



Legislation Details (With Text)

**File #:** O-44-18      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 11/5/2018      **In control:** City Council

**On agenda:** 6/17/2019      **Final action:** 6/17/2019

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

**Sponsors:** Ross Arnett, Rob Savidge

**Indexes:** Housing and Human Welfare Committee, Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-44-18 MPDU Density Bonus Ordinance.pdf, 2. O-44-18 Staff Report and Fiscal Impact Note .pdf, 3. O-44-18 DPZ Staff Report to PC.pdf, 4. O-44-18 PC Findings.pdf, 5. O-44-18 Amendment 1 Finlayson Savidge Arnett.pdf, 6. O-44-18 SIGNED.pdf

Date	Ver.	Action By	Action	Result
6/17/2019	2	City Council	adopt on second reader	Pass
6/17/2019	2	City Council	amended	Pass
6/17/2019	2	City Council	adopt as amended	Pass
6/17/2019	2	City Council	adopt on third reader	Pass
6/11/2019	2	Rules & City Government Committee	amendment(s) approved	Pass
6/11/2019	2	Rules & City Government Committee	recommend with amendments	Pass
4/29/2019	2	City Council	declare the public hearing closed	
1/14/2019	1	City Council	adopt on first reader	Pass
1/14/2019	1	City Council		
1/14/2019	1	City Council	refer	
1/14/2019	1	City Council	refer	
1/14/2019	1	City Council	refer	

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

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 44-18**

**Introduced by: Alderman Arnett and Alderman Savidge**

**Referred to**

Planning Commission

Housing and Human Welfare Committee

Rules and City Government Committee

AN ORDINANCE concerning

**Moderately Priced Dwelling Units - Density Bonus**

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

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

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

**Title 20 - SUBDIVISIONS**

**Chapter 20.30 - MODERATELY PRICED DWELLING UNITS**

**Section 20.30.160 - Density bonus.**

- A. An applicant who complies with Section 20.30.050 of this chapter ~~shall be entitled to~~ MAY EARN a density bonus for for-sale housing of fifteen percent above the maximum amount permitted in a zone, provided that the development complies with all other provisions of Title 21.
- B. An applicant who complies with Section 20.30.050 of this chapter ~~shall be entitled to~~ MAY EARN a density bonus for rental housing of ten percent above the maximum amount permitted in a zone, provided that the development complies with all other provisions of Title 21.
- C. In order to effectuate the purpose of this chapter stated in Section 20.30.010(E) and in order to ensure that the density bonuses established by Subsections A and B of this section may be realized, the Director of the Department of Planning and Zoning ~~shall~~ may allow a tolerance up to twenty percent of the requirements in Title 21 that are applicable to a development entitled to a density bonus, which requirements, may include, but are not limited to, lot size, yards, height, building bulk, parking and loading. The Director shall determine whether to grant a density bonus tolerance, and the amount of any tolerance granted, based on his/her provided that the Director makes findings that each of the following review criteria have been met:
  - (1) the tolerance shall result in a building that is consistent with the scale, height, bulk and character of other buildings in the surrounding community;
  - (2) the tolerance shall not be detrimental to the public welfare or injurious to other buildings or improvements in the neighborhood in which the building is located; and
  - (3) the tolerance shall not impair an adequate supply of light and air to adjacent buildings, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or alter the essential character of the neighborhood or district in which the building is located.

- D. The above Subsection C shall not apply in the Historic District.
- E. An applicant who makes a contribution in lieu of developing MPDUs pursuant to Section 20.30.060 shall not be entitled to a density bonus.

## TITLE 21 - PLANNING AND ZONING

### Division III - BASE DISTRICT REGULATIONS

#### Chapter 21.38 - REGULATIONS APPLICABLE TO ALL DISTRICTS

##### Section 21.38.030 - Bulk regulations.

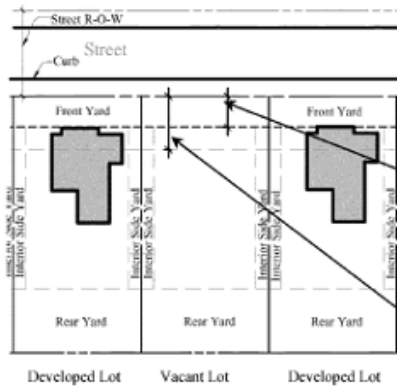
- A. Bulk Regulations. Bulk regulation requirements for lots shall be as specified in the bulk regulations tables for each zoning district in this division.
- B. Minimum Lot Size and Width. No use shall be established or maintained after the date of adoption of this Zoning Code on a lot recorded after the date of adoption of this Zoning Code which is of less area or less width than prescribed in this Zoning Code for the use in the zoning district in which it is to be located.
- C. Building Conversions. No building shall be converted to conflict with, or further conflict with, the lot size requirements of the district in which the building is located.
- D. Historic District. In the historic district, height measurement and limits requirements apply in addition to those listed in the bulk regulations tables.
- E. Planned Development Required For Buildings Over Forty-Five Feet and/or Floor Area Ratio Over Two. Unless otherwise specified in the development standards for an individual zoning district, no new building or existing building which is later altered, shall have a height in excess of forty-five feet, including any tolerance allowed by the Director of the Department of Planning and Zoning pursuant to subsection 21.30.160.C, or contribute to a floor area ratio on its zoning lot greater than two unless the building is approved as a planned development in accordance with Chapter 21.24. As used in this section, "floor area ratio" shall be calculated by dividing the total floor area of the building or buildings on any zoning lot (including the area of any above-grade off-street parking or loading facilities included in the building or buildings) by the area of the zoning lot and without regard to "net site area" or "gross development area" as those terms are used in connection with planned developments and Chapter 21.24.
- F. Established Front Yard. See illustration.
  - 1. Purpose. The purpose of the established front yard regulation is to preserve community character in specified zoning districts by ensuring that the front yards of new buildings in these districts conform to the yards that have been established by existing buildings.
  - 2. Regulation. The following regulation only applies when indicated on the bulk regulations table for the zoning district:

Notwithstanding the front yard requirements of the underlying zoning district, where a new building is to be built and there is an established front yard, as defined in this Zoning Code, the minimum front yard for the new building shall be the established front yard.
  - 3. Computation of Established Front Yard.
    - a. In computing the front yard for a new building only the established front yards of the building or buildings adjoining the proposed new building need be considered, excepting, however, in cases described in Subsection (F)(3)(c) of this section.
    - b. In the case where a building is to be built and the established front yards on both sides of the new building are different, the front yard of the new building shall be the mid-point of a straight line connecting the nearest front corners of the adjoining existing buildings.
    - c. In cases where it can be demonstrated that conformance with the average of the established front yards of all buildings on one side of a block or street would provide greater consistency with the

purpose of this section, this average yard may be used to establish the front yard for the new building. In computing the average of the established front yards, except in the case of four or fewer buildings, the largest and smallest yards shall be excluded.

[<./images/21-38-030.png>](#)

**Illustration for Section 21.38.030.F. Established Front Yard**

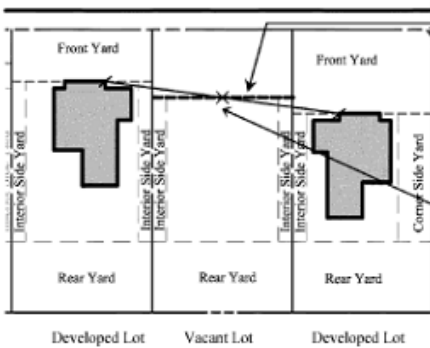


21.38.030.F.2 and 21.38.030.F.3.a

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).

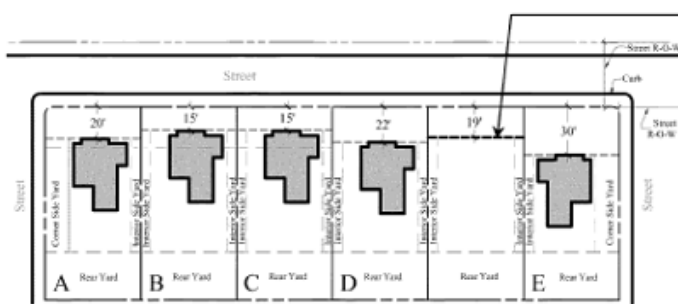
Front yard required by zoning district.



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'
<b>Average</b>	<b>20.4'</b>	<b>19'</b>

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.F.3.c 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.

**G. Accessory Buildings.**

1. Accessory Buildings Attached to Principal Buildings. Accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.
2. Percentage of Required Yard. No detached accessory building or buildings shall occupy more than fifty percent of the area of a required yard.
3. Height. No detached accessory building or structure shall exceed the height of the principal building or structure.
4. Separation Between Buildings. Detached accessory buildings or structures shall be located no closer than three feet to any other accessory or principal building.
5. Reversed Corner Lots.
  - a. On a reversed corner lot in a residential district, and within fifteen feet of any adjacent property to the rear in a residential district, no accessory building or portion of an accessory building located in a required rear yard shall be closer to the side lot line abutting the street than a distance

equal to two-thirds of the least depth which would be required under this title for the front yard on the adjacent property to the rear.

- b. No accessory buildings shall be located within five feet of any part of a rear lot line which coincides with the side lot line or portion of the side lot line of property in a residence district.
- c. No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, or upon the required side yard of a reversed corner lot which is adjacent to the street.

H. Setback Along Roscoe Rowe Boulevard. To protect the scenic approach to Annapolis, all buildings, structures and uses established along Roscoe Rowe Boulevard shall observe a setback of not less than seventy-five feet from the right-of-way line of the boulevard.

**SECTION II: AND BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall not apply to development applications with site design plan review approval as of the effective date of this ordinance.

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

#### **EXPLANATION**

Underlining indicates matter added to existing law.

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

Double Underlining indicates amendments.