinance also includes changes to Chapter 21.38, Regulations Applicable to All Districts. Currently, the chapter requires any project application that exceeds 45 feet or a floor area ratio that exceed 2 must follow the Planned Development Use process. The proposed ordinance clarifies that any tolerances given under Chapter 20.30.160, Density Bonus, is not applicable in these situations. Therefore, any application that includes a proposal that exceeds 45 feet or a floor area ratio 2 must complete a Planned Development application, be reviewed under those criteria and include a process that requires approval by the Planning Commission even if the application utilizes the tolerances given under Chapter 20.30.

**Recommendation**

This process may add additional time to the review process of an application since it requires staff to write reports, attend public hearings and be prepared to testify at a public hearing. However, the Department cannot predict how many applications will include structures over forty five feet and be required to provide MPDU’s.