



Legislation Details (With Text)

File #: O-9-21 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 3/18/2021 **In control:** City Council

On agenda: 9/27/2021 **Final action:** 10/11/2021

Title: Accessory Dwelling Units - For the purpose of establishing accessory dwelling units as an accessory use in certain zoning districts that allow single family dwelling units; establishing the use and bulk requirements for accessory dwelling units; providing an amnesty period; providing a definition; and establishing the procedural requirements for accessory dwelling units.

Sponsors: Brooks Schandelmeier, Dajuan K. Gay

Indexes: Economic Matters Committee, Housing and Human Welfare Committee, Planning Commission, Rules and City Government Committee

Code sections:

Attachments: 1. O-9-21 First Reader, 2. O-9-21 Staff Report, 3. O-9-21 Fiscal Impact Note, 4. O-9-21 Staff Report to PC, 5. O-9-21 PC Findings to CC, 6. O-9-21 Amendments 1-3 - Schandelmeier, 7. O-9-21 Amendment 4 - Tierney - WITHDRAWN, 8. O-9-21 Amendment 5 - Savidge, 9. O-9-21 Amendment 6 - Savidge, Schandelmeier, Finlayson, 10. O-9-21 Amendment 7 - Tierney, 11. O-9-21 Amendments 8-9 - Arnett WITHDRAWN, 12. O-9-21 Amendment 10 - Arnett, 13. O-9-21 Amendment 11 - Schandelmeier WITHDRAWN, 14. O-9-21 SIGNED

Date	Ver.	Action By	Action	Result
10/11/2021	1	City Council	adopt on second reader	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	amended	Pass
10/11/2021	1	City Council	adopt as amended	Pass
10/11/2021	1	City Council	adopt on third reader	Pass
9/30/2021	1	Rules & City Government Committee	recommend with amendments	Pass
9/30/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
9/30/2021	1	Rules & City Government Committee	recommend unfavorably	Pass
9/30/2021	1	Rules & City Government Committee	recommend unfavorably	Pass
9/30/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
9/30/2021	1	Rules & City Government	Recommend Favorably-Amendment	Pass

9/30/2021	1	Committee Rules & City Government Committee	withdrawn without objection	Pass
9/30/2021	1	Rules & City Government Committee	withdrawn without objection	Pass
9/30/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
9/30/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
9/27/2021	1	City Council	postpone	Pass
9/7/2021	1	Rules & City Government Committee	postpone	Pass
8/4/2021	1	Housing and Human Welfare Committee	Recommend Favorably-Amendment	Pass
8/4/2021	1	Housing and Human Welfare Committee	Recommend Favorably-Amendment	Pass
8/4/2021	1	Housing and Human Welfare Committee	recommend with amendments	Pass
7/27/2021	1	Economic Matters Committee	Recommend Favorably-Amendment	Pass
7/27/2021	1	Economic Matters Committee	Recommend Favorably-Amendment	Pass
7/27/2021	1	Economic Matters Committee	recommend unfavorably	Pass
7/27/2021	1	Economic Matters Committee	Recommend Favorably-Amendment	Pass
7/27/2021	1	Economic Matters Committee	Recommend Favorably-Amendment	Pass
7/27/2021	1	Economic Matters Committee	recommend with amendments	Pass
7/12/2021	1	City Council	declare the public hearing closed	
3/22/2021	1	City Council	adopt on first reader	Pass
3/22/2021	1	City Council	refer	
3/22/2021	1	City Council	refer	
3/22/2021	1	City Council	refer	
3/22/2021	1	City Council	refer	

Accessory Dwelling Units - For the purpose of establishing accessory dwelling units as an accessory use in certain zoning districts that allow single family dwelling units; establishing the use and bulk requirements for accessory dwelling units; providing an amnesty period; providing a definition; and establishing the procedural requirements for accessory dwelling units.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 9-21

**Introduced by: Alderman Schandelmeier
Co-Sponsored by: Alderman Gay**

**Referred to
Planning Commission
Rules and City Government Committee
Economic Matters Committee
Housing and Human Welfare Committee**

AN ORDINANCE concerning

Accessory Dwelling Units

FOR the purpose of establishing accessory dwelling units as an accessory use in certain zoning districts that allow single family dwelling units; establishing the use and bulk requirements for accessory dwelling units; providing an amnesty period; providing a definition; and establishing the procedural requirements for accessory dwelling units.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition
21.08.050
21.38.020
21.48.010
21.72.010

BY adding and renumbering the following portions to the Code of the City of Annapolis, 2021 Edition
21.64.005
21.64.010

WHEREAS, accessory dwelling units provide a source of affordable housing, housing for aging and young adult family members; and

WHEREAS, accessory dwelling units provide a supplemental source of income to City home owners, encourage neighborhood investment, and facilitate home ownership for those with lower incomes; and

WHEREAS, the City Code currently provides restrictions on bulk regulations, lot coverages, parking requirements; and

WHEREAS, amendments to the City Code are needed to allow use of the structures already permitted by the City Code for use as accessory dwelling units.

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

Chapter 21.08 - DECISION MAKING BODIES AND OFFICIALS

Section 21.08.050 - Planning and Zoning Director.

- A. Establishment. The position of Planning and Zoning Director is established as the manager of the Department of Planning and Zoning, with the authority to administer and enforce this Zoning Code.
- B. Duties. The Planning and Zoning Director may delegate zoning administration and enforcement responsibilities to any deputy director, assistant director, or staff member of the Department of Planning and Zoning, or other individual designated by the Director. The Planning and Zoning Director has the following powers and duties:

1. Decide applications for demolition permits pursuant to the provisions of Chapter 21.14.
2. Decide applications for administrative interpretations pursuant to the provisions of Chapter 21.16.
3. Decide applications for administrative adjustments pursuant to the provisions of Chapter 21.18.
4. Decide applications for major and minor site plan review pursuant to the provisions of Chapter 21.22.
5. Decide applications for extensions of planned developments pursuant to the provisions of Chapter 21.24.
6. Decide applications for determinations of nonconforming use status pursuant to the provisions of Chapter 21.68.
7. Hear and decide applications for change of nonconforming use pursuant to the provisions of Chapter 21.68.
8. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Zoning Code.
9. Take appropriate enforcement action with regard to alleged violations of this Zoning Code.
10. Maintain permanent and current records made under this Zoning Code, including, but not limited to, all maps, amendments, planned developments, special exceptions, variances, appeals, use permits and applications.
11. Provide and maintain public information related to this Zoning Code.
12. Certify adjustments to a zoning district line if more accurate parcel information such as a sealed survey plat or a recorded plat becomes available and evidence clearly indicates that the property boundary was intended to match the zoning district line. The director shall provide written notice to all owners of property who are impacted by the proposed line adjustment.
13. Initiate or direct from time to time a study of the provisions of this Zoning Code, and make reports or recommendations to the Planning Commission not less frequently than once a year.
14. Coordinate the exchange of information between the City's Department of Planning and Zoning and the Anne Arundel County School Board to facilitate accurate and timely data about school capacity of those Annapolis feeder system schools that serve the residents of the City of Annapolis.
15. Provide input into Anne Arundel County planning documents on school capacity and make necessary recommendations to Anne Arundel County regarding additional school facilities or capital improvements to existing facilities.
16. PROVIDE AN ANNUAL REPORT TO THE PLANNING COMMISSION STATING THE NUMBER AND LOCATION OF ACCESSORY DWELLING UNITS THAT HAVE BEEN ESTABLISHED IN THE CITY.

Chapter 21.38 - REGULATIONS APPLICABLE TO ALL DISTRICTS

Section 21.38.020 - Uses.

- A. Types of Uses. The following uses of land as listed in this division, are permitted in the districts indicated under the conditions specified:
1. Permitted uses,
 2. Special exception uses,
 3. Uses subject to standards, and
 4. Accessory uses.
- B. Use of Land. No building or tract of land shall be devoted to any use other than those listed in Subsection A of this section with the exception of the following:
1. Uses lawfully established on the date of adoption of this Zoning Code, and
 2. Uses already lawfully established on or before the date of adoption of this Zoning Code and rendered nonconforming by it. These uses are subject to Chapter 21.68.
- C. Utility Lines and Fixtures Exempted. The following uses are exempted from the provisions of this division and are permitted in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communication systems, electric power, gas, water and sewer lines.
Antennas and telecommunication facilities are not exempted. See regulations in Division V.
- ~~D. Use of Accessory Buildings For Living Purposes. No accessory building or structure constructed on any lot prior to the time of construction of the principal building to which it is accessory shall be used for living purposes.~~
- ED. Trailers. A trailer shall not be considered to be permissible as an accessory building.
- FE. Tents. No tent may be erected, used or maintained for living quarters or long term storage.

Chapter 21.48 - USE TABLES

Section 21.48.010 Table of Uses-Residential Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
DWELLINGS, ACCESSORY	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std	S-Std	P-Std	P-Std	P-Std	S-Std	S-Std

REVISOR'S NOTE: In this section, the use "Dwellings, Accessory" is added.

No other changes are made.

Chapter 21.64 - STANDARDS FOR USES SUBJECT TO STANDARDS

Section ~~21.64.010~~ 21.64.005 - Purpose and application of standards.

- A. This chapter lists the standards that apply to uses listed as subject to standards in the use tables Chapter 21.48 of this Zoning Code.
- B. In the case of a use requiring special exception approval, the standards for the use set forth in this chapter must be met in addition to the general standards for approving a special exception.

SECTION 21.64.010 - ACCESSORY DWELLINGS.

- A. A MAXIMUM OF ONE ACCESSORY DWELLING UNIT MAY BE ESTABLISHED ON ANY ONE LOT.
- B. AN ACCESSORY DWELLING UNIT MAY BE ESTABLISHED WITHIN A PRINCIPAL STRUCTURE OR WITHIN AN ACCESSORY STRUCTURE.
- C. EACH ACCESSORY DWELLING UNIT SHALL HAVE ITS OWN SEPARATE INGRESS AND EGRESS.
- D. THE ADDITION OF AN IMPERVIOUS SURFACE SHALL NOT BE ALLOWED ON ANY LOT CONTAINING AN ACCESSORY DWELLING UNIT, UNLESS:
 - (I) THE DEPARTMENT HAS DETERMINED THAT THE PROPOSED SURFACE WILL BE TREATED OR MANAGED, OR
 - (II) THE EQUIVALENT COVERAGE OF IMPERVIOUS SURFACE WILL BE REMOVED ELSEWHERE ON THE PROPERTY.
- E THE MAXIMUM SIZE OF ANY ACCESSORY DWELLING UNIT THAT IS NOT ESTABLISHED WITHIN THE EXISTING FOOTPRINT OF THE PRINCIPAL STRUCTURE IS 850 SQUARE FEET OF LIVABLE SPACE.
- ~~E. ONE OFFSTREET PARKING SPACE IS REQUIRED FOR EVERY ACCESSORY DWELLING UNIT.~~
- F. A RENTAL LICENSE FOR ANY ACCESSORY DWELLING UNIT IS REQUIRED IN ACCORDANCE WITH CHAPTER 17.44.
- ~~F. A SHORT-TERM RENTAL OPERATING LICENSE PURSUANT TO CHAPTER 17.44 MAY NOT BE ISSUED FOR THE ACCESSORY DWELLING UNIT OR THE PRINCIPAL STRUCTURE.~~
- G. AN ACCESSORY DWELLING UNIT AND PRINCIPAL STRUCTURE ON ANY ONE LOT SHALL BE IN COMMON OWNERSHIP AND THE OWNER SHALL RESIDE IN EITHER THE ACCESSORY DWELLING UNIT OR THE PRINCIPAL STRUCTURE.

Section 21.72.010 - Terms.

“ACCESSORY DWELLING UNIT” MEANS AN ACCESSORY BUILDING, OR PORTION OF A BUILDING, DESIGNED OR USED EXCLUSIVELY FOR RESIDENTIAL OCCUPANCY THAT IS LOCATED IN A SINGLE FAMILY DWELLING OR ON THE SAME LOT AND IS SUBJECT TO THE USE STANDARDS IN SECTION 21.64.010 OF THIS ZONING CODE AND THE BULK REGULATIONS FOR

BUILDINGS ACCESSORY TO SINGLE-FAMILY DWELLINGS.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Revisor's Notes contained in this Ordinance are not law and may not be considered to have been enacted as a part of this Ordinance.

SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage; provided, that there shall be an amnesty period from the date of passage of this ordinance through close of business on January 10, 2022 to encourage compliance with the rental license requirements enacted by this ordinance by allowing owners of unlicensed accessory dwelling units to participate in this amnesty period by voluntarily entering the rental license process while continuing to rent such unlicensed accessory dwelling unit. Any owner of an unlicensed accessory dwelling unit who participates in this amnesty program shall be exempt from the penalties set forth in chapter 17.44 for the duration of the amnesty period. For the purpose of this ordinance, the owner of an unlicensed accessory dwelling unit is participating in the amnesty period if:

- (1) a rental operating license application is filed in accordance with chapter 17.44;
- (2) the applicant makes a good faith effort, as determined by the department, to complete the rental license process during the amenesty period; and
- (3) information is not made known to the department that the health, safety, or welfare of any occupant of the unlicensed accessory dwelling unit is endangered.

EXPLANATION

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.