

1 **..Title**

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

7 **..Body**

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10 **CITY COUNCIL OF THE**
11 **CITY OF ANNAPOLIS**

12
13 **Ordinance 11-19**

14
15 **Introduced by: Alderman Arnett**

16
17 **Referred to**
18 **Planning Commission**
19 **Rules and City Government Committee**

20
21 **AN ORDINANCE** concerning

22
23 **R2-NC District – Demolitions**

24
25 **FOR** the purpose of requiring a structural analysis prior to demolition of a residential structure
26 or building in the R2-NC, Single-Family Residential Neighborhood Conservation District;
27 requiring execution of a contract between the city and a structural engineer prior to
28 demolition; and generally relating to the demolition of a residential structure or building in
29 the R2-NC District.

30
31 **BY** repealing and re-enacting with amendments the following portions of the Code of the
32 City of Annapolis, 2019 Edition
33 21.40.060

34
35
36 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
37 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

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39 **TITLE 21 – PLANNING AND ZONING**
40 **Division III – Base District Regulations**
41 **Chapter 21.40 – Residential Districts**

42
43 **21.40.060 - R2-NC Single-Family Residence Neighborhood Conservation district.**

44
45 A. Purpose. The purpose of the R2-NC Single-Family Residence Neighborhood Conservation
46 district is to preserve patterns of design and development in residential neighborhoods

1 characterized by a diversity of styles and to ensure the preservation of a diversity of land uses,
 2 together with the protection of buildings, structures or areas the destruction or alteration of
 3 which would disrupt the existing scale and architectural character of the neighborhoods. The
 4 general ~~purpose includes~~ PURPOSES INCLUDE:

- 5
- 6 1. Protection of the architectural massing, composition and styles as well as neighborhood
- 7 scale and character;
- 8 2. Compatibility of new construction and structural alterations with the existing scale and
- 9 character of surrounding properties;
- 10 3. Encouragement of existing types of land uses that reflect the mixture and diversity of uses
- 11 that have historically existed in the community; and
- 12 4. Preservation of streetscapes.
- 13

14 B. Uses. Uses that may be permitted in the R2-NC Single-Family Residence Neighborhood
 15 Conservation district are set forth in the table of uses for residential districts in Chapter 21.48.

16
 17 C. Development Standards.

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- 19 1. Chapter 21.50 contains the bulk regulations table for the R2-NC Single-Family Residence
- 20 Neighborhood Conservation district.
- 21 2. Site Design Plan Review.
- 22

23 a. Except as provided in Subsection (C)(2)(b) of this section, new construction
 24 including new buildings, enlargements to building size or bulk, or structural
 25 alterations to existing structures which have an impact upon any exterior façade of a
 26 structure or building are subject to review and approval, with emphasis placed on
 27 façades visible from the public view, by the Department of Planning and Zoning in
 28 accordance with the provisions of Chapter 21.22, Site Design Plan Review.

29 b. ~~Any new structure~~ NEW STRUCTURES, enlargements ENLARGEMENT TO A
 30 STRUCTURE, ~~OR~~ AND structural alterations to building size or bulk of existing
 31 structures which results in the structure or building being in excess of three thousand
 32 two hundred fifty square feet of floor area ~~is~~ ARE subject to public hearing, review
 33 and approval by the Planning Commission. The three thousand two hundred fifty
 34 square foot figure does not include square footage in basements that are fifty percent
 35 or more under ground, uninhabitable attic space or accessory structures. Those
 36 structures or buildings that are already in excess of three thousand two hundred fifty
 37 square feet or have site design review approval as of November 14, 2005, may be
 38 rebuilt to the same square footage as long as the design is reviewed and approved by
 39 the Planning Commission.

40 c. The following guidelines shall be applied at the time of site design plan review, shall
 41 control in the event of conflict with the provisions of Chapter 21.22, and shall be
 42 applied to all uses in the R2-NC district. No design plans shall be approved by the
 43 Department of Planning and Zoning until findings consistent with THE
 44 FOLLOWING ~~these~~ guidelines have been made:

- 45
- 46 i. ~~Where~~IF new buildings, structures, structural alterations or structural
 47 rehabilitations, enlargements or reductions are proposed, their design shall be

1 compatible with the historic character and design of the area and shall promote
 2 the existing spatial and visual qualities in the R2-NC area, including height and
 3 scale of buildings, orientation, spacing, site coverage, and exterior features such
 4 as porches, roof pitch and direction and landscaping.

- 5 ii. All STRUCTURES AND buildings shall observe the established, historic front
 6 setbacks and building heights pursuant to Section 21.50.050, if any, for the block
 7 on which they are proposed.
- 8 iii. All new structures ~~or~~ AND buildings, enlargement of existing structures or
 9 buildings and all substantial rehabilitation, reduction ~~and/or~~ alteration of
 10 existing structures or buildings shall have bulk, massing and scale similar to the
 11 structures OR BUILDINGS on the block face.
- 12 iv. The proposed alterations or new construction shall preserve and enhance the
 13 vernacular streetscape of the neighborhood.
- 14 v. Exterior structural alterations to historic and contributing structures OR
 15 BUILDINGS along the street frontage shall be kept to a minimum.
- 16 vi. Design for new construction and enlargements to all existing STRUCTURES
 17 OR buildings ~~or structures~~ in the R2-NC DISTRICT area shall conform to the
 18 guidelines for the relation of proposed structures to adjacent developments
 19 established in Section 21.62.020 and shall be compatible with the distinguishing,
 20 contributing characteristics of the majority of surrounding properties on the
 21 block face.
- 22 vii. In cases where approval of an application is dependent upon preserving all or
 23 part of an existing structure OR BUILDING, and its structural integrity is in
 24 question, the Director of Planning and Zoning ~~may~~ SHALL require a structural
 25 analysis of ~~a~~ THE STRUCTURE OR building, by a ~~registered~~ structural
 26 engineer, to EVALUATE THE SUFFICIENCY OF THE LOAD PATH FOR A
 27 PROPOSED ALTERATION OR DEMOLITION PLAN. ~~determine if it is~~
 28 ~~sound and not a threat to public health and safety before site design approval is~~
 29 ~~granted.~~

30 3. Demolitions.

- 31 a. The Planning and Zoning Director shall review and decide all applications for
 32 demolition of ~~buildings or~~ structures OR BUILDINGS, pursuant to Chapter 21.14,
 33 Demolition Permits.
- 34 B. BEFORE THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE A
 35 REQUEST FOR A PROPOSED DEMOLITION, THE DIRECTOR SHALL
 36 REQUIRE A STRUCTURAL ANALYSIS OF THE STRUCTURE OR
 37 BUILDING, BY A STRUCTURAL ENGINEER, IN ACCORDANCE WITH
 38 SUBPARAGRAPH (C) HEREIN, TO EVALUATE THE SUFFICIENCY OF THE
 39 LOAD PATH FOR A PROPOSED ALTERATION OR DEMOLITION PLAN.
- 40 Cb. In addition to MAKING WRITTEN FINDINGS ADDRESSING the Review Criteria
 41 in Section 21.14.040, the Director of Planning and Zoning shall make additional
 42 written findings based on the following:
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- 1 i. Loss of the structure or building would not be adverse to the R2-NC district
2 or the public interest by virtue of the ~~structure's~~ uniqueness or contribution
3 OF THE STRUCTURE OR BUILDING to the significance of the R2-NC
4 district;
- 5 ii. The proposed demolition would not have an adverse effect on the design and
6 historic character of the structure OR BUILDING and surrounding
7 environment of the R2-NC district;
- 8 iii. Demolition is not for the purposes of assembling properties for the
9 construction of a large-scale structure OR BUILDING, if such assemblage is
10 determined to be incompatible with the purposes and intent of the R2-NC
11 district;
- 12 iv. The replacement structure or BUILDING OR parts of the structure OR
13 BUILDING ~~is~~ARE designed and sited in a fashion that reflects the
14 compatibility objectives of this chapter;
- 15 v. A ~~The~~ proposed ~~partial~~ demolition WOULD ~~will~~ not impact the stability or
16 structural integrity of the remaining portions of the structure and appropriate
17 measures are proposed to stabilize the building during demolition and
18 construction. ~~In the case of total demolition, a structural analysis and~~
19 ~~evaluation has been conducted and determined the building to be unsound~~
20 ~~and is a threat to the public health and safety. The department of planning~~
21 ~~and zoning may require that such an evaluation be prepared by a certified~~
22 ~~structural engineer at the applicant's cost;~~
- 23 ~~vi. In order to approve any demolition request, the Director of Planning and~~
24 ~~Zoning may require a structural analysis of a structure or building, by a~~
25 ~~registered structural engineer, to determine if it is sound and not a threat to~~
26 ~~public health and safety before a demolition is authorized.~~

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28 D. PROCEDURES FOR THE PREPARATION OF A STRUCTURAL
29 ANALYSIS.

- 30
31 i. THE DEPARTMENT OF PLANNING AND ZONING SHALL PREPARE
32 A SCOPE OF SERVICES FOR A STRUCTURAL ANALYSIS AND
33 SOLICIT A COST ESTIMATE FROM AT LEAST TWO STRUCTURAL
34 ENGINEERS FOR THE PREPARATION OF THE ANALYSIS.
- 35 ii. THE APPLICANT SHALL REMIT TO THE DEPARTMENT OF
36 PLANNING AND ZONING, UPON NOTICE FROM THE DIRECTOR,
37 FUNDS FOR THE COMPLETION OF THE STRUCTURAL ANALYSIS
38 IN AN AMOUNT DETERMINED BY THE DIRECTOR TO BE
39 SUFFICIENT TO PAY FOR THE STRUCTURAL ANALYSIS.
- 40 iii. IF THE COST OF THE STRUCTURAL ANALYSIS EXCEEDS THE
41 FUNDS THAT THE APPLICANT HAS REMITTED TO THE
42 DEPARTMENT OF PLANNING AND ZONING, THE DIRECTOR MAY
43 WITHHOLD RELEASE OF THE STRUCTURAL ANALYSIS OR
44 APPROVAL OF AN APPLICATION UNTIL FULL PAYMENT IS
45 REMITTED.
- 46 iv. THE DEPARTMENT OF PLANNING AND ZONING SHALL
47 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.

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

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EXPLANATION

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.