

**Accessory Dwelling Unit (ADU) Ordinance 0-9-21**  
**Fact Sheet, Observations and a Call to Action**

This document summarizes the key provisions of the proposed ADU Ordinance 0-9-21 (as of June 30, 2021) and summarizes the concerns with the proposed Ordinance as currently written. It is produced by the Greater Annapolis Citizens' Coalition, which is comprised of representatives from the Eastport Civic Association, the Greater Parole Community Association and the Bay Ridge Civic Association. The purpose is to help inform citizens about the facts and issues presented by currently proposed legislation regarding Accessory Dwelling Units (ADUs) so that citizens can form their own views and discuss with their Alderpersons and City decision makers.

**Introduction:**

Currently, the Annapolis City Code does not authorize the construction of accessory structures for living or rental purposes. An Ordinance has been proposed that would authorize the construction of an accessory dwelling unit of any size within an existing primary structure, or one as large as 850 square feet in size in an accessory structure on the primary structure's property. Analysis of the proposed Ordinance reveals that it would permit ADUs on nearly every lot in the City. The proposed Ordinance is being offered despite the fact that the City does not know how many existing (including illegal) ADUs are situated in the City; makes no provisions for enforcement of existing and new ADUs; does not require dedicated off-street parking for ADU tenants; makes no provisions for rental rates; and has not considered the potential negative environmental impacts of increased development in environmentally sensitive areas throughout the City.

**Issues to be Addressed, or the Ordinance is Inadequate:**

- **Enforcement & Oversight Must Be Required:** ADUs are prohibited under current City Code (unless grandfathered). Many ADUs are currently located throughout the City, both grandfathered and those created after the prohibition. Those ADUs are currently not recognized by the City, and are uncounted and unregulated, whether in accessory structures or within existing primary structures. Licensing, inspection and enforcement of current, and any future, ADUs is required to ensure the life safety of the inhabitants, as well as assessment of lots with two dwelling units for increased property tax. Existing ADUs must be brought into compliance, and the City's ability to regulate new ADUs must be addressed. Additional staff and services will be required for new expanded enforcement efforts, so additional funds must be budgeted. The proposed legislation, as currently drafted, addresses none of these identification and enforcement issues.
- **Infrastructure & Impact Analysis Needed:** Increasing the density of single-family residential lots across Annapolis to two residences per lot adds further burden on the City's existing infrastructure. Many areas in Annapolis already suffer from congested traffic with single or limited access to and from peninsulas, lack of adequate residential and commercial parking spaces, failing curbs, non-compliant sidewalks, poorly paved streets, speeding, and oversized trucks/buses. In addition, no analysis has been performed of the impact on infrastructure resulting from the Ordinance's allowance of significant increase in density across Annapolis (similar to the Adequate Public Facilities analysis that is required for any proposed major site design plan). Additional funds must be budgeted for the repair of existing conditions, as well as the analysis of and infrastructure improvements needed to accommodate increased density. As well, at least one dedicated off-street parking space for each ADU, in addition to any existing off-street parking for the primary structure, is necessary.
- **Owner Occupancy Requirement Needed/Short-Term Rental Must Be Disallowed:** Given that Annapolis is a highly desirable location for vacationing (per [www.annapolis.gov](http://www.annapolis.gov), over 2 million people visit Annapolis each year), an owner occupancy requirement would help protect the community character of our residential neighborhoods by ensuring that investors do not purchase properties to rent out with no on-site resident. Further, the primary residence and ADU must be in common ownership. In addition, the ADU must be used for long-term rentals, not short-term vacation rentals. Allowing the number of nonowner occupied short-term rentals to increase results in a decrease of the amount of residential housing in the community, which is the stated goal of the proposed Ordinance.

- **Affordable/Workforce Housing Requirement Needed:** The Ordinance is being promoted as ADUs being a source of affordable housing, or “more affordable” or “workforce” housing. However, there are no provisions for rent restrictions, such as requiring an at or below HUD rate be charged and/or requiring an application for special exception. At least in those areas close to downtown Annapolis or the water, high market rates will be charged by landlords, as are now charged for short-term vacation rentals and illegal ADUs.
- **Reference to Bulk Regulations is Needed/Environmental Considerations:** The proposed Ordinance does not currently reference application of City Code lot standards, setback requirements and other bulk regulations. As such, almost every single-family residential lot in Annapolis will be eligible for an ADU (except those lots that have reached their 50% impervious surface limit unless grandfathered above that limit, or if the ADU is within the existing footprint of the primary structure). Reference to bulk regulations applicability to ADUs must be made clear. The bulk regulations are tools in preserving community character in neighborhoods, and protecting surrounding properties where density is increasing. Further, the ability to increase the density of so many lots across Annapolis will increase impervious surface, and reduce tree canopy coverage, and particularly in Critical Areas close to the water, will have a negative environmental impact.

**Key Provisions of the Ordinance** (as of June 30, 2021):

- Deletes §21.38.220 D from the City Code: Use of Accessory Buildings for Living Purposes. No accessory building or structure constructed on any lot prior to the time of construction of the principal building to which it is accessory shall be used for living purposes.
- Adds §21.64.010 – ACCESSORY DWELLINGS.
  - A. A MAXIMUM OF ONE ACCESSORY DWELLING UNIT MAY BE ESTABLISHED ON ANY ONE LOT.
  - B. AN ACCESSORY DWELLING UNIT MAY BE ESTABLISHED WITHIN A PRIMARY STRUCTURE OR WITHIN AN ACCESSORY STRUCTURE.
  - C. EACH ACCESSORY DWELLING UNIT SHALL HAVE ITS OWN SEPARATE INGRESS AND EGRESS.
  - D. THE MAXIMUM SIZE OF ANY ACCESSORY DWELLING UNIT IS 850 SQUARE FEET OF LIVABLE SPACE THAT IS NOT ESTABLISHED WITHIN THE EXISTING FOOTPRINT OF THE PRIMARY STRUCTURE. *[amendment addition by co-sponsor Alderperson Schandelmeier]*
  - ~~E. ONE OFFSTREET PARKING SPACE IS REQUIRED FOR EVERY ACCESSORY DWELLING UNIT.~~ *[amendment deletion by co-sponsor Alderperson Schandelmeier]*
  - F.E. A RENTAL LICENSE FOR ANY ACCESSORY DWELLING UNIT IS REQUIRED IN ACCORDANCE WITH CHAPTER 17.44.
  - ~~G. A SHORT TERM RENTAL OPERATING LICENSE PURSUANT TO CHAPTER 17.44 MAY NOT BE ISSUED FOR THE ACCESSORY DWELLING UNIT OR THE PRINCIPAL STRUCTURE.~~ *[amendment deletion by co-sponsor Alderperson Schandelmeier]*
  - H. AN ACCESSORY DWELLING UNIT AND PRIMARY STRUCTURE ON ANY ONE LOT SHALL BE IN COMMON OWNERSHIP. *[amendment addition by Alderperson Tierney]*

*More amendments are expected.*

**Next Steps:**

The public is encouraged to submit written comments and/or public testimony at the City Council public hearing and/or the Council’s Committee meetings (anticipated July 12 Council Meeting). Your comments and testimony should be sent to your Alderperson as soon as possible, with copies to all of the other Council members:

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