



LEGISLATIVE SUMMARY

O-13-24

Daycare Zoning in Annapolis

This summary was prepared by the City of Annapolis Office of Law for use by members of the Annapolis City Council during the legislation's consideration.

BILL SUMMARY

O-13-24 changes the City of Annapolis's zoning code to expand where daycares can be located.

Included in O-13-24:

Group daycare centers would be allowed in the following zoning districts:

- B1 Convenience Shopping District
- B2 Community Shopping District
- B3 General Commercial District
- B3-CD General Commercial Corridor Design District
- BCE Business Corridor Enhancement District (*presently allowed*)
- BR Business Revitalization District
- C2 Conservation Business District
- C2A Special Conservation Business District
- PM2 Professional Mixed Office Park District (*presently allowed*)
- P Professional Office District (*presently allowed*)
- MX Mixed-Use District
- PM Professional Mixed Use District (*presently allowed*)
- C2P Conservation Professional Office District (*presently allowed*)

Religious-affiliated daycare centers would be allowed in the following zoning districts previously restricted to group daycare centers:

- B2 Community Shopping District (*presently allowed*)
- B3 General Commercial District
- B3-CD General Commercial Corridor Design District
- BCE Business Corridor Enhancement District



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- BR Business Revitalization District
- PM2 Professional Mixed Office Park District
- P Professional Office District
- MX Mixed-Use District
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Religious-affiliated daycare centers are not allowed in zoning districts where churches, chapels, mosques, temples and synagogues are not permitted

Why do they have different permits?

Due to their distinct natures, the zoning permit requirements for group daycare centers and daycare centers affiliated with a primary religious institution differ.

Group daycares are considered independent businesses, while daycare centers associated with a primary religious institution are considered entities affiliated with the church and located on the same property.

Day care centers, group

P-Std is a "permitted use," meaning it will be allowed if it meets the property meets the criteria required to be a group daycare center.

Those criteria include the following, which are part of the current City Code:

- 37.5 square feet of usable outdoor recreational area for each child
- Proper buffering from adjacent residential areas
- Must be located in an area that can be developed into an outdoor recreation space
- Comply with state requirements
- Must be situated in an area with safe pick-up and delivery locations
- The outdoor area cannot be:



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- Covered by buildings
- A parking lot
- Part of the building's required front or transitional yard space
- More than 80% of the total required rear and side yards

In Professional, Professional Mixed Office, and Special Conservation Professional zoning districts, group daycare centers are required currently to obtain "special exception" (S) permits. The special exception requirement entails additional steps, including approval by the Planning and Zoning Department and the Board of Appeals to ensure that the daycare center is suitable for the area.

O-13-24 changes group daycares from the special exception requirement to a permitted use, reducing the steps they must take to get a permit.

Day care centers, in conjunction with a principal religious institution

A-Std is an "accessory use," meaning it is a secondary use for that location and requires the Department of Planning and Zoning to review the approval of the daycare plans.

A daycare may be allowed on church property if specific criteria are met. Those criteria include the following, which are part of the current City Code:

- 50 square feet of usable outdoor recreational area per child
- Proper buffering from adjacent residential areas
- Must be situated in an area with safe pick-up and delivery locations
- Adequate on-site parking
- Comply with state requirements