



## Legislation Details (With Text)

**File #:** O-11-19      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 4/24/2019      **In control:** City Council

**On agenda:** 6/22/2020      **Final action:** 6/22/2020

**Title:** R2-NC District - Demolitions - For the purpose of requiring a structural analysis prior to demolition of a residential structure or building in the R2-NC, Single-Family Residential Neighborhood Conservation District; requiring execution of a contract between the city and a structural engineer prior to demolition; and generally relating to the demolition of a residential structure or building in the R2-NC District.

**Sponsors:** Ross Arnett

**Indexes:** Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-11-19 Structural Engineer Analysis Ordinance First Reader.pdf, 2. O-11-19 Staff Report and Fiscal Impact Note.pdf, 3. O-11-19 PC Findings and Recommendations.pdf, 4. O-11-19 SIGNED.pdf

Date	Ver.	Action By	Action	Result
6/22/2020	1	City Council	adopt on second reader	Pass
6/22/2020	1	City Council	adopt on third reader	Pass
6/9/2020	1	Rules and City Government Committee	recommend favorably	Pass
5/26/2020	1	City Council	postpone	Pass
5/11/2020	1	City Council	postpone	Pass
4/13/2020	1	City Council	postpone	Pass
3/9/2020	1	City Council	postpone	Pass
12/9/2019	1	City Council	postpone	Pass
11/12/2019	1	Rules and City Government Committee	postpone	Pass
10/28/2019	1	City Council	declare the public hearing closed	
4/29/2019	1	City Council	adopt on first reader	Pass
4/29/2019	1	City Council	refer to Annapolis Education Commission	
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**R2-NC District - Demolitions** - For the purpose of requiring a structural analysis prior to demolition of a residential structure or building in the R2-NC, Single-Family Residential Neighborhood Conservation District; requiring execution of a contract between the city and a structural engineer prior to demolition; and generally relating to the demolition of a residential structure or building in the R2-NC District.

**CITY COUNCIL OF THE  
CITY OF ANNAPOLIS**

**Ordinance 11-19**

**Introduced by: Alderman Arnett**

**Referred to  
Planning Commission  
Rules and City Government Committee**

**AN ORDINANCE** concerning

**R2-NC District - Demolitions**

**FOR** the purpose of requiring a structural analysis prior to demolition of a residential structure or building in the R2-NC, Single-Family Residential Neighborhood Conservation District; requiring execution of a contract between the city and a structural engineer prior to demolition; and generally relating to the demolition of a residential structure or building in the R2-NC District.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2019 Edition  
21.40.060

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**TITLE 21 - PLANNING AND ZONING  
Division III - Base District Regulations  
Chapter 21.40 - Residential Districts**

**21.40.060 - R2-NC Single-Family Residence Neighborhood Conservation district.**

- A. Purpose. The purpose of the R2-NC Single-Family Residence Neighborhood Conservation district is to preserve patterns of design and development in residential neighborhoods characterized by a diversity of styles and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhoods. The general ~~purpose includes~~ **PURPOSES INCLUDE:**
1. Protection of the architectural massing, composition and styles as well as neighborhood scale and character;
  2. Compatibility of new construction and structural alterations with the existing scale and character of surrounding properties;
  3. Encouragement of existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community; and
  4. Preservation of streetscapes.
- B. Uses. Uses that may be permitted in the R2-NC Single-Family Residence Neighborhood Conservation district are set forth in the table of uses for residential districts in Chapter 21.48.
- C. Development Standards.

1. Chapter 21.50 contains the bulk regulations table for the R2-NC Single-Family Residence Neighborhood Conservation district.
2. Site Design Plan Review.
  - a. Except as provided in Subsection (C)(2)(b) of this section, new construction including new buildings, enlargements to building size or bulk, or structural alterations to existing structures which have an impact upon any exterior façade of a structure or building are subject to review and approval, with emphasis placed on façades visible from the public view, by the Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, Site Design Plan Review.
  - b. ~~Any new structure~~NEW STRUCTURES, ~~enlargements~~ENLARGEMENT TO A STRUCTURE, ~~OR~~AND structural alterations to building size or bulk of existing structures which results in the structure or building being in excess of three thousand two hundred fifty square feet of floor area ~~is~~ ARE subject to public hearing, review and approval by the Planning Commission. The three thousand two hundred fifty square foot figure does not include square footage in basements that are fifty percent or more under ground, uninhabitable attic space or accessory structures. Those structures or buildings that are already in excess of three thousand two hundred fifty square feet or have site design review approval as of November 14, 2005, may be rebuilt to the same square footage as long as the design is reviewed and approved by the Planning Commission.
  - c. The following guidelines shall be applied at the time of site design plan review, shall control in the event of conflict with the provisions of Chapter 21.22, and shall be applied to all uses in the R2-NC district. No design plans shall be approved by the Department of Planning and Zoning until findings consistent with THE FOLLOWING ~~these~~ guidelines have been made:
    - i. ~~Where~~IF new buildings, structures, structural alterations or structural rehabilitations, enlargements or reductions are proposed, their design shall be compatible with the historic character and design of the area and shall promote the existing spatial and visual qualities in the R2-NC area, including height and scale of buildings, orientation, spacing, site coverage, and exterior features such as porches, roof pitch and direction and landscaping.
    - ii. All STRUCTURES AND buildings shall observe the established, historic front setbacks and building heights pursuant to Section 21.50.050, if any, for the block on which they are proposed.
    - iii. All new structures ~~OR~~ AND buildings, enlargement of existing structures or buildings and all substantial rehabilitation, reduction ~~and/or~~ alteration of existing structures or buildings shall have bulk, massing and scale similar to the structures OR BUILDINGS on the block face.
    - iv. The proposed alterations or new construction shall preserve and enhance the vernacular streetscape of the neighborhood.
    - v. Exterior structural alterations to historic and contributing structures OR BUILDINGS along the street frontage shall be kept to a minimum.
    - vi. Design for new construction and enlargements to all existing STRUCTURES OR buildings ~~OR structures~~ in the R2-NC DISTRICT area shall conform to the guidelines for the relation of proposed structures to adjacent developments established in Section 21.62.020 and shall be compatible with the distinguishing, contributing characteristics of the majority of surrounding properties on the block face.
    - vii. In cases where approval of an application is dependent upon preserving all or part of an existing structure OR BUILDING, and its structural integrity is in question, the Director of Planning and Zoning ~~may~~ SHALL require a structural analysis of a THE STRUCTURE OR

building, by a ~~registered~~ structural engineer, to EVALUATE THE SUFFICIENCY OF THE LOAD PATH FOR A PROPOSED ALTERATION OR DEMOLITION PLAN. ~~determine if it is sound and not a threat to public health and safety before site design approval is granted.~~

### 3. Demolitions.

a. The Planning and Zoning Director shall review and decide all applications for demolition of ~~buildings or structures~~ OR BUILDINGS, pursuant to Chapter 21.14, Demolition Permits.

B. BEFORE THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE A REQUEST FOR A PROPOSED DEMOLITION, THE DIRECTOR SHALL REQUIRE A STRUCTURAL ANALYSIS OF THE STRUCTURE OR BUILDING, BY A STRUCTURAL ENGINEER, IN ACCORDANCE WITH SUBPARAGRAPH (C) HEREIN, TO EVALUATE THE SUFFICIENCY OF THE LOAD PATH FOR A PROPOSED ALTERATION OR DEMOLITION PLAN.

Cb. In addition to MAKING WRITTEN FINDINGS ADDRESSING the Review Criteria in Section 21.14.040, the Director of Planning and Zoning shall make additional written findings based on the following:

- i. Loss of the structure or building would not be adverse to the R2-NC district or the public interest by virtue of the ~~structure's~~ uniqueness or contribution OF THE STRUCTURE OR BUILDING to the significance of the R2-NC district;
- ii. The proposed demolition would not have an adverse effect on the design and historic character of the structure OR BUILDING and surrounding environment of the R2-NC district;
- iii. Demolition is not for the purposes of assembling properties for the construction of a large-scale structure OR BUILDING, if such assemblage is determined to be incompatible with the purposes and intent of the R2-NC district;
- iv. The replacement structure or BUILDING OR parts of the structure OR BUILDING is ARE designed and sited in a fashion that reflects the compatibility objectives of this chapter;
- v. A ~~The~~ proposed ~~partial~~ demolition WOULD ~~will~~ not impact the stability or structural integrity of the remaining portions of the structure and appropriate measures are proposed to stabilize the building during demolition and construction. ~~In the case of total demolition, a structural analysis and evaluation has been conducted and determined the building to be unsound and is a threat to the public health and safety. The department of planning and zoning may require that such an evaluation be prepared by a certified structural engineer at the applicant's cost;~~
- vi. ~~In order to approve any demolition request, the Director of Planning and Zoning may require a structural analysis of a structure or building, by a registered structural engineer, to determine if it is sound and not a threat to public health and safety before a demolition is authorized.~~

D. PROCEDURES FOR THE PREPARATION OF A STRUCTURAL ANALYSIS.

i. THE DEPARTMENT OF PLANNING AND ZONING SHALL PREPARE A SCOPE OF SERVICES FOR A STRUCTURAL ANALYSIS AND SOLICIT A COST ESTIMATE FROM AT LEAST TWO STRUCTURAL ENGINEERS FOR THE PREPARATION OF

THE ANALYSIS.

- ii. THE APPLICANT SHALL REMIT TO THE DEPARTMENT OF PLANNING AND ZONING, UPON NOTICE FROM THE DIRECTOR, FUNDS FOR THE COMPLETION OF THE STRUCTURAL ANALYSIS IN AN AMOUNT DETERMINED BY THE DIRECTOR TO BE SUFFICIENT TO PAY FOR THE STRUCTURAL ANALYSIS.
- iii. IF THE COST OF THE STRUCTURAL ANALYSIS EXCEEDS THE FUNDS THAT THE APPLICANT HAS REMITTED TO THE DEPARTMENT OF PLANNING AND ZONING, THE DIRECTOR MAY WITHHOLD RELEASE OF THE STRUCTURAL ANALYSIS OR APPROVAL OF AN APPLICATION UNTIL FULL PAYMENT IS REMITTED.
- iv. THE DEPARTMENT OF PLANNING AND ZONING SHALL FACILITATE THE NEGOTIATION AND COMPLETION OF A CONTRACT BETWEEN THE CITY AND THE STRUCTURAL ENGINEER.
- v. THE APPLICANT SHALL COOPERATE WITH THE STRUCTURAL ENGINEER CONTRACTED BY THE CITY, INCLUDING PROVIDING ACCESS TO THE STRUCTURE OR BUILDING AS NEEDED TO COMPLETE THE STRUCTURAL ANALYSIS. FAILURE TO COOPERATE OR PROVIDE ACCESS SHALL BE A BASIS FOR DENIAL OF THE APPLICATION.
- v. THE DEPARTMENT OF PLANNING AND ZONING SHALL OVERSEE ALL FACETS OF A STRUCTURAL ANALYSIS.

eD. For the purposes of this Chapter 21.40, demolition is defined as involving the entire removal of more than one exterior wall or the entire removal of the roof structure. These standards do not apply to demolition limited to the interior of a structure.

D. Additional standards. Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the purpose of the district.

E. Uses Deemed Conforming.

1. The following uses are deemed to be conforming, pursuant to Section 21.68.030 of this Zoning Code, provided they were legally existing on November 19, 1990:
  - a. Single-family attached and detached dwellings,
  - b. Two-family dwellings,
  - c. Nonresidential uses, except for uses listed in Subsection (E)(2) of this section, and
  - d. Multi-family dwellings of five or fewer units.
2. Warehouse, storage and/or distribution uses and automotive service uses legally existing on November 19, 1990 are not deemed to be conforming. However, these uses may apply for a special exception, pursuant to Chapter 21.26, to become conforming, provided that such application is made while the use retains its nonconforming rights under Chapter 21.68 of this Zoning Code.
3. Single-family attached and detached dwellings and two-family dwellings deemed conforming may be expanded for residential use if they otherwise meet the requirements of this district, including the setback and height limitations in accordance with single-family detached dwellings. In the case of any alteration, expansion, or modification to a two-family dwelling, the front setback and elements of the front façade, including any single plane, with respect to each dwelling unit shall be retained or match those of the other unit.

4. Any increase in the building bulk of nonresidential uses that become conforming under this subsection requires special exception approval pursuant to Chapter 21.26 of this Zoning Code.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

**EXPLANATION**

UPPERCASE indicates matter added to existing law.  
~~Strikethrough~~ indicates matter stricken from existing law.  
Underlining indicates amendments.