

1 **..Title**

2 **Moderately Priced Dwelling Units – Density Bonus** – For the purpose of establishing
3 review criteria for the granting of any density bonus tolerance; clarifying planned
4 development requirements for buildings over forty-five feet.

5 **..Body**

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CITY COUNCIL OF THE
City of Annapolis

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Ordinance 44-18

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Introduced by: Alderman Arnett

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14 **Referred to**

15 Planning Commission
16 Rules and City Government Committee

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18

19 **AN ORDINANCE** concerning

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Moderately Priced Dwelling Units – Density Bonus

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FOR the purpose of establishing review criteria for the granting of any density bonus
24 tolerance; clarifying planned development requirements for buildings over forty-
25 five feet.

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BY repealing and re-enacting with amendments the following portions of the Code of
28 the City of Annapolis, 2018 Edition
29 20.30.160
30 21.38.030

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

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Title 20 – SUBDIVISIONS

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Chapter 20.30 - MODERATELY PRICED DWELLING UNITS

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Section 20.30.160 - Density bonus.

- 41 A. An applicant who complies with Section 20.30.050 of this chapter shall be entitled to
42 a density bonus for for-sale housing of fifteen percent above the maximum amount
43 permitted in a zone, provided that the development complies with all other
44 provisions of Title 21.
- 45 B. An applicant who complies with Section 20.30.050 of this chapter shall be entitled to
46 a density bonus for rental housing of ten percent above the maximum amount

1 permitted in a zone, provided that the development complies with all other
2 provisions of Title 21.

- 3 C. In order to effectuate the purpose of this chapter stated in Section 20.30.010(E) and
4 in order to ensure that the density bonuses established by Subsections A and B of this
5 section may be realized, the Director of the Department of Planning and Zoning ~~shall~~
6 may allow a tolerance up to twenty percent of the requirements in Title 21 that are
7 applicable to a development entitled to a density bonus, which requirements, may
8 include, but are not limited to, lot size, yards, height, building bulk, parking and
9 loading. The Director shall determine whether to grant a density bonus tolerance,
10 and the amount of any tolerance granted, based on the Director makes findings that
11 each of the following review criteria have been met:

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13 (1) the tolerance shall result in a building that is consistent with the scale, height,
14 bulk and character of other buildings in the surrounding community;
15 (2) the tolerance shall not be detrimental to the public welfare or injurious to other
16 buildings or improvements in the neighborhood in which the building is located;
17 and
18 (3) the tolerance shall not impair an adequate supply of light and air to adjacent
19 buildings, substantially increase the congestion of the public streets, increase the
20 danger of fire, endanger the public safety, or alter the essential character of the
21 neighborhood or district in which the building is located.

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23 D. The above Subsection C shall not apply in the Historic District.

24 E. An applicant who makes a contribution in lieu of developing MPDUs pursuant to
25 Section 20.30.060 shall not be entitled to a density bonus.

26 27 **TITLE 21 – PLANNING AND ZONING**

28 29 **Division III – BASE DISTRICT REGULATIONS**

30 **Chapter 21.38 – REGULATIONS APPLICABLE TO ALL DISTRICTS**

31 32 **Section 21.38.030 - Bulk regulations.**

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34 A. Bulk Regulations. Bulk regulation requirements for lots shall be as specified in the
35 bulk regulations tables for each zoning district in this division.
36 B. Minimum Lot Size and Width. No use shall be established or maintained after the
37 date of adoption of this Zoning Code on a lot recorded after the date of adoption of
38 this Zoning Code which is of less area or less width than prescribed in this Zoning
39 Code for the use in the zoning district in which it is to be located.
40 C. Building Conversions. No building shall be converted to conflict with, or further
41 conflict with, the lot size requirements of the district in which the building is located.
42 D. Historic District. In the historic district, height measurement and limits requirements
43 apply in addition to those listed in the bulk regulations tables.
44 E. Planned Development Required For Buildings Over Forty-Five Feet and/or Floor
45 Area Ratio Over Two. Unless otherwise specified in the development standards for
46 an individual zoning district, no new building or existing building which is later

1 altered, shall have a height in excess of forty-five feet, including any tolerance
2 allowed by the Director of the Department of Planning and Zoning pursuant to
3 subsection 21.30.160.C, or contribute to a floor area ratio on its zoning lot greater
4 than two unless the building is approved as a planned development in accordance
5 with Chapter 21.24. As used in this section, "floor area ratio" shall be calculated by
6 dividing the total floor area of the building or buildings on any zoning lot (including
7 the area of any above-grade off-street parking or loading facilities included in the
8 building or buildings) by the area of the zoning lot and without regard to "net site
9 area" or "gross development area" as those terms are used in connection with
10 planned developments and Chapter 21.24.

11 F. Established Front Yard. See illustration.

12 1. Purpose. The purpose of the established front yard regulation is to preserve
13 community character in specified zoning districts by ensuring that the front
14 yards of new buildings in these districts conform to the yards that have been
15 established by existing buildings.

16 2. Regulation. The following regulation only applies when indicated on the bulk
17 regulations table for the zoning district:

18 Notwithstanding the front yard requirements of the underlying zoning
19 district, where a new building is to be built and there is an established front yard,
20 as defined in this Zoning Code, the minimum front yard for the new building
21 shall be the established front yard.

22 3. Computation of Established Front Yard.

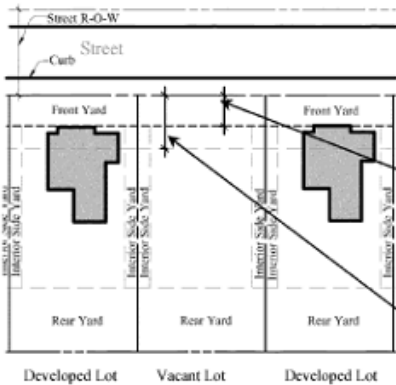
23 a. In computing the front yard for a new building only the established front
24 yards of the building or buildings adjoining the proposed new building need
25 be considered, excepting, however, in cases described in Subsection
26 (F)(3)(c) of this section.

27 b. In the case where a building is to be built and the established front yards on
28 both sides of the new building are different, the front yard of the new
29 building shall be the mid-point of a straight line connecting the nearest front
30 corners of the adjoining existing buildings.

31 c. In cases where it can be demonstrated that conformance with the average of
32 the established front yards of all buildings on one side of a block or street
33 would provide greater consistency with the purpose of this section, this
34 average yard may be used to establish the front yard for the new building. In
35 computing the average of the established front yards, except in the case of
36 four or fewer buildings, the largest and smallest yards shall be excluded.

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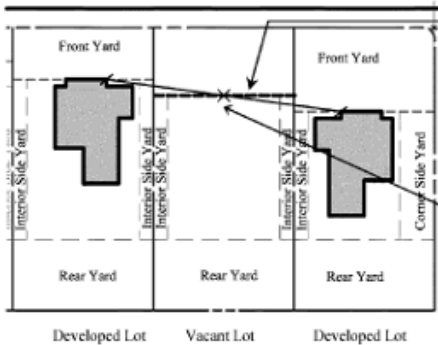
Illustration for Section 21.38.030.F. Established Front Yard



21.38.030.F.2 and 21.38.030.F.3.a
 The established front yard is established by buildings on developed lots. A building on an undeveloped lot may be built to the established front yard even though the resulting front yard is less deep than the front yard required in the zoning district.

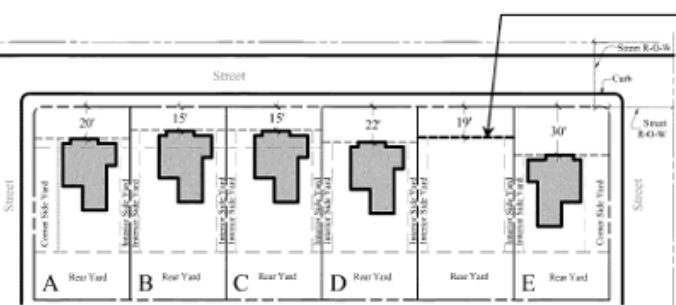
Established front yard for vacant lot. Existing buildings to either side have a smaller front yard than is required in the zoning district (buildings may predate zoning).

Front yard required by zoning district.



21.38.030.F.3.b
 In this case, the established front yards on the lots on both sides of the vacant lot are different. The front yard for the vacant lot is the midpoint of a line connecting the nearest front corners of the existing buildings.

Midpoint of line connecting nearest front corners of existing adjoining buildings.



Established front yard under 21.38.030.F.3.c

Lot	Existing Front Yard Depth	
A	20'	20'
B	15'	15'
C	15'	45'
D	22'	22'
E	30'	30'
Average	20.4'	19'

In this case, conformance with the average of the established front yards of all buildings provides greater consistency with community character. Computation under 21.38.030.F.3.b would result in a front yard for a new building of 24 feet. Computation under 21.38.030.3c uses the average of the front yards on the side of the block resulting in a front yard for a new building of 20.4 feet. Because in this example there are more than four buildings on the side of the block, the largest and smallest yards (15' and 30') are excluded resulting in a front yard for a new building of 19 feet.

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G. Accessory Buildings.

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1. Accessory Buildings Attached to Principal Buildings. Accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.

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2. Percentage of Required Yard. No detached accessory building or buildings shall occupy more than fifty percent of the area of a required yard.

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3. Height. No detached accessory building or structure shall exceed the height of the principal building or structure.

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4. Separation Between Buildings. Detached accessory buildings or structures shall be located no closer than three feet to any other accessory or principal building.

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5. Reversed Corner Lots.

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- 1 a. On a reversed corner lot in a residential district, and within fifteen feet of
- 2 any adjacent property to the rear in a residential district, no accessory
- 3 building or portion of an accessory building located in a required rear yard
- 4 shall be closer to the side lot line abutting the street than a distance equal to
- 5 two-thirds of the least depth which would be required under this title for the
- 6 front yard on the adjacent property to the rear.
- 7 b. No accessory buildings shall be located within five feet of any part of a rear
- 8 lot line which coincides with the side lot line or portion of the side lot line
- 9 of property in a residence district.
- 10 c. No accessory building shall be erected in or encroach upon the required side
- 11 yard of a corner lot which is adjacent to the street, or upon the required side
- 12 yard of a reversed corner lot which is adjacent to the street.
- 13 H. Setback Along Roscoe Rowe Boulevard. To protect the scenic approach to
- 14 Annapolis, all buildings, structures and uses established along Roscoe Rowe
- 15 Boulevard shall observe a setback of not less than seventy-five feet from the right-of-
- 16 way line of the boulevard.

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20 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY**

21 **THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date

22 of its passage.

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25 **EXPLANATION**

26 Underlining indicates matter added to existing law.

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

28 Double Underlining indicates amendments.

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