

# *City Of Annapolis Zoning Regulations Update*

## **SUMMARY OF MAJOR CHANGES IN THE PROPOSED ZONING CODE COMPARED TO THE CURRENT CODE**

The proposed, updated City of Annapolis zoning code (Title 21 of the City Code), is organized as follows:

Division I	Introductory provisions.
Division II	Administration and enforcement.
Division III	Base district regulations including regulations applicable to all districts, use tables, and bulk regulations tables.
Division IV	Regulations applicable to overlay districts.
Division V	Regulations of general applicability including supplemental use and development standards, site design standards, and standards for uses subject to standards.
Division VI	Definitions

The following is a summary of major changes that are proposed compared to the current regulations.

### **Division I**

- New code referred to as the “Zoning Code” (part of the Annapolis City Code) for reasons of clarity and consistency.
- Effective date to be effective date of new Code (versus August 10, 1970) consistent with requirements of Article 66B, § 4.04.
- New organization chapter (21.04) explains how the zoning code is organized.

### **Division II**

- New chapter clarifying and explaining duties, membership, terms, etc. of decision making bodies and officials (21.08). Major changes are:
  - Major site plans would be decided by Planning Commission (currently P&Z director)
  - Some kinds of Planned Development would be decided by Planning Commission (currently Board of Appeals).
- Zoning districts reorganized (see separate chart)
- Zoning district hierarchical structure deleted.
- Created a chapter consolidating general standard application procedures, notice requirements, review procedures and fees (21.10). The procedures are modeled on the existing, with Board of Appeals procedures retained.
- Use and occupancy permits chapter (21.12) combines former use permits and zoning certificates chapters.
- New chapter on demolition permits (21.14) brings together provisions currently scattered in the code. New authority to the P&Z director to decide applications to demolish historic structures outside the historic district.

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- New chapter establishes Administrative Interpretations (21.16) as a formal process by which applicants may seek interpretations of the Zoning Code from the P&Z director.
- New chapter on Administrative Adjustments to bulk regulations (21.18) based on existing authorities.
- Site Design Plan Review chapter (21.22) revises current 21.98. Division II contains administrative provisions only, design standards will be in Division V.
  - Major site plan would be required for a 20 percent change in floor area (versus current 10 percent). Major site plans would be approved by the Planning Commission, minor site plans by the Planning and Zoning Director.
  - Sketch plan deleted to reflect current two step process.
  - Provisions for optional public meetings in addition to required hearings.
  - Waiver to submission requirements established.
  - Minor changes to expirations and extensions.
  - Detailed listing of submission requirements deleted – will be on forms prescribed by P&Z Director.
  - Performance, surety, and enforcement requirements (21.22.100) clarified.
- Planned Development chapter (21.24) makes major changes to current chapter 21.74, authorizing Planning Commission to approve some kinds of planned development.
  - New classification for planned developments : residential, business, and special mixed.
  - Residential planned development permits all residential uses plus limited non-residential uses (B1); business planned development permits all uses in the district where the development is located plus limited residential uses; special mixed planned development permits all uses in the district where the development is located plus any other use, for up to 30 percent of the development.
  - Planning Commission to decide residential and business planned developments. Board of Appeals to decide special mixed planned developments.
  - New provisions for modifications to planned developments.
- Special Exceptions (21.26) Minor changes and clarifications:
  - New definition of special exception.
  - Application to address the standards for approval.
  - Revised purpose statement and deletion of public private categories (from former 21.72.010)
  - Specific use-related provisions (such as food service and multi-family standards in 21.02.080) moved to use standards section in Division V.
  - New provisions for modifications to special exceptions.
- Variances (21.28). Minor modifications to review criteria and findings. Effect on property values deleted. Application to address the standards for approval.
- Appeals to decisions of P&Z Director (21.30). Cost of creating the record to be borne by appellant.
- Zoning map amendments (21.34).
  - Minimum parcel size provision to qualify for potential rezoning deleted (former 21.84.040)

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- Application to address the standards for approval.
- Planning Commission and City Council to use same review criteria.
- Zoning enforcement (21.36). New authorities given to Planning and Zoning Director to revoke permits and issue violation orders.
- Housing and Community Development Committee moved to Chapter 2.48 Boards and Commissions.

### **Division III**

- Established front yard regulations redrafted to reflect current interpretation and application. Bulk regulations also modified to clearly show where the established front yard regulations apply. See extensive note to Section 21.30.030.F.
- Base (mapped) zoning districts divided into four groups, one group in a chapter: residential, commercial and industrial, office and mixed use, and waterfront, pursuant to the new zoning district structure set out in Division I. Regulations for each district are brief, limited to purpose statements, references to chapters where use regulations and bulk regulations are found, and sections that set forth any regulations unique to that district, mostly design provisions.
- Purpose statements for districts added where there were none, e.g. R1, and revised in some cases (e.g. B1) to reflect that the revised Code is not pyramidal.
- Chapter 21.48 contains four tables of uses, one for each of the four base district groups. These tables replace the long, repetitive lists of uses that are in the individual districts in the current code, and enable easy comparison of what uses are permitted in each district. Tables have been prepared containing detailed comments to the lists of existing uses explaining where changes are proposed such as uses combined, deleted, or applied to new districts.
- Chapter 21.50 contains a bulk regulations table for each base zoning district. These tables have a consistent format compared to the range of formats that evolved in the current code. The bulk regulations contain some changes from the current code:
  - Provisions relating to side yards and to heights of new principal buildings and accessory structures that formerly applied only in Eastport would apply in the R1, R2 and R3 districts. These provisions are designed to protect community character.
  - Clarifications and corrections to make the new code internally consistent. For example, in the R1 district, the minimum lot width for each unit of a two-family detached (duplex) to be 30 feet per dwelling unit rather than the current 50 feet. These changes are noted in extensive comments on the current code available from the Department of Planning and Zoning.

### **Division IV**

- Division contains only three overlay district chapters as several overlay districts have been made into mapped districts (for example, the Eastport Overlay District – former 21.69).
- Chapter 21.54 Critical Area Overlay: minor editorial revisions, clarifications, and removal of inconsistencies. Section 21.54.080 C1A, C2, and C2P districts added to the impervious surface table.
- Chapter 21.56 Historic District Overlay: minor editorial revisions, clarifications, and removal of inconsistencies:

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- New Section 21.56.040 (Certificate of Approval) combined former Sections 21.56.070 and 21.56.080.
- 21.56.170 (Height), effective date changed from August 10, 1970 to new effective date (date of adoption).
- 21.56.190 Minor revision to former 21.56.230 because of the previously described changes to the established front yard regulations.
- 21.56.200. Section clarified per Issues and Options Paper, December 21, 2000. Former section 21.62.240 was unclear as to whether a side yard was required for an addition that replaces an addition that had a setback, when the main part of the building did not have a side yard.
- Chapter 21.58. New Office and Commercial Design (OCD) overlay district replacing the former RC overlay district (21.69). The residential portions of the overlay district would be a mapped district in the new zoning code ( the R2-Neighborhood Conservation district). The OCD district contains only those provisions from former 21.69 that applied to B1, B2, and P districts that were within the overlay area.

### **Division V**

- Planned developments added to the list of developments that can have more than one residential building on a lot (section 21.60.030).
- Chapter 21.62 contains the site design standards for projects subject to site design plan approval. The administrative provisions of former Chapter 21.98 are now in Division II. Chapter 21.62 contains essentially the same standards as in former 21.98 but reformatted and reorganized.
  - Some standards that were in individual zoning districts but were of general relevance have been incorporated (for example, bufferyards, 21.62.030.C.; street trees, 21.62.050; authorization for traffic studies, 21.62.080.; authorization for Planning Commission to adopt additional design standards, 21.62.180).
  - Reference to role of Annapolis Conservancy Board in open space added (21.62.030).
  - Parking lot design and landscaping standards consolidated (21.62.120).
- Chapter 21.64 contains the standards for approximately 60 permitted uses or special exception uses that are permissible only if they comply with use-specific standards. This chapter consolidates the standards that are often repeated in several individual districts in the current code.
  - Clarifies that the standards also apply to special exceptions, 21.64.010.
  - Bed and breakfast provisions consolidated, 21.64.080.
  - Former term “food service establishment” replaced with “food and beverage-related uses”.
  - Standards relating to food and beverage-related uses, including restaurants, clarified and consolidated, 21.64.260. Classes of restaurant, former 21.04.510, deleted and replaced with defined types of restaurant.
  - Temporary uses section, 21.64.560, consolidated.
- Chapter 21.66 covers parking and loading. This chapter contains the standards for the number of required parking and loading spaces, different types of parking (such as shared, off-site and valet), and permitted locations for parking.
  - New section 21.66.030 adds provisions requiring parking spaces for physically handicapped and for bicycles.

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- Since parking requirements are so variable, a new subsection 21.66.040 allows for an alternative number of space standard to be determined on a case by case basis based on thorough documentation to be provided by an applicant.
- A new consolidated table of off-street parking requirements at the end of the chapter replaces the lists of parking standards that are scattered through the current code.
- Parking provisions that apply only in specific zoning districts are in Division III under the relevant district or districts. No new district-specific provisions have been added.
- Chapter 21.68 covers nonconforming uses. This chapter has been rewritten in response to staff concerns that the existing chapter (21.70) was very difficult to interpret and administer, and did not address current needs.
  - Purpose statement wording simplified.
  - Refers the reader to several chapters of the Zoning Code in Division III where “Deemed Conforming Structures and Uses” are listed.
  - Authorizes the repair, maintenance, alteration or expansion of nonconforming structures, but does not limit to repair, alteration or expansion of only those nonconforming structures that are “designed or intended for a permitted use.”
  - Establishes a procedure for requests for a determination by the Planning and Zoning Director regarding nonconforming use status.
  - Establishes a process by which the Planning and Zoning Director may approve changes of nonconforming uses to allow for a change in use to a less intense or lower impact class of uses. Replaces the existing hierarchy (based on the hierarchy of districts - which is being eliminated in this code revision) with a hierarchy of uses that consists of three classes of uses.
- Chapter 21.70 covers signs. This Chapter has been completely redrafted. The City’s current sign regulations are very difficult to understand and use. The proposed regulations improve the organization and make the regulations clearer and more understandable. Differences between districts become more apparent in the proposed regulations, making it easier to focus in on the important aspects and key controls of the regulations. The major approaches in the proposed regulations are shown in the following table, with comparisons to the existing regulations.

### *Comparison of Current and Proposed Sign Regulations*

	<b>Proposed Regulations</b>	<b>Current Regulations</b>
1.	Consolidate regulations in one part of the Code	Sign regulations are in Titles 21 and 17.
2.	Add a purposes statement	No such section
3.	List prohibited signs in one section	Prohibitions are scattered and unclear
4.	Summarize standards applicable to all signs <ul style="list-style-type: none"> <li>• Add method for computing sign area and height.</li> <li>• Include general design provisions.</li> <li>• Require integrated sign program for many commercial uses.</li> <li>• Add provisions for removal of signs.</li> </ul>	No such section. Design provisions only apply in certain zoning districts.
5.	List signs that are exempt from needing a permit	Not clear which signs need a permit.

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	Proposed Regulations	Current Regulations
6.	<p>Consolidate requirements for residential districts in one section.</p> <ul style="list-style-type: none"> <li>• Reduce size and height of permitted real estate signs.</li> <li>• Increase size of church bulletins from 24 to 32 sf</li> </ul>	<p>There is a separate section for each district, with nearly all of the provisions being identical.</p>
7.	<p>Consolidate requirements for non-residential districts in one section, in a table format.</p>	<p>Currently there is a separate section for each district.</p>
	<ul style="list-style-type: none"> <li>• Base allowed signage on the amount of <i>building</i> frontage up to specified maximums.</li> <li>• Reduce permitted sign area and height in older districts.</li> <li>• Provide incentives to erect “monument” versus “pole” signs.</li> <li>• Reduce number of districts where freestanding pole signs are permitted.</li> <li>• Provide incentives for multi-tenant facilities (defined as two or more) to follow integrated sign program.</li> </ul>	<p>Allowed signage is currently calculated differently in different zoning districts. Allowed signage in most districts, especially the older districts, is based on <i>lot frontage</i> resulting in large sign budgets. Trend in more recent districts has been to reduce the size and height of signs.</p> <p>Pole signs are widely permitted now.</p> <p>Integrated sign program only required in some districts.</p>
8.	<p>Nonconforming signs Recognize existing signs. Do not require removal. Require compliance when signs are structurally altered, relocated or replaced.</p>	<p>Unclear how nonconforming use regulations currently apply to signs.</p>
9.	<p>Variances and administrative adjustments up to 30 percent would be permitted.</p>	<p>Neither are currently permitted.</p>
10.	<p>Definitions. Add some new. Clarify in revised definition of “sign” that “window signs” are signs. Several existing definitions deleted e.g, advertising device. Some definitions added: freestanding sign, ground sign, pole sign.</p>	<p>Many terms are currently undefined.</p>

### Division VI

- Outdated definitions deleted.
- New definitions or revised definitions for several terms including: basement/cellar; bufferyard; established front yard; floor area; landscape elements; planned development; special exception; story.