



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

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February 20, 2014

Revised MEMORANDUM

To: Planning Commission

From: Sally Nash, AICP, Acting Director of Planning and Zoning

Re: O-1-14: Single-Family Attached Dwellings in the C1A District

Attachments: O-1-14

SUMMARY

O-1-14 proposes modifications to section 21.40.140 of the C1A Special Conservation Residence district in order to allow single-family attached dwelling, lawfully existing on June 20, 1994, as deemed conforming uses that may be expanded, subject to compliance with the bulk regulations for single-family detached dwellings in the C1A District.

BACKGROUND AND ANALYSIS

The C1A Special Conservation Residence District was created in 1994 as a result of the Ward One Sector Study. It is "designed to preserve neighborhoods that have been identified as "at risk"

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.

Lands zoned C1A are the focus of the intensive public efforts, including periodic monitoring of land uses, to minimize conversions from single-family to multi-family or office use, to stabilize and enhance the residential quality of life, and to encourage single-family development and conversion to single-family use.

Currently, single-family attached dwellings are a non-conforming use in the C1A Special Conservation District.

Allowing existing single-family attached dwellings the ability to do alterations is consistent with the goals of the C1A District with regard to the preservation of neighborhoods.

Under Chapter 21.72 of the City Code, "Single-family attached dwelling" means one of a series of two or more dwellings that can be joined to another dwelling at one or more sides by a party wall or walls, with each unit having its own separate exterior entrance(s). For example, townhouse, rowhouse, two-family dwelling, and quadraplex units are single-family attached dwellings.

The legislation proposes that:

Single-family attached dwellings, lawfully existing on June 20, 1994, are deemed conforming and may be expanded, subject to compliance with the bulk regulations for single-family detached dwellings in the C1A zoning district.

Staff recommends that this language be modified, as follows:

Single-family attached dwellings, lawfully existing on June 20, 1994, are deemed conforming and may be expanded if they otherwise meet the requirements of this district, including the setback and height limitations in accordance with single-family detached dwellings except that the shared lot line between attached units will have no setback requirement, and subject to minor site design plan approval and review by the Historic Preservation Commission under Section 21.56 of this Code.

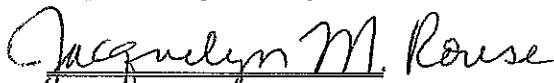
The intent of the legislation is to insure compliance with setback and height limits for the expansion of an existing attached dwelling. Bulk regulations also include also lot size and width. It not the intent of the legislation to preclude the expansion of existing attached units that might be non-conforming as to the lot area and width requirements for single -family dwellings.

The language proposed is comparable to the language currently in the code for single-family attached dwellings as a use deemed conforming in the R2-NC, Single-Family Residence Neighborhood Conservation district.

RECOMMENDATION

With the above-referenced modification, staff recommends O-1-14 be APPROVED.

Report Prepared by


Jacquelyn M. Rouse, AICP
Planning Administrator

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-1-14

Introduced by: Alderman Budge

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
1/13/14			7/11/14
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	1/13/14		
Planning Commission	1/13/14		

8
9 **A ORDINANCE** concerning

10 **Single-Family Attached Dwellings in C1A Special Conservation District**

11
12 **FOR** the purpose of deeming conforming those single-family attached dwellings lawfully
13 existing on June 20, 1994, in the C1A Special Conservation Residence District.

14 **BY** repealing and re-enacting with amendments the following portions of the Code of the
15 City of Annapolis, 2014 Edition
16 Section 21.40.140
17

18 **WHEREAS,** row houses are an established feature of historic Annapolis and, while the Zoning
19 Code prohibits new row house construction, the current restrictions in effect
20 mean that an owner of an existing row house does not have the same expansion
21 privileges as an owner of a single-family dwelling or a two-family attached
22 dwelling; and

23
24 **WHEREAS,** any expansion permitted as a result of this ordinance would still be subject to
25 Historic Preservation Commission review and approval.

26
27 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
28 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

29
30 **CHAPTER 21.40 – RESIDENTIAL DISTRICTS**

31 **21.40.140 C1-A Special Conservation Residence district.**

32 A. Purpose. The C1-A Special Conservation Residence district is designed to preserve
33 neighborhoods that have been identified as "at risk" in the Annapolis Comprehensive Plan

1 as amended through and including amendments to the "Ward One Sector Study." At risk
2 neighborhoods are identified as being significantly impacted by at least two of the following
3 characteristics:

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

9 Lands zoned C1-A are the focus of the intensive public efforts, including periodic monitoring
10 of land uses, to minimize conversions from single-family to multi-family or office use, to stabilize
11 and enhance the residential quality of life, and to encourage single-family development and
12 conversion to single-family use.

13 B. Uses. Uses that may be permitted in the C1-A district are set forth in the table of uses for
14 residential districts in Chapter 21.48

15 C. Development Standards.

- 16 1. Chapter 21.50 contains the bulk regulations table for the C1-A district.
- 17 2. No single use of property may occupy more than two adjacent buildings.
- 18 3. All new construction including alterations (any change to the exterior of a structure) and
19 enlargements (changes made to increase the bulk of a structure) to existing structures
20 are subject to review by Department of Planning and Zoning in accordance with the
21 provisions of Chapter 21.22, Site Design Plan Review, and Chapter 21.56, Historic
22 District, if applicable.

23 D. Additional Standards. Reserved.

24 E. Uses Deemed Conforming.

- 25 1. Multi-family dwellings lawfully existing on June 20, 1994 are deemed conforming for the
26 purposes of condominium conversion regardless of lot area or parking requirements,
27 pursuant to Section 21.68.030 of this Zoning Code.
- 28 2. SINGLE-FAMILY ATTACHED DWELLINGS, LAWFULLY EXISTING ON JUNE 20,
29 1994, ARE DEEMED CONFORMING AND MAY BE EXPANDED, SUBJECT TO
30 COMPLIANCE WITH THE BULK REGULATIONS FOR SINGLE-FAMILY DETACHED
31 DWELLINGS IN THE C1A ZONING DISTRICT.

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

35 **ADOPTED** this _____ day of _____, _____.

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38 ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk

Michael J. Pantelides, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Staff Report

Ordinance O-1-14

Single-Family Attached Dwellings in C1A Special Conservation District

The proposed ordinance would deem conforming those single-family attached dwellings lawfully existing on June 20, 1994, in the C1A Special Conservation Residence District.

Prior to the adoption of the Ward One Sector Study, the historic core residential areas were zoned C1, Conservation Residence District. This district allowed single-family detached dwellings as a permitted use. Attached dwellings (two-family and up, including row houses) were allowed as conditional uses (now labeled a "special exception").

With the adoption of the Ward One Sector Study, some areas such as Fleet and Cornhill Streets, were zoned C1A, Special Conservation Residence District. The C1A district allows single-family detached dwellings as a permitted use, and two-family dwellings by special exception, except that existing two-family dwellings are deemed conforming for the purposes of expansion. Currently, single-family attached dwellings with more than two units (such as a row house block) were deemed nonconforming, meaning that they could be repaired or restored, but not expanded.

The ordinance is proposed in order to grant some relief to property owners of single-family attached structures that are seeking to expand their home. By deeming single-family attached structures conforming for the purposes of expansion, the City recognizes the legitimacy of existing single-family attached units while keeping historic densities by not allowing new housing other than single- and two-family structures. The right of expansion is already allowed for single- and two-family units, and the proposed ordinance would confer this right on townhouse and row house structures.

Prepared by Sally Nash, Acting Director of Planning and Zoning, at SNash@annapolis.gov and 410-263-7961 and Jessica Cowles, Legislative and Policy Analyst, at JCCowles@annapolis.gov and 410-263-1184.