



Legislation Details (With Text)

**File #:** O-1-21      **Version:** 1      **Name:**

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

**File created:** 1/28/2021      **In control:** City Council

**On agenda:** 7/12/2021      **Final action:** 7/12/2021

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

**Sponsors:** Sheila Finlayson, Brooks Schandelmeier

**Indexes:** Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-1-21 First Reader, 2. O-1-21 Staff Report, 3. O-1-21 Fiscal Impact Note, 4. O-1-21 Staff Report to PC, 5. O-1-21 PC Findings and Recommendations, 6. O-1-21 SIGNED

Date	Ver.	Action By	Action	Result
7/12/2021	1	City Council	adopt on second reader	Pass
7/12/2021	1	City Council	adopt on third reader	Pass
7/6/2021	1	Rules & City Government Committee	recommend favorably	Pass
6/14/2021	1	City Council	declare the public hearing closed	
2/8/2021	1	City Council	adopt on first reader	Pass
2/8/2021	1	City Council	refer to Annapolis Education Commission	
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**Bulk Regulations - R4 and R4-R Residential Zoning Districts - For the purpose of correcting conflicts in the bulk regulations table and the table notes related to attached single family and multifamily dwelling units.**

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance O-1-21**

**Introduced by: Alderwoman Finlayson  
Co-sponsored by: Alderman Schandelmeier**

**Referred to:  
Planning Commission  
Rules and City Government Committee**

**AN ORDINANCE** concerning

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

**FOR** the purpose of correcting conflicts in the bulk regulations table and the table notes related to attached

single family and multifamily dwelling units.

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

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

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

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

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

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

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

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

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

**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:

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

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

**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) <sup>1</sup>	Lot Dimensions (minimum) Width (ft)	Yards (minimum) Front (ft)	Yards (minimum) Interior Side (ft) <sup>12</sup>	Yards (minimum) Corner Side (ft) <sup>12</sup>	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 <sup>2</sup>	<b>4,800</b>	40	20 <sup>3</sup>	5 <sup>4</sup>	10 <sup>5</sup>	30			2.0 <sup>6,9</sup>	
Dwellings, single-family attached	1,700 <sup>2</sup>		16	20 <sup>3</sup>		10 <sup>5</sup>	30			2.0 <sup>6,9</sup>	
Dwellings, single-family detached		4,800	40	15	5	15	30	2.5 stories not to exceed 35 feet		1.0 <sup>9</sup>	
Dwellings, two-family		4,800 <sup>11</sup>	40 <sup>11</sup>	20 <sup>3</sup>	5 <sup>4</sup>	10 <sup>5</sup>	30	2.5 stories not to exceed 35 feet		1.0 <sup>9</sup>	

Table Notes:

- Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than two hundred feet, the required area may be reduced by twenty percent.
- ~~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.
- Plus one foot for each three feet by which the building width exceeds forty feet.
- Unless the building height exceeds twenty-five feet, in which case the interior side yards shall equal one-fifth the building height. Buildings fifty feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or twenty percent of the building height, whichever is greater.
- Buildings fifty feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than twenty-five percent of the building width or thirty percent of the building height, whichever is greater.
- If seventy-five percent or more of the required off-street parking spaces are provided underground or in a structure, the maximum allowable floor area ratio is 2.2.
- Plus one foot for each two feet by which the building height exceeds fifteen feet.
- Unless the entire structure is located on the rear twenty-five percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than two hundred feet, the floor area ratio may be increased by twenty percent.
- As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- If the lot is to be subdivided, a minimum lot area of two thousand four hundred square feet and a minimum lot width of thirty feet per dwelling unit shall be provided.

12 In the case of resubdivision of improved zoning lots, side yard requirements do not apply between attached buildings.

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

**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) <sup>1</sup>	Lot Dimensions (minimum) Width (ft)	Yards (minimum) Front (ft) <sup>12</sup>	Yards (minimum) Interior Side (ft) <sup>13</sup>	Yards (minimum) Corner Side (ft)	Yards (minimum) Rear (ft) <sup>15</sup>	Height, Coverage, Floor Area Ratio (maximum) Height, (stories and feet) <sup>16</sup>	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 <sup>2</sup>	<b>4,800</b>	40	20 <sup>3</sup>	5	<sup>14</sup>	30			2.0 <sup>6,9</sup>	
Dwellings, single-family attached	1,700 <sup>2</sup>		16	20 <sup>3</sup>		<sup>14</sup>	30			2.0 <sup>6,9</sup>	
Dwellings, single-family detached		4,800	40	15	5	<sup>14</sup>	30	2.5 stories not to exceed 35 feet		1.0 <sup>9</sup>	
Dwellings, two-family		4,800 <sup>11</sup>	40 <sup>11</sup>	20 <sup>3</sup>	5	<sup>14</sup>	30	2.5 stories not to exceed 35 feet		1.0 <sup>9</sup>	

Table Notes:

- 1 Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than two hundred feet, the required area may be reduced by twenty percent.
- 2 ~~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.
- 3 Plus one foot for each three feet by which the building width exceeds forty feet.
- 4 Unless the building height exceeds twenty-five feet, in which case the interior side yards shall equal one-fifth the building height. Buildings fifty feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or twenty percent of the building height, whichever is greater.
- 5 Buildings fifty feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than twenty-five percent of the building width or thirty percent of the building height, whichever is greater.
- 6 If seventy-five percent or more of the required off-street parking spaces are provided underground or in a structure, the maximum allowable floor area ratio is 2.2.
- 7 Plus one foot for each two feet by which the building height exceeds fifteen feet.
- 8 Unless the entire structure is located on the rear twenty-five percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- 9 Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than two

hundred feet, the floor area ratio may be increased by twenty percent.

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION II: 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**

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.