



**City of Annapolis**  
**Planning Commission**  
**Department of Planning & Zoning**  
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June 17, 2021

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Ordinance O-9-21: Accessory Dwelling Units (ZTA2021-007) -- 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; and establishing the procedural requirements for accessory dwelling units.**

### SUMMARY

The purpose of Ordinance O-9-21 is to allow accessory dwelling units (ADUs) in all residential zoning districts. An ADU is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names throughout the U.S., including accessory apartments, secondary suites, and granny flats. ADUs can be converted portions of existing homes, additions to new or existing homes, or stand-alone accessory structures.

### ANALYSIS

This ordinance requires that a report to the Planning Commission stating the number and location of established accessory dwelling units be provided once a year. The use is also governed by specific standards:

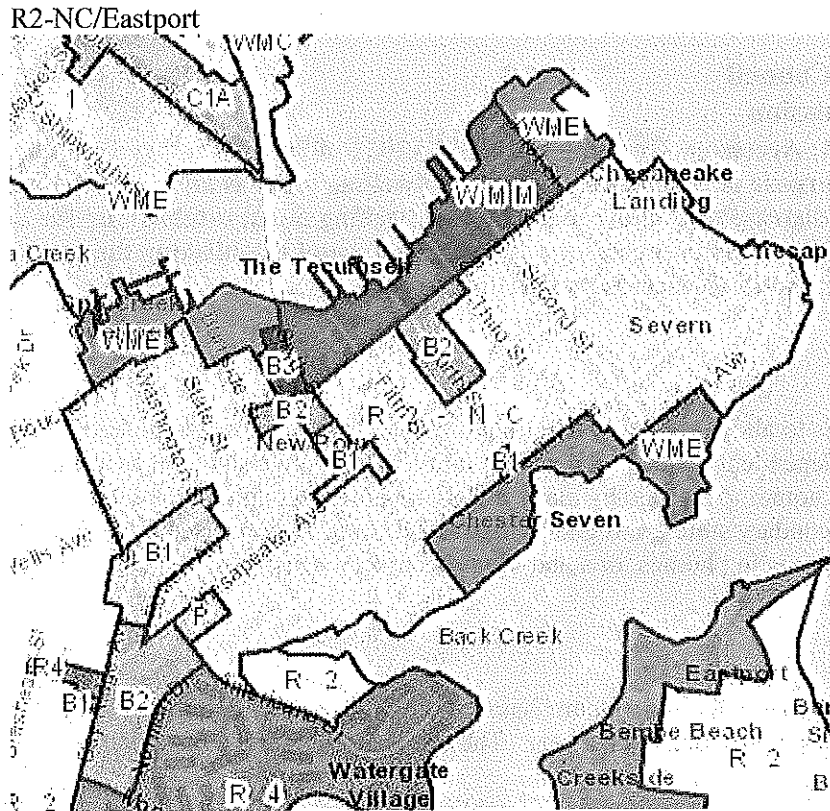
- A maximum of one accessory dwelling unit may be established on any one lot.
- An accessory dwelling unit may be established within a primary structure or within an accessory structure.
- Each accessory dwelling unit shall have its own separate ingress and egress.
- The maximum size of any accessory dwelling unit is 850 square feet of livable space.
- One off-street parking space is required for every accessory dwelling unit.
- A rental license for any accessory dwelling unit is required in accordance with Chapter 17.44.
- A short-term rental operating license pursuant to Chapter 17.44 may not be issued for the accessory dwelling unit or the principal structure.

It is proposed that the use would be permitted subject to standards in the following zoning districts: R1A, R1B, R1, R2, R3, R3-R, R4, and R2-R. It would be a permitted special exception use subject to standards in the conservation districts, which include: R2-NC, R3-NC, R3-NC2, C1, and C1A. The purposes of these conservation districts are included below with location maps.

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

**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 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.

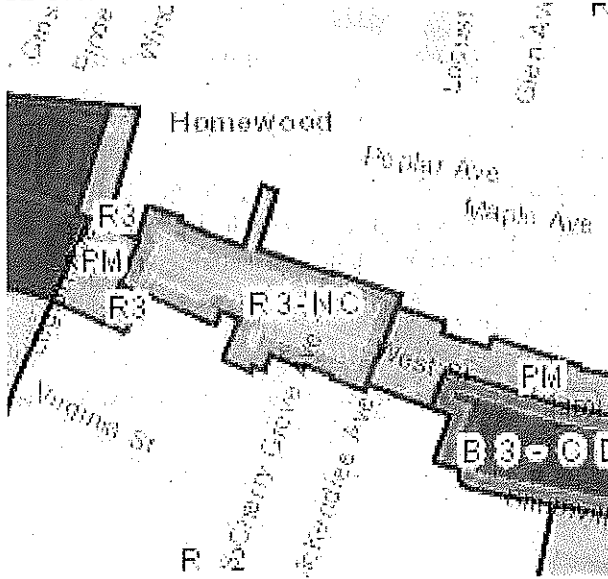


*21.40.080 - R3-NC General Residence Neighborhood Conservation district.*

The R3-NC General Residence Neighborhood Conservation district is designed to ensure the preservation of buildings, structures and areas, the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhood. This purpose includes:

1. Preserving, protecting and enhancing streetscapes, structures and areas of architectural, historic or cultural importance, although individual elements may not merit distinction;
2. Encouraging new construction, or alterations that are compatible with the existing scale and character of surrounding properties; and
3. Encouraging the rehabilitation and continued use of existing buildings rather than their demolition.

R3-NC/West Street

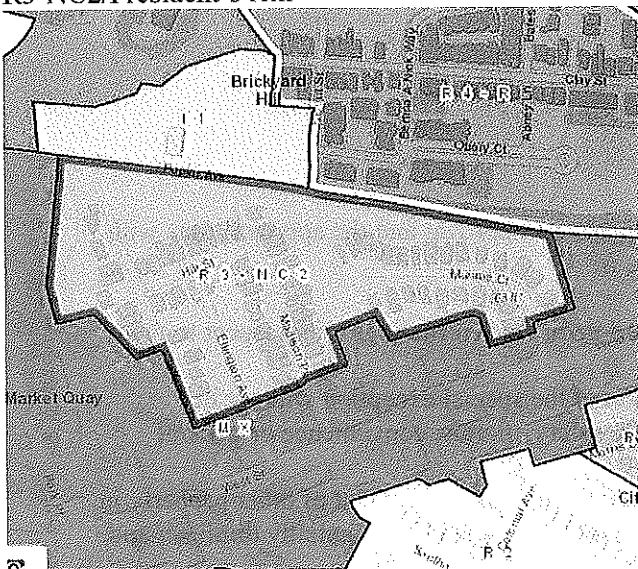


21.40.090 - R3-NC2 General Residence Neighborhood Conservation 2 district.

The purpose of the R3-NC2 General Residence Neighborhood Conservation 2 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:

1. Protection of the architectural massing, composition and styles as well as neighborhood scale and character;
2. Assuring the 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.

R3-NC2/President's Hill



*21.40.130 - C1 Conservation Residence district.*

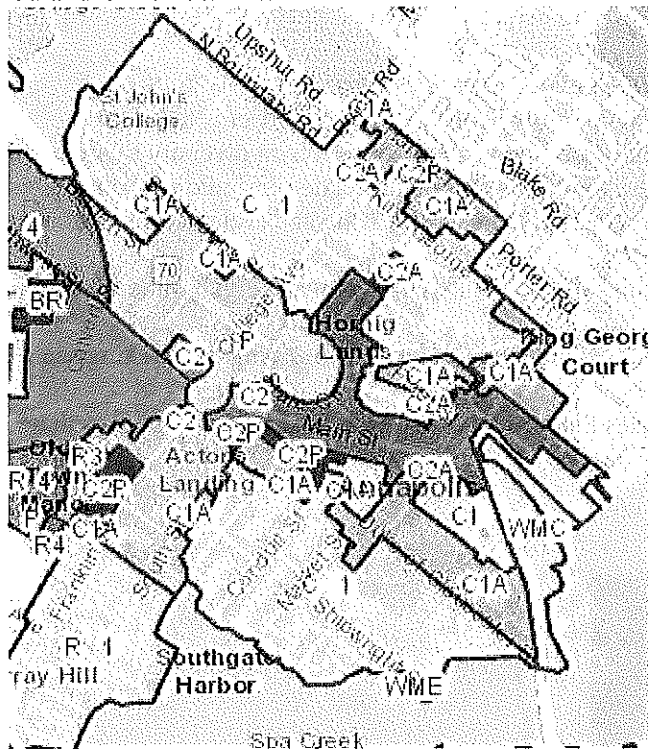
The C1 Conservation Residence district is designed to encourage the conservation of the educational, cultural and historic character of the old City.

*21.40.140 - C1-A Special Conservation Residence district.*

The C1-A Special Conservation Residence district is designed to preserve neighborhoods that have been identified as "at risk" in the Annapolis Comprehensive Plan as amended through and including amendments to the "Ward One Sector Study." At risk neighborhoods are identified as being significantly impacted by at least two of the following characteristics:

1. A growing number of nonconforming uses,
2. Unmaintained buildings or lots,
3. Traffic volumes inconsistent with strictly residential land uses due to through commercial traffic, and
4. Other adverse impact from nearby commercial uses.

C1 and C1A/Downtown



Special exception uses must go to the Board of Appeals for approval and the approval runs with the land. The review criteria for special exceptions is:

*21.26.050 - Review criteria and findings.*

The decision by the Board of Appeals must be based upon written findings with respect to the following:

1. The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare.
2. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

3. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
6. The special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, including any use provisions or standards set forth in Chapter 21.64 and be consistent with the Comprehensive Plan.
7. In the case of food service establishments, the following additional standards for review apply. The review of the proposed food service operation shall be based upon an analysis of the proposed use's impact in the following areas
  1. Environmental:
    - a. Noise, including the noise of the mechanical equipment and of the patrons while on the premises,
    - b. Odors: control of odors from the cooking process and from the storage of garbage,
    - c. Trash and litter: the type of trash and garbage the food service operation will generate; the precautions to be taken to prevent littering of the streets.
  2. Traffic:
    - a. Streets: adequacy of the street system to handle additional traffic,
    - b. Loading/unloading: off-street loading facilities available and adequate to handle the intensity and the type of trucks needed to service the proposed use; if on-street loading facilities are used, whether the use will impede traffic flow,
    - c. Parking: adequate parking available either on-site or within the area for employees and patrons
  3. Neighborhood:
    - a. Hours: the hours of operation are compatible with the surrounding commercial and/or residential neighborhood,
    - b. Loitering: the measures the restaurant will employ to discourage loitering; whether the type of use is compatible with the surrounding commercial and residential neighborhood
  4. Adequacy of public facilities:
    - a. Water and sewer: excess capacity exists and is available,
    - b. Police: police coverage is available,
    - c. Fire: the Fire Department has access to the site; sufficient water pressure for firefighting purposes is available and the building meets life safety standards.
  5. Community need: a community need for the use has been established.
8. An appeal from a decision of the Board of Appeals shall be made to the Circuit Court of Maryland for Anne Arundel County.

Accessory Dwelling Units will be required to meet applicable sections of Title 21, and other sections of the City Code as well, such as Title 17. For example, Chapter 17.40 - *Residential Property Maintenance Code* includes basic sanitary facility requirements as well as code for required floor area. Section 17.40.460 - *Habitable floor area* states that:

Every dwelling unit shall contain at least one hundred fifty square feet of habitable floor area for the first occupant, at least one hundred square feet of additional habitable floor

area for each of the next three occupants, and at least seventy-five square feet of additional habitable floor area for each additional occupant.

ADUs would be subject to this requirement.

### **RECOMMENDATIONS**

The Planning Commission held a public hearing on this legislation on May 20, 2021 and June 3, 2021. There were many written and live public comments on the legislation; most favored the legislation; some expressed specific reservations. The primary argument in favor of a broad approval of ADUs is that they will increase affordability and flexibility in the housing stock. Another favorable contention is that the income stream of ADUs allows current landowners to afford to continue to live in Annapolis. The reservations were, primarily, a fear that ADUs will be turned into short-term rentals (STR).

Several alderpersons attended all the testimony, discussion and vote and also testified.

The Commission supports the legislation with the following amendments:

1. Owner-occupied single family homes may rent an ADU for short-term rentals
2. The Council should consider striking the parking requirement although they should review the requirement in regard to the conservation zones
3. The “no additional lot coverage requirement” should be removed.

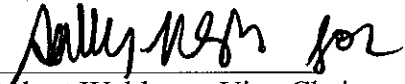
The recommendation was approved with a vote of 3 to 0.

Some explanation of the recommendations is in order.

1. The tension between ADUs and STRs can be resolved by permitting short-term rentals only on owner-occupied properties. An owner-occupied property owner is more engaged with the community and monitors the STR customers more closely than non-owner-occupied property owners.
2. Over most of the City the parking requirement will, make ADUs even more difficult to build but with no appreciable effect on available parking. However, in the denser conservation zones, parking is at a premium and some special considerations might, perhaps, be put into place. The permit parking system might, for instance, be looked at to ensure its proper functioning. A requirement for a STR landowner to provide proof of parking at a city garage might be required. These solutions might become part of the special exception review by the Board of Appeals.
3. Because any construction is already controlled by the Code and its standards, there is no difference in lot coverages between a garage

built to Code and an accessory dwelling structure built to Code. A garage might be built and later turned into an ADU with no change in lot coverage. There are only use differences, but no lot coverage differences.

Adopted this 17<sup>th</sup> day of June 2021

  
Robert Waldman, Vice-Chair

