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City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

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SALLY NASH, Ph.D., AICP
DIRECTOR

February 25, 2020

MEMORANDUM

To: Planning Commission
From: Sally Nash, Ph.D., AICP, Director of Planning and Zoning
Re: Ordinance O-6-20: Planned Development - Public Housing Bulk Standards

Attachments: O-6-20

Purpose

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)

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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 which 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 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

Staff recommends approval of O-6-20.