



*City of Annapolis*  
Planning Commission  
Department of Planning & Zoning  
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December 1, 2022

**To: Annapolis City Council**

**From: Planning Commission**

**Re: Findings for O-40-22: Workforce Housing – For the purpose of the purpose of allowing workforce housing as a permitted use subject to standards in certain residential, commercial, office and mixed use districts; establishing the standards for workforce housing; and generally related to zoning. ZTA2022-005**

### **SUMMARY**

This legislation creates a new land use, Workforce Housing, as a Permitted Use Subject to Standards. The use would be permitted across all zones in the City with the exception of Industrial and maritime zones.

### **BACKGROUND AND ANALYSIS**

The staff reports efficiently and fully summarize the needs which the legislation addresses and the operation of the legislation. “Workforce housing” refers to household income between 80% and 120% of the regional Adjusted Median Income in the Baltimore metropolitan region. “Affordable housing” refers to household incomes below the 80% AMI.

### **PUBLIC HEARING AND DELIBERATION**

The Planning Commission held public hearings on November 17, 2022 and December 1, 2022. It took testimony from members of the general public, housing committees, Affordable Housing and Community Equity Development Commission, staff, and Council members all of whom were engaged in drafting the legislation. The need to address the “Missing Middle” of affordable, workforce housing in Annapolis was made clear. The need was expressed as far back as the 2009 Comprehensive Plan. The legislation is elegantly simple but aims to accelerate and make flexible the construction of workforce housing.

### **RECOMMENDATION**

The Planning Commission had questions and recommendations on five specific items:

1. Should “Common Open Space” be required for all applications tendered under this legislation, including smaller applications? Common open space might not be possible for a duplex or even a small courtyard building of four to six apartments. Should anything larger be required to provide common area? How much larger? Clearly, one size

does not fit all. Nonetheless, there are cases in which some amount of common open space is called for and, if so, some guidance to the Director of Planning and Zoning for his administrative approval should be given. Will compliance with Adequate Public Facilities requirements be sufficient to supply new communities with adequate open space?

2. Site design review under §21.22 must be clarified. Any new construction larger than two units must provide a site design plan. While subdivision of five or fewer new lots can be administratively approved, a site design plan for the ensuing construction must be submitted. It appears that all new construction greater than two units must submit to Planning Commission approval. It also appears that all new construction greater than two units must comply with the general standards in Section 21.22.080 and “any other standards applicable in the zoning district.” The public must understand that while more densities may be permitted by way of smaller living spaces, all other aspects of the building code – such as setbacks and heights—will apply.
3. The parking requirements, or lack thereof, also require clarification. Two questions arose: one, if an applicant supplies any parking spaces, even one, does he/she have to provide all the spaces the underlying zone requires; two, is there a minimum number of units which might require parking? For example, parking for a duplex built on a residential street might be supplied by public, street parking. But a complex of more than four units might overload available streetside, public parking. Clearly, one size does not fit all. Nonetheless, there are cases in which some amount of onsite parking might be called for and, if so, some guidance to the Director of Planning and Zoning should be given. Two commissioners dissented from requiring any parking and prefer leaving the decision on supplying any or how much parking to the applicant/developer.
4. Enforcement of the regimen is unclear. We recommend to the Council that it make clear who is responsible for enforcement and that it make mandatory penalties for violations. Who shall qualify the recipients initially and over time? What happens if a tenant’s income exceeds the maximum limit? What shall be the reporting cycle? What part of City government shall carry the burden of enforcement? Looking to the experiences of other jurisdictions with workforce housing experience will be useful.
5. While workforce housing may in the abstract be built in nearly every zone of the City, in practicality every application must comply with the Base District Regulations, Section 21.38, *Regulations Applicable to All Districts*. For example, in R1 (six units per acre), if a half acre is available, three units could be built. But setbacks and other limits in the bulk regulations and building code will severely limit the number of units. Older homes not in conservation districts may be demolished in favor of denser housing. But this legislation provides no incentive other than reduced permitting fees and the increased density of smaller units to create less-than-market-rate housing. That opens the question, What effect will this legislation have? Commercial districts may certainly be impacted with mixed use developments proposed. Infill construction in residential zones may occur. Nevertheless, this legislation is a step forward towards intelligent infill and mixed use developments which will hopefully begin to address the Missing Middle in affordable housing in Annapolis.

**The Planning Commission voted 4-1 in favor of recommending APPROVAL of this legislation with the further recommendation that the above questions be answered by appropriate amendment.**

Adopted this 1<sup>st</sup> day of December, 2022

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Alex Pline, Chair