



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

Chartered 1708

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March 23, 2021

MEMORANDUM

To: Planning Commission
From: Sally Nash, Ph.D., AICP, Director of Planning and Zoning
Re: Ordinance 0-1-21: R4 Bulk Regulations - R4 and R4-R Residential Zoning Districts (ZTA2021-004) - For the purpose of correcting conflicts in the bulk regulations table and the table notes related to attached single family and multifamily dwelling units.
Encl: O-1-21

ARN

Purpose

Currently, Section 21.50.100 - Bulk Regulations Table R4 District and Section 21.50.110 - Bulk Regulations Table R4-R District do not list a minimum lot size in the table for multifamily dwelling or single family attached (townhomes) dwellings. In place of a minimum in the table cell, there is Footnote 2 that states:

The minimum total zoning lot area is four thousand eight hundred square feet. If seventy-five percent or more of the required off-street parking spaces are provided underground or within a structure, the minimum lot area shall be one thousand square feet per dwelling unit.

However, a technical problem arises in some situations when the first and second part of Footnote 2 are applied to single family attached dwellings. The second part of the footnote means that if a multifamily or townhome development provides underground or structured parking, such as a parking garage, they are allowed a smaller density per unit. This is to encourage structured parking and it also recognizes that if separate space is devoted to structured parking, less space is needed for each individual use to devote to a car or two.

If structured parking is provided currently for single family attached units, the minimum lot size of 4,800 sq. ft. prevents single family attached lots from taking advantage of the smaller density. Therefore, there is a contradiction between the density allowed and the minimum lot size.

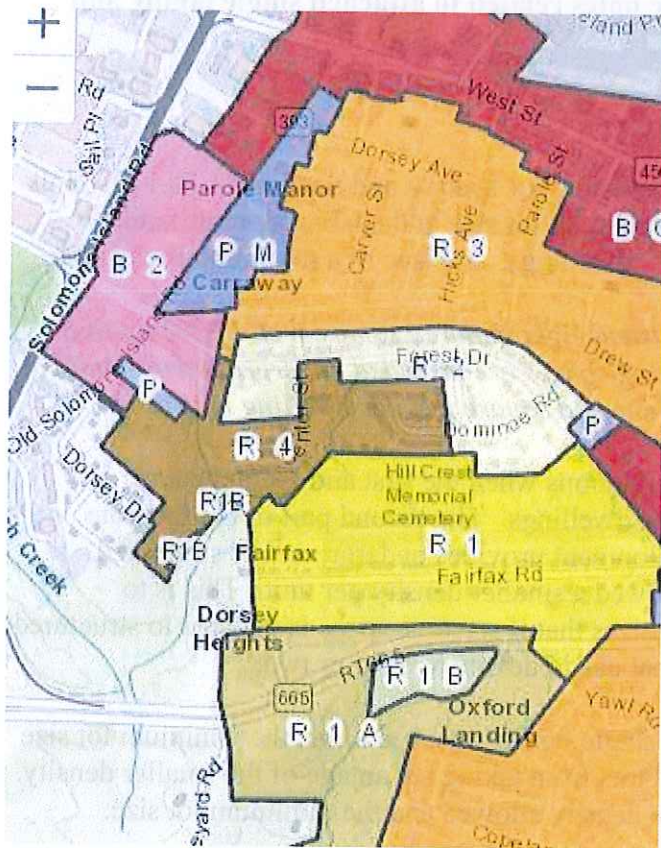
Analysis

This ordinance proposes that the minimum lot size be placed in the table cell for "multifamily dwelling," which will, by definition, have several units on one parcel of land. It then removes this first part of Footnote 2, so that only the second part applies to both multifamily and single family attached units. This will eliminate the conflict between the two parts of the current footnote.

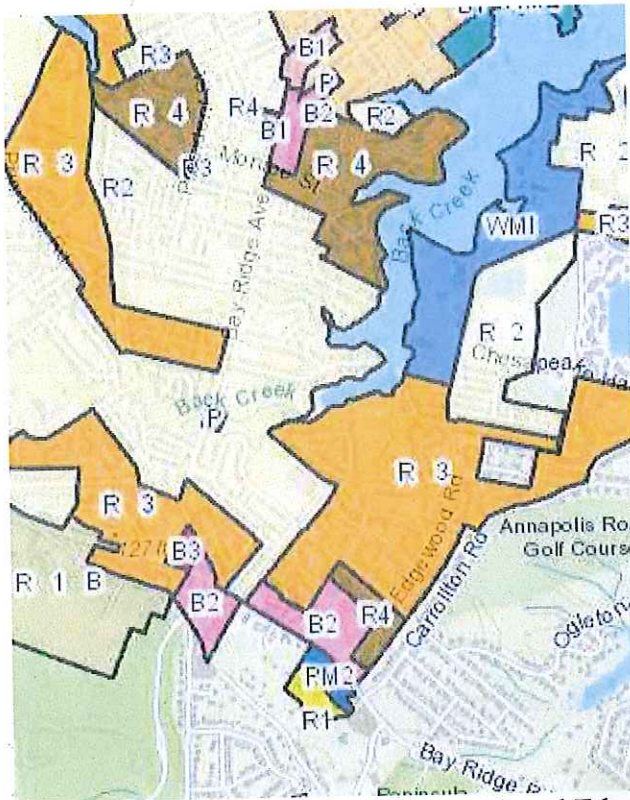
The R4 District is the "General Residence" District and R4-4 is the "General Residence Neighborhood Revitalization" District. The purpose of the R4 district, per Section 21.40.110 of the City Code is to provide "for single-family detached dwellings at up to nine dwelling units per acre and other uses compatible with these neighborhoods of the City including apartment hotels,

and single-family attached and multi-family dwelling units.” The purpose of the R4-R district is “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. The general purpose is also intended to: 1. Preserve, protect and enhance streetscapes and structures; 2. Encourage new construction, or alterations which are compatible with the existing scale and character of surrounding properties; and 3. Encourage the rehabilitation and continued use of existing buildings rather than their demolition” (Section 21.40.120).

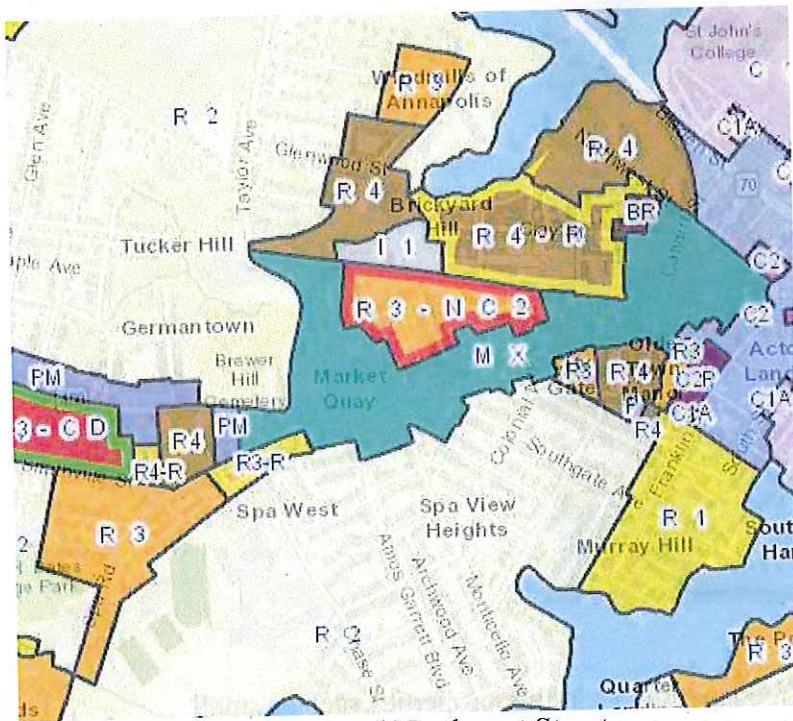
The maps below show the locations of R4 and R4-R in the City.



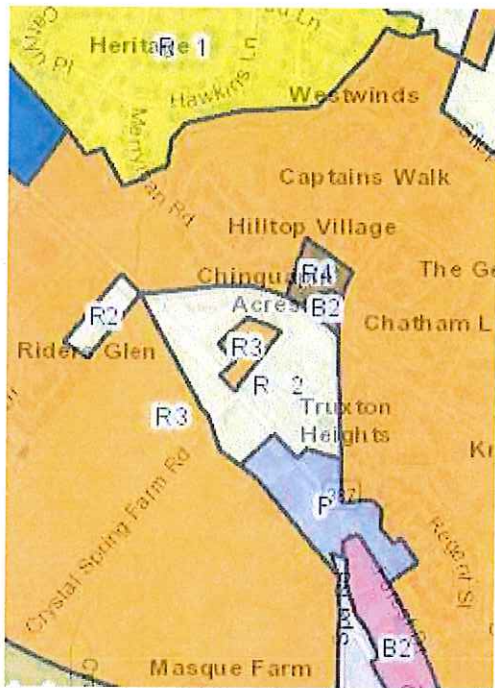
Forest Drive Near Old Solomon's Island Road



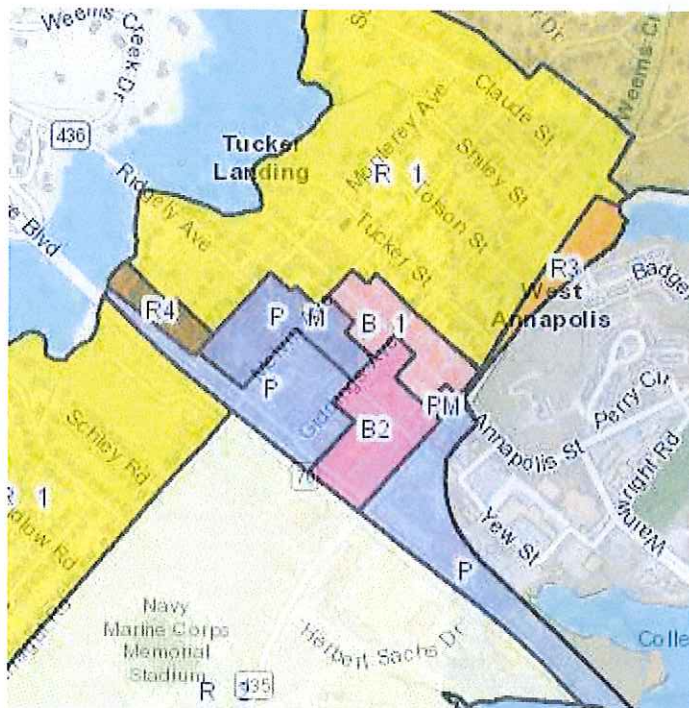
Bay Ridge Road (including Watergate) and Edgewood Road



West Street, Clay Street, and Northwest Street



Spa Road and Forest Drive



Rowe Boulevard

The proposed ordinance does not affect apartments, rather properties such as small townhome developments where each unit has its own lot. With the proposed change,

small townhome developments would be able to take advantage of the density bonus for providing structured parking.

Report Prepared by

A handwritten signature in black ink, appearing to read "Sally Nash", written over a horizontal line.

Sally Nash, Ph.D., AICP
Director of Planning and Zoning

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1 **..Title**
 2 **Bulk Regulations - R4 and R4-R Residential Zoning Districts** - For the purpose of correcting
 3 conflicts in the bulk regulations table and the table notes related to attached single family and
 4 multifamily dwelling units.

5 **..Body**

6 **CITY COUNCIL OF THE**
 7 **City of Annapolis**

8 **Ordinance O-1-21**

9
 10
 11 **Introduced by: Alderwoman Finlayson**
 12 **Co-sponsored by: Alderman Schandelmeier**

13
 14 **Referred to:**
 15 **Planning Commission**
 16 **Rules and City Government Committee**

17 **AN ORDINANCE** concerning

18 **Bulk Regulations - R4 and R4-R Residential Zoning Districts**

19
 20
 21
 22 **FOR** the purpose of correcting conflicts in the bulk regulations table and the table notes related
 23 to attached single family and multifamily dwelling units.

24
 25 **BY** repealing and reenacting with amendments the following portions to the Code of the City
 26 of Annapolis, 2021 Edition
 27 21.50.100
 28 21.50.110

29
 30
 31 **WHEREAS,** the density restrictions for single-family attached and multifamily dwellings in the
 32 R4 and R4-R zones provide for a minimum of either 1,700 square feet of lot area
 33 per dwelling or 1,000 square feet of lot area per dwelling if 75% of required parking
 34 is provided in structured parking; and

35
 36 **WHEREAS,** the R4 and R4-R bulk regulations tables do not currently include a minimum lot
 37 size for single-family attached and multifamily dwellings within the tables
 38 themselves; and

39
 40 **WHEREAS,** table notes ‘2’ in the R4 and R4-R bulk regulations tables, which provide for higher
 41 densities in the case of structured parking also state a minimum zoning lot size of
 42 4,800 square feet for both single-family attached and multifamily dwellings; and

43
 44 **WHEREAS,** the minimum lot width for single-family attached dwellings is 16 feet and the
 45 minimum lot width for multifamily dwellings is 40 feet; and

46

1 **WHEREAS**, the definition of single-family attached dwellings requires a minimum of two
 2 dwelling units and the definition of multi-family dwellings requires a minimum of
 3 three dwelling units; and
 4

5 **WHEREAS**, the minimum lot size stated in the table notes ‘2’ in the R4 and R4-R bulk
 6 regulations tables is in conflict with the minimum density and lot width for single-
 7 family attached dwellings stated in the bulk regulations tables; and
 8

9 **WHEREAS**, the minimum zoning lot requirements stated in table notes ‘2’ in the R4 and R4-R
 10 bulk regulations tables is unnecessary or redundant and creates confusion for
 11 interpretation of the bulk regulations tables; and
 12

13 **WHEREAS**, the City Council wishes to correct the unintentional application of a minimum lot
 14 size for attached single family dwellings which is inconsistent with the minimum
 15 lot width and density provisions for the same, and to improve the clarity and
 16 consistency of the R4 and R4-R bulk regulation tables.
 17
 18

19 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
 20 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
 21

22 **BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of
 23 Annapolis shall be amended as follows:
 24

25 **TITLE 21 – PLANNING AND ZONING**
 26 **Chapter 21.50 – BULK REGULATION TABLES**
 27 **Section 21.50.100 - Bulk Regulations Table R4 District.**
 28

29 **Important.** The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum) Area (sq. ft. or acres) ¹	Lot Dimensions (minimum) Width (ft)	Yards (minimum) Front (ft)	Yards (minimum) Interior Side (ft) ¹²	Yards (minimum) Corner Side (ft) ¹²	Yards (minimum) Rear (ft)	Height, Coverage, Floor Area Ratio (maximum) Height, (stories and feet)	Height, Coverage, Floor Area Ratio (maximum) Lot Coverage, (percent)	Height, Coverage, Floor Area Ratio (maximum) Floor Area Ratio	Open Space (minimum, percent)
Dwellings, multifamily	1,700 ²	4,800	40	20 ³	5 ⁴	10 ⁵	30			2.0 ^{6,9}	
Dwellings, single-family attached	1,700 ²		16	20 ³		10 ⁵	30			2.0 ^{6,9}	
Dwellings, single-		4,800	40	15	5	15	30	2.5 stories not to		1.0 ⁹	

family detached								exceed 35 feet			
Dwellings, two-family		4,800 ¹¹	40 ¹¹	20 ³	5 ⁴	10 ⁵	30	2.5 stories not to exceed 35 feet		1.0 ⁹	

- 1 Table Notes:
- 2 1 Where the front, side or rear lot line of a residential lot adjoins an accessible and usable
- 3 common or public open space which is at least five acres in area and of a depth perpendicular to
- 4 the lot line of not less than two hundred feet, the required area may be reduced by twenty
- 5 percent.
- 6 ~~2 The minimum total zoning lot area is four thousand eight hundred square feet. If seventy-five~~
- 7 ~~percent or more of the required off-street parking spaces are provided underground or within a~~
- 8 ~~structure, the minimum lot area shall be one thousand square feet per dwelling unit.~~
- 9 3 Plus one foot for each three feet by which the building width exceeds forty feet.
- 10 4 Unless the building height exceeds twenty-five feet, in which case the interior side yards shall
- 11 equal one-fifth the building height. Buildings fifty feet or more in overall width, as projected
- 12 upon the front lot line, shall have side yards not less than ten percent of the building width or
- 13 twenty percent of the building height, whichever is greater.
- 14 5 Buildings fifty feet or more in overall width, as projected upon the front lot line, shall have
- 15 corner side yards not less than twenty-five percent of the building width or thirty percent of the
- 16 building height, whichever is greater.
- 17 6 If seventy-five percent or more of the required off-street parking spaces are provided
- 18 underground or in a structure, the maximum allowable floor area ratio is 2.2.
- 19 7 Plus one foot for each two feet by which the building height exceeds fifteen feet.
- 20 8 Unless the entire structure is located on the rear twenty-five percent of the lot, in which case
- 21 only two feet is required. See illustration at Section 21.60.100.
- 22 9 Where the front, side or rear lot line of a residential lot adjoins an accessible and usable
- 23 common or public open space which is at least five acres in area and of a depth perpendicular to
- 24 the lot line of not less than two hundred feet, the floor area ratio may be increased by twenty
- 25 percent.
- 26 10 As specified by the decision-making body or official through the zoning decision-making
- 27 process set forth in Division II, Administration.
- 28 11 If the lot is to be subdivided, a minimum lot area of two thousand four hundred square feet
- 29 and a minimum lot width of thirty feet per dwelling unit shall be provided.
- 30 12 In the case of resubdivision of improved zoning lots, side yard requirements do not apply
- 31 between attached buildings.

32

33

34 **Section 21.50.110 - Bulk Regulations Table R4-R District.**

35

36 **Important.** The notes at the end of the table are as much a part of the law as the table itself.

37

Permitted uses, special exception	Density, (maximum, expressed as	Lot Dimensions (minimum) Area	Lot Dimensions (minimum) Width (ft)	Yards (minimum) Front (ft) ¹²	Yards (minimum) Interior Side (ft) ¹³	Yards (minimum) Corner Side (ft)	Yards (minimum) Rear (ft) ¹⁵	Height, Coverage, Floor Area	Height, Coverage, Floor Area Ratio	Height, Coverage, Floor Area Ratio	Open Space (minimum, percent)
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uses, and uses subject to specific standards	minimum sq. ft. of lot area per dwelling unit)	(sq. ft. or acres) ¹						Ratio (maximum) Height, (stories and feet) ¹⁶	(maximum) Lot Coverage, (percent)	(maximum) Floor Area Ratio
Dwellings, multifamily	1,700 ²	4,800	40	20 ³	5	¹⁴	30			2.0 ^{6,9}
Dwellings, single-family attached	1,700 ²		16	20 ³		¹⁴	30			2.0 ^{6,9}
Dwellings, single-family detached		4,800	40	15	5	¹⁴	30	2.5 stories not to exceed 35 feet		1.0 ⁹
Dwellings, two-family		4,800 ¹¹	40 ¹¹	20 ³	5	¹⁴	30	2.5 stories not to exceed 35 feet		1.0 ⁹

1 Table Notes:

2 1 Where the front, side or rear lot line of a residential lot adjoins an accessible and usable
3 common or public open space which is at least five acres in area and of a depth perpendicular to
4 the lot line of not less than two hundred feet, the required area may be reduced by twenty
5 percent.

6 2 ~~The minimum total zoning lot area is four thousand eight hundred square feet.~~ If seventy-five
7 percent or more of the required off-street parking spaces are provided underground or within a
8 structure, the minimum lot area shall be one thousand square feet per dwelling unit.

9 3 Plus one foot for each three feet by which the building width exceeds forty feet.

10 4 Unless the building height exceeds twenty-five feet, in which case the interior side yards shall
11 equal one-fifth the building height. Buildings fifty feet or more in overall width, as projected
12 upon the front lot line, shall have side yards not less than ten percent of the building width or
13 twenty percent of the building height, whichever is greater.

14 5 Buildings fifty feet or more in overall width, as projected upon the front lot line, shall have
15 corner side yards not less than twenty-five percent of the building width or thirty percent of the
16 building height, whichever is greater.

17 6 If seventy-five percent or more of the required off-street parking spaces are provided
18 underground or in a structure, the maximum allowable floor area ratio is 2.2.

19 7 Plus one foot for each two feet by which the building height exceeds fifteen feet.

20 8 Unless the entire structure is located on the rear twenty-five percent of the lot, in which case
21 only two feet is required. See illustration at Section 21.60.100.

22 9 Where the front, side or rear lot line of a residential lot adjoins an accessible and usable
23 common or public open space which is at least five acres in area and of a depth perpendicular to
24 the lot line of not less than two hundred feet, the floor area ratio may be increased by twenty
25 percent.

26 10 As specified by the decision-making body or official through the zoning decision-making
27 process set forth in Division II, Administration.

28 11 If the lot is to be subdivided, a minimum lot area of two thousand four hundred square feet
29 and a minimum lot width of thirty feet per dwelling unit shall be provided.

1 12 i. The front yard for principal uses shall be the lesser of the minimum specified in the table or
2 the established front yard pursuant to Chapter 21.38.

3 ii. Building additions may maintain the front yard of the existing structure.

4 iii. If a structure is demolished for the purposes of new construction, the new structure must
5 maintain either the front yard of the previously demolished structure or the front yard as required
6 under subsection (i) of this note.

7 13 Rearward building additions may maintain the side yard of an existing structure, except that
8 if such addition will impair an adequate supply of light and air to adjacent property or will
9 impede the exterior maintenance of adjacent property, the minimum side yard set forth in the
10 table shall be provided.

11 14 Corner side yards are not required, except in the case where there is an established front yard
12 in the remainder of the block. In such cases, the corner side yard shall be provided in accordance
13 with the established-front-yard regulations pursuant to Chapter 21.38.

14 15 Building additions may maintain the rear yard of an existing structure except that if such
15 addition will impair an adequate supply of light and air to adjacent property or will impede the
16 exterior maintenance of adjacent property, the minimum rear yard set forth in the table shall be
17 provided.

18 16 i. Except as provided in subsections (ii) and (iii) of this note, no building shall exceed the
19 lesser of either the maximum height in the bulk regulations table or the average height of all
20 structures on the block face.

21 ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no
22 structure is extant, behind the average front setback of ridgelines on the block face, may maintain
23 the height limitation in the bulk regulations table.

24 iii. The Director of Planning and Zoning may grant a ten percent adjustment to the average
25 height of all structures on the block face in subsection (i) of this note, pursuant to the procedures
26 set forth in Chapter 21.18 of this Zoning Code. This adjustment shall not be construed to permit
27 buildings greater in height than the maximum height allowed in the district.

28 17 i. Within two feet of any property line except rear property lines adjacent to an alley:
29 maximum cornice height of eight feet and maximum ridge height of sixteen feet. The cornice
30 height may be increased to ten feet and the ridge height to twenty feet upon findings by the
31 Planning and Zoning Director that a) physical constraints exist or that the allowance is necessary
32 in order to achieve compatible design, and b) the purpose of this Zoning Code will not be
33 jeopardized.

34 ii. The cornice and ridge heights of an accessory structure may increase one foot for each one
35 foot of additional setback beyond two feet up to a maximum height of two stories and/or a
36 cornice height of sixteen feet and a ridge height of compatible design.

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38
39 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
40 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

41
42 **EXPLANATION**

43 UPPERCASE indicates matter added to existing law.

44 [~~Strikethrough~~] indicates matter stricken from existing law.

45 **Underlining** indicates amendments.

46



FISCAL IMPACT NOTE

Ordinance: O-1-21

Title: Bulk Regulations – R4 and R4-R Residential Zoning Districts

Date: February 10, 2021

This ordinance corrects conflicts in the bulk regulations table and the table notes related to attached single family and multifamily dwelling units. It has no fiscal impact.

Prepared by Katie Connolly, Budget Analyst