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**..Title**  
**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.

**..Body**

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 9-21**

**Introduced by: Alderman Schandelmeier  
Co-Sponsored by: Alderman Gay**

**Referred to  
Planning Commission  
Rules and City Government Committee  
Economic Matters Committee  
Housing and Human Welfare Committee  
180 Day Rule: \_\_\_\_\_**

**AN ORDINANCE** concerning

**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.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition  
21.08.050  
21.38.020  
21.48.010

**BY** adding and renumbering the following portions to the Code of the City of Annapolis, 2021 Edition  
21.64.005  
21.64.010

**WHEREAS,** accessory dwelling units provide a source of affordable housing, housing for aging and young adult family members; and

1 **WHEREAS**, accessory dwelling units provide a supplemental source of income to City  
2 home owners, encourage neighborhood investment, and facilitate home  
3 ownership for those with lower incomes; and  
4

5 **WHEREAS**, the City Code currently provides restrictions on bulk regulations, lot  
6 coverages, parking requirements; and  
7

8 **WHEREAS**, amendments to the City Code are needed to allow use of the structures  
9 already permitted by the City Code for use as accessory dwelling units.  
10

11  
12 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**  
13 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as  
14 follows:  
15

16 **TITLE 21 – PLANNING AND ZONING**

17 **Chapter 21.08 – DECISION MAKING BODIES AND OFFICIALS**

18 **Section 21.08.050 – Planning and Zoning Director.**  
19

20 A. Establishment. The position of Planning and Zoning Director is established as the  
21 manager of the Department of Planning and Zoning, with the authority to administer  
22 and enforce this Zoning Code.  
23

24 B. Duties. The Planning and Zoning Director may delegate zoning administration and  
25 enforcement responsibilities to any deputy director, assistant director, or staff member  
26 of the Department of Planning and Zoning, or other individual designated by the  
27 Director. The Planning and Zoning Director has the following powers and duties:  
28

- 29 1. Decide applications for demolition permits pursuant to the provisions of Chapter  
30 21.14.
- 31
- 32 2. Decide applications for administrative interpretations pursuant to the provisions  
33 of Chapter 21.16.
- 34
- 35 3. Decide applications for administrative adjustments pursuant to the provisions of  
36 Chapter 21.18.
- 37
- 38 4. Decide applications for major and minor site plan review pursuant to the  
39 provisions of Chapter 21.22.
- 40
- 41 5. Decide applications for extensions of planned developments pursuant to the  
42 provisions of Chapter 21.24.
- 43
- 44 6. Decide applications for determinations of nonconforming use status pursuant to  
45 the provisions of Chapter 21.68.  
46

- 1 7. Hear and decide applications for change of nonconforming use pursuant to the  
2 provisions of Chapter 21.68.
- 3
- 4 8. Conduct inspections of buildings, structures and use of land to determine  
5 compliance with the terms of this Zoning Code.
- 6
- 7 9. Take appropriate enforcement action with regard to alleged violations of this  
8 Zoning Code.
- 9
- 10 10. Maintain permanent and current records made under this Zoning Code, including,  
11 but not limited to, all maps, amendments, planned developments, special  
12 exceptions, variances, appeals, use permits and applications.
- 13
- 14 11. Provide and maintain public information related to this Zoning Code.
- 15
- 16 12. Certify adjustments to a zoning district line if more accurate parcel information  
17 such as a sealed survey plat or a recorded plat becomes available and evidence  
18 clearly indicates that the property boundary was intended to match the zoning  
19 district line. The director shall provide written notice to all owners of property  
20 who are impacted by the proposed line adjustment.
- 21
- 22 13. Initiate or direct from time to time a study of the provisions of this Zoning Code,  
23 and make reports or recommendations to the Planning Commission not less  
24 frequently than once a year.
- 25
- 26 14. Coordinate the exchange of information between the City's Department of  
27 Planning and Zoning and the Anne Arundel County School Board to facilitate  
28 accurate and timely data about school capacity of those Annapolis feeder system  
29 schools that serve the residents of the City of Annapolis.
- 30
- 31 15. Provide input into Anne Arundel County planning documents on school capacity  
32 and make necessary recommendations to Anne Arundel County regarding  
33 additional school facilities or capital improvements to existing facilities.
- 34
- 35 16. PROVIDE NOT LESS THAN ONCE A YEAR A REPORT TO THE  
36 PLANNING COMMISSION STATING THE NUMBER AND LOCATION OF  
37 ACCESSORY DWELLING UNITS THAT HAVE BEEN ESTABLISHED IN  
38 THE CITY.
- 39

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

41 **Section 21.38.020 – Uses.**

- 42
- 43 A. Types of Uses. The following uses of land as listed in this division, are permitted in  
44 the districts indicated under the conditions specified:
- 45 1. Permitted uses,

- 1        2. Special exception uses,
- 2        3. Uses subject to standards, and
- 3        4. Accessory uses.
- 4        B. Use of Land. No building or tract of land shall be devoted to any use other than those
- 5        listed in Subsection A of this section with the exception of the following:
- 6        1. Uses lawfully established on the date of adoption of this Zoning Code, and
- 7        2. Uses already lawfully established on or before the date of adoption of this Zoning
- 8        Code and rendered nonconforming by it. These uses are subject to Chapter 21.68.
- 9        C. Utility Lines and Fixtures Exempted. The following uses are exempted from the
- 10       provisions of this division and are permitted in any district: poles, wires, cables,
- 11       conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing
- 12       equipment for telephone or other communication systems, electric power, gas, water
- 13       and sewer lines.
- 14       Antennas and telecommunication facilities are not exempted. See regulations in
- 15       Division V.
- 16       ~~D. Use of Accessory Buildings For Living Purposes. No accessory building or structure~~
- 17       ~~constructed on any lot prior to the time of construction of the principal building to~~
- 18       ~~which it is accessory shall be used for living purposes.~~
- 19       ~~E~~D. Trailers. A trailer shall not be considered to be permissible as an accessory building.
- 20       ~~F~~E. Tents. No tent may be erected, used or maintained for living quarters or long term
- 21       storage.

**Chapter 21.48 – USE TABLES**

**Section 21.48.010 Table of Uses—Residential Zoning Districts.**

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
DWELLINGS, ACCESSORY	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std	S-Std	P-Std	P-Std	P-Std	S-Std	S-Std

REVISOR’S NOTE: In this section, the use “Dwellings, Accessory” is added.

No other changes are made.

1 **Chapter 21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS**

2 **Section ~~21.64.010~~ 21.64.005 - Purpose and application of standards.**

- 3
- 4 A. This chapter lists the standards that apply to uses listed as subject to standards in the  
5 use tables Chapter 21.48 of this Zoning Code.
- 6
- 7 B. In the case of a use requiring special exception approval, the standards for the use set  
8 forth in this chapter must be met in addition to the general standards for approving a  
9 special exception.

10

11 **SECTION 21.64.010 – ACCESSORY DWELLINGS.**

- 12
- 13 A. A MAXIMUM OF ONE ACCESSORY DWELLING UNIT MAY BE  
14 ESTABLISHED ON ANY ONE LOT.
- 15
- 16 B. AN ACCESSORY DWELLING UNIT MAY BE ESTABLISHED WITHIN A  
17 PRINCIPAL STRUCTURE OR WITHIN AN ACCESSORY STRUCTURE.
- 18
- 19 C. EACH ACCESSORY DWELLING UNIT SHALL HAVE ITS OWN SEPARATE  
20 INGRESS AND EGRESS.
- 21
- 22 D. THE MAXIMUM SIZE OF ANY ACCESSORY DWELLING UNIT IS 850  
23 SQUARE FEET OF LIVABLE SPACE.
- 24
- 25 E. ONE OFFSTREET PARKING SPACE IS REQUIRED FOR EVERY ACCESSORY  
26 DWELLING UNIT.
- 27
- 28 F. A RENTAL LICENSE FOR ANY ACCESSORY DWELLING UNIT IS REQUIRED  
29 IN ACCORDANCE WITH CHAPTER 17.44.
- 30
- 31 G. A SHORT-TERM RENTAL OPERATING LICENSE PURSUANT TO CHAPTER  
32 17.44 MAY NOT BE ISSUED FOR THE ACCESSORY DWELLING UNIT OR  
33 THE PRINCIPAL STRUCTURE.
- 34

35

36 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
37 **ANNAPOLIS CITY COUNCIL** that the Revisor’s Notes contained in this Ordinance are  
38 not law and may not be considered to have been enacted as a part of this Ordinance.

39

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

43

44 **EXPLANATION**

45 UPPERCASE indicates matter added to existing law.  
46 ~~Strikethrough~~ indicates matter stricken from existing law.

1

Underlining indicates amendments.