



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING


145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

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JON ARASON, AICP
DIRECTOR

November 24, 2014

MEMORANDUM

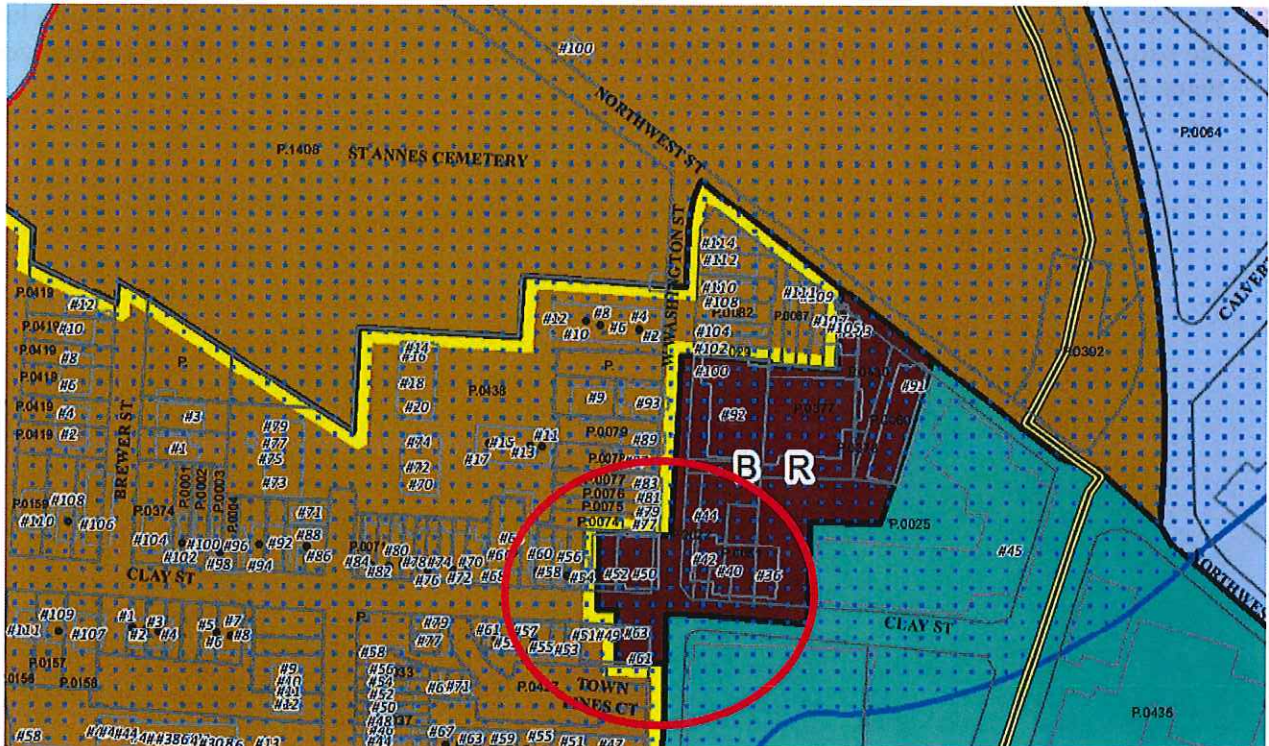
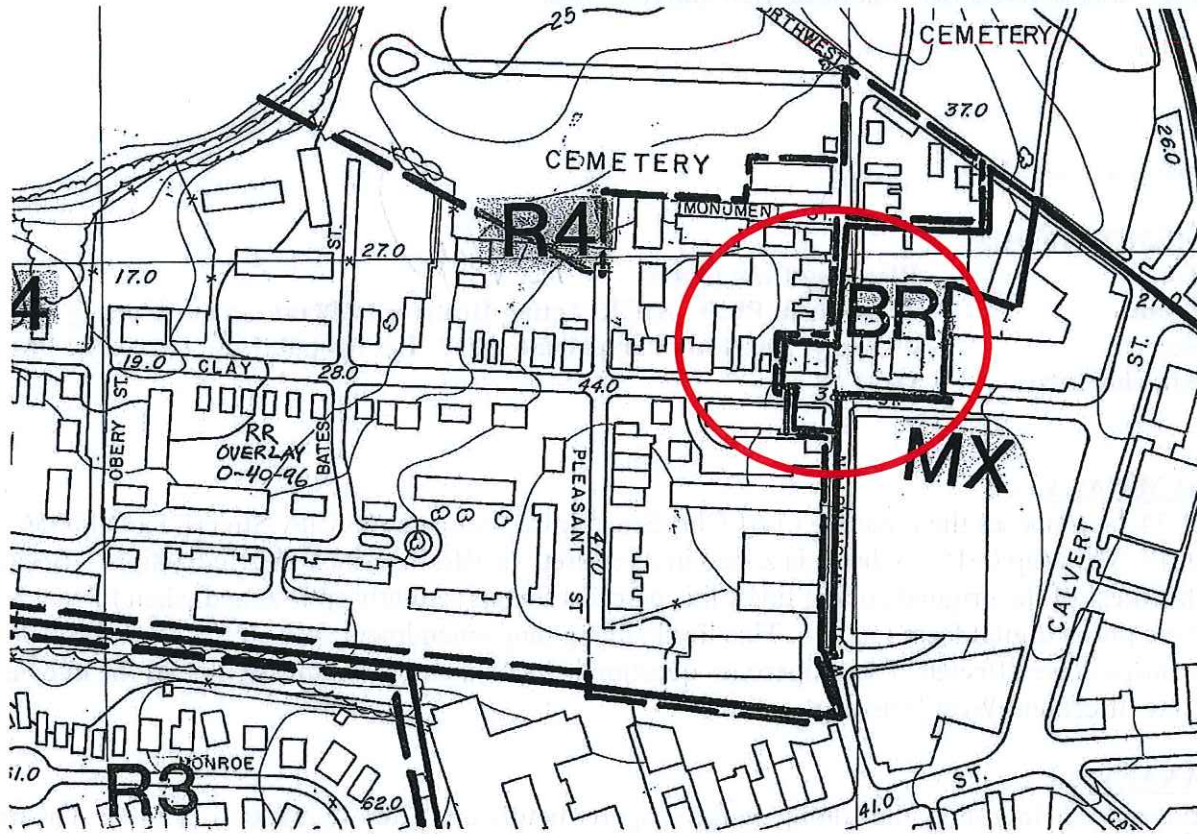
To: Planning Commission 
From: Sally Nash, Ph.D., AICP, Acting Director of Planning and Zoning
Re: O-34-14: Rezoning Parcel 0056, 0017, Tax Map 051C – ZMA2014-001
Attachments: O-34-14

SUMMARY

O-34-14 proposes the rezoning of 61 Clay Street (also known as 63 Clay Street), Parcel 0056, Grid 0017, Tax Map 051C so that it is zoned in its entirety as BR, "Business Revitalization." Because of the thickness of the original zoning lines, this parcel was inadvertently split-zoned when the zoning maps were put in digital form in 2005. This local zoning map amendment seeks to correct this error. No other properties are affected. The property in question is located on the southwest side of the intersection of Clay Street and West Washington Street.

ANALYSIS

The maps below show the zoning on the property before and after digitization in 2005. The top map shows the property with a red circle. The line is doubled to indicate the revitalization district. The bottom map shows the zoning after the maps were digitized into the GIS database. The black zoning line should be located where the yellow line is. The yellow line represents the revitalization zoning. If you zoom in on the current zoning, you can see that it was intended originally that the zoning line follow the parcel line. Since the early maps did not have parcel lines, this is a typical mistake in our zoning maps following digitization.



FINDINGS

The Land Use Article of the Annotated Code of Maryland is the State enabling legislation that grants local governments to power to regulate the use of land through zoning. Land Use Article, Section 4-204 establishes the “change or mistake” rule wherein a zoning map amendment can only be granted based on a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the original zoning. Chapter 21.34 of the Annapolis City code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:

A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.

In the vicinity of the property there are three zoning classifications. The subject property abuts land zoned R4-R. In the area, but not abutting the subject property, there is land zoned MX and R4. The surrounding properties include a parking garage, commercial, and residential uses.

B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.

As mentioned earlier, the property was zoned in its entirety as BR until 2005, when it was mistakenly split zoned with BR and R4-R. The property is currently is vacant, but previously housed four dwelling units and an office. The all-BR zoning will allow more density based on floor area ratio. The proposed use is six dwelling units for veterans.

C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.

The trend of development in the general area has been a revitalization of housing but with no changes in zoning classifications. The proposed development will be compatible with the development in the area.

D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.

The property was mistakenly split-zoned in 2005. The thick dotted zoning line indicated the revitalization district. This thick line was translated incorrectly by the GIS. GIS is many times more accurate than the hand-drawn maps and the user can zoom in very close to the parcel. The black zoning line in this case should be located where the yellow line is (the yellow line represents the revitalization zoning). This can be seen if compared to other parcels abutting the subject property.

E. The availability of public facilities, present and future transportation patterns.

The requested rezoning will have no impact on present or future transportation patterns.

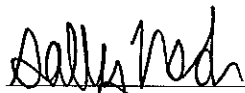
F. The relationship of the proposed amendment to the City's Comprehensive Plan.

Not applicable.

RECOMMENDATION

Based on its evaluation, staff recommends approval of the request to correct an error in the zoning by relocating the zoning district boundary line and changing the zoning classification of the subject parcel from split-zoned between BR and R4-4 to all BR, Business Revitalization.

Report Prepared by



Sally Nash, Ph.D., AICP

Acting Director of Comprehensive Planning

1 **..Title**

2 **Local Zoning Map Amendment** – For the purpose of rezoning parcel 0056, Grid 0017,
3 Tax Map 051C, known as 61 West Washington Street, Annapolis, Maryland, to be zoned in
4 its entirety as BR, “Business Revitalization” Zoning District.

5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Ordinance 34-14**

10
11 **Introduced by: Alderman Paone**

12
13 **Referred to**
14 **Planning Commission**
15 **Rules and City Government**

16
17
18 **A ORDINANCE** concerning

19 **Rezoning Parcel 0056, Grid 0017, Tax Map 051C**

20
21 **FOR** the purpose of rezoning parcel 0056, Grid 0017, Tax Map 051C, known as 61 West
22 Washington Street, Annapolis, Maryland, to be zoned in its entirety as BR,
23 “Business Revitalization” Zoning District.

24
25 **BY** amending the Zoning District Map, Section 21.06.020 of the Code of the City of
26 Annapolis, 2012 Edition.

27
28 **WHEREAS**, Parcel 0056, Grid 0017, Tax Map 051C, known as 61 West Washington
29 Street, Annapolis, Maryland, was given two zoning designations in error
30 when the zoning maps were digitized in 2005,

31
32 **WHEREAS**, the intent of the zoning map was to have this Parcel zoned BR in its entirety,
33 as shown in previous zoning maps.

34
35 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
36 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

37
38 **Chapter 21.06 – ZONING DISTRICTS AND MAPPING**

39
40 **Section 21.06.020 – Zoning District Map.**
41

1 The location and boundaries of the zoning districts of this Zoning Code are established as
2 shown on the zoning map entitled "City of Annapolis Zoning District Map," which is
3 incorporated in this section and made a part of this Zoning Code. The map, together with
4 everything shown on the map and all amendments to the map, is as much a part of this
5 Zoning Code as though fully set forth and described in this Zoning Code. (Amended during
6 2007 edition: Ord. O-30-05 Revised Attach., 2006: Ord. O-11-05 Revised Amended § 1
7 (part), 2005: Ord. O-1-04 Revised (part), 2005). THE ZONING DISTRICT MAP SHALL
8 REFLECT THAT PARCEL 0056, Grid 0017, Tax Map 051C, KNOWN AS 61 WEST
9 WASHINGTON STREET, ANNAPOLIS, MARYLAND, AS SHOWN IN THE EXHIBIT
10 ATTACHED TO THIS ORDINANCE, IS ZONED BR, BUSINESS REVITALIZATION.

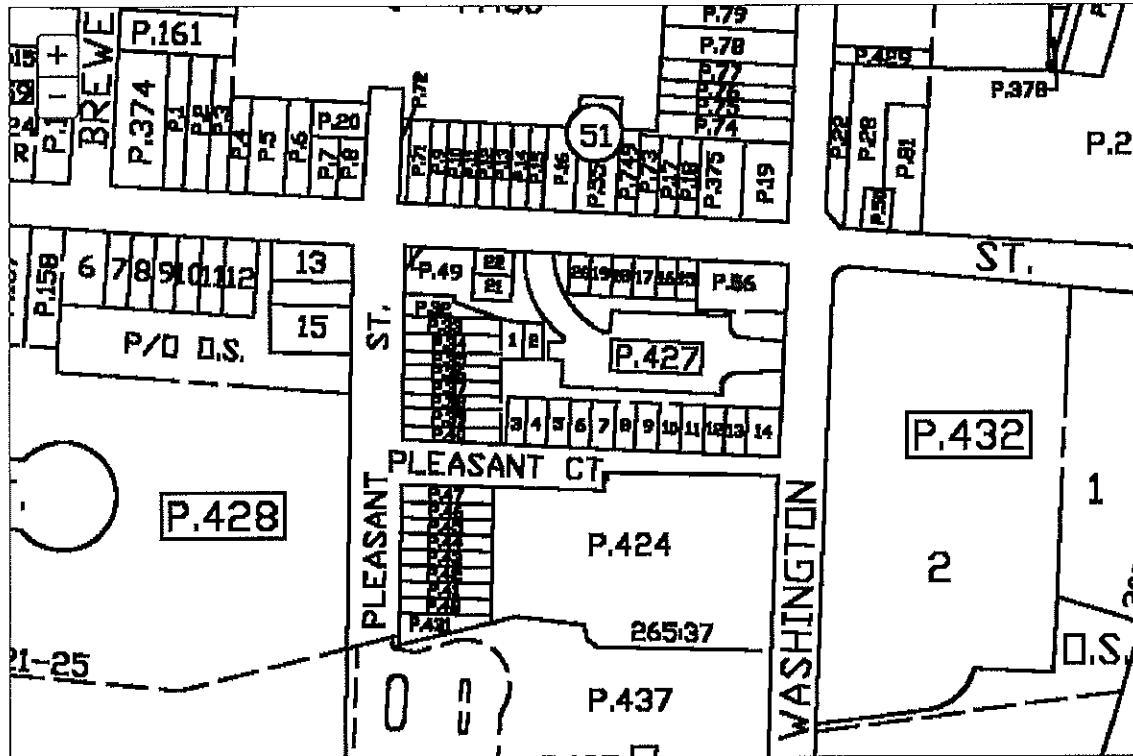
11
12 **Rezoning Parcel 0056, Grid 0017, Tax Map 051C**

13
14 61 Clay Street (also known as 63 Clay Street), Parcel 0056, Grid 0017, Tax Map 051C,
15 was originally intended to be zoned in its entirety as BR, "Business Revitalization."
16 Because of the thickness of the original zoning lines, this parcel was inadvertently split-
17 zoned when the zoning maps were put in digital form in 2005. This local zoning map
18 amendment seeks to correct this error. No other properties are affected. The property in
19 question is located on the southwest side of the intersection of Clay Street and West
20 Washington Street.

21

Anne Arundel County

District: 06 Subdivision: 000 Account Number: 04518500



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

CAPITAL LETTERS indicate matter added to existing law.
Strikethrough indicates matter stricken from existing law.
Underlining indicates amendments.

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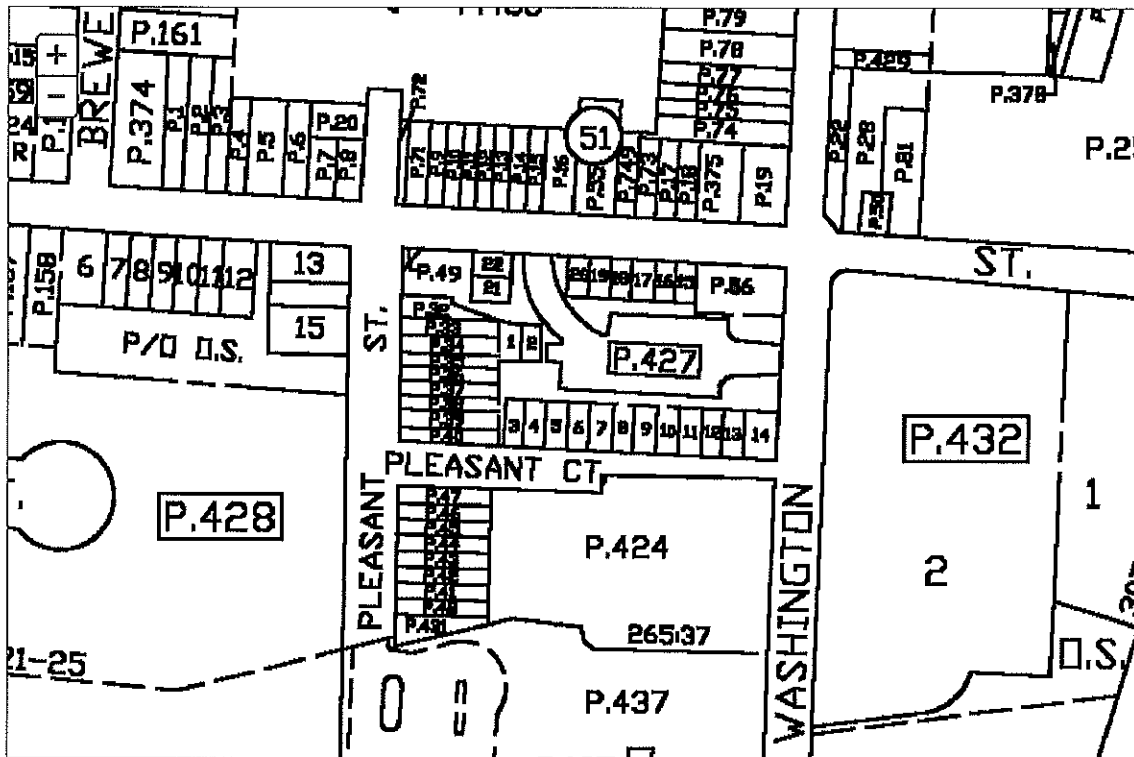
Staff Report
O-34-14
Rezoning Parcel 0056, Grid 0017, Tax Map 051C

61 Clay Street (also known as 63 Clay Street), Parcel 0056, Grid 0017, Tax Map 051C, was originally intended to be zoned in its entirety as BR, "Business Revitalization." Because of the thickness of the original zoning lines, this parcel was inadvertently split-zoned when the zoning maps were put in digital form in 2005. This local zoning map amendment seeks to correct this error. No other properties are affected. The property in question is located on the southwest side of the intersection of Clay Street and West Washington Street.

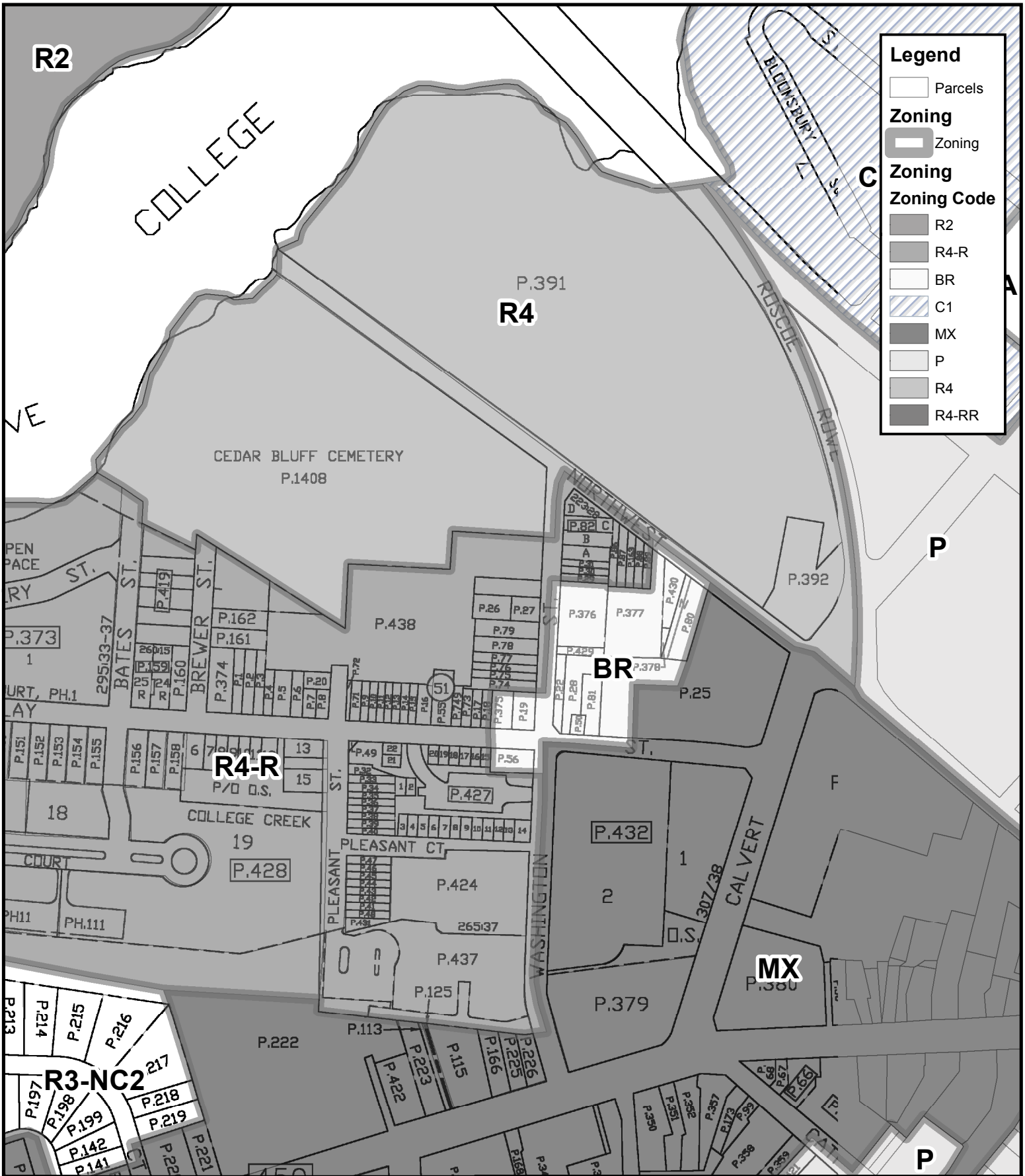
Anne Arundel County

1/20/11

District: **06** Subdivision: **000** Account Number: **04518500**



Prepared by Sally Nash, Acting Director in the Department of Planning and Zoning, at snash@annapolis.gov or 410.263.7961



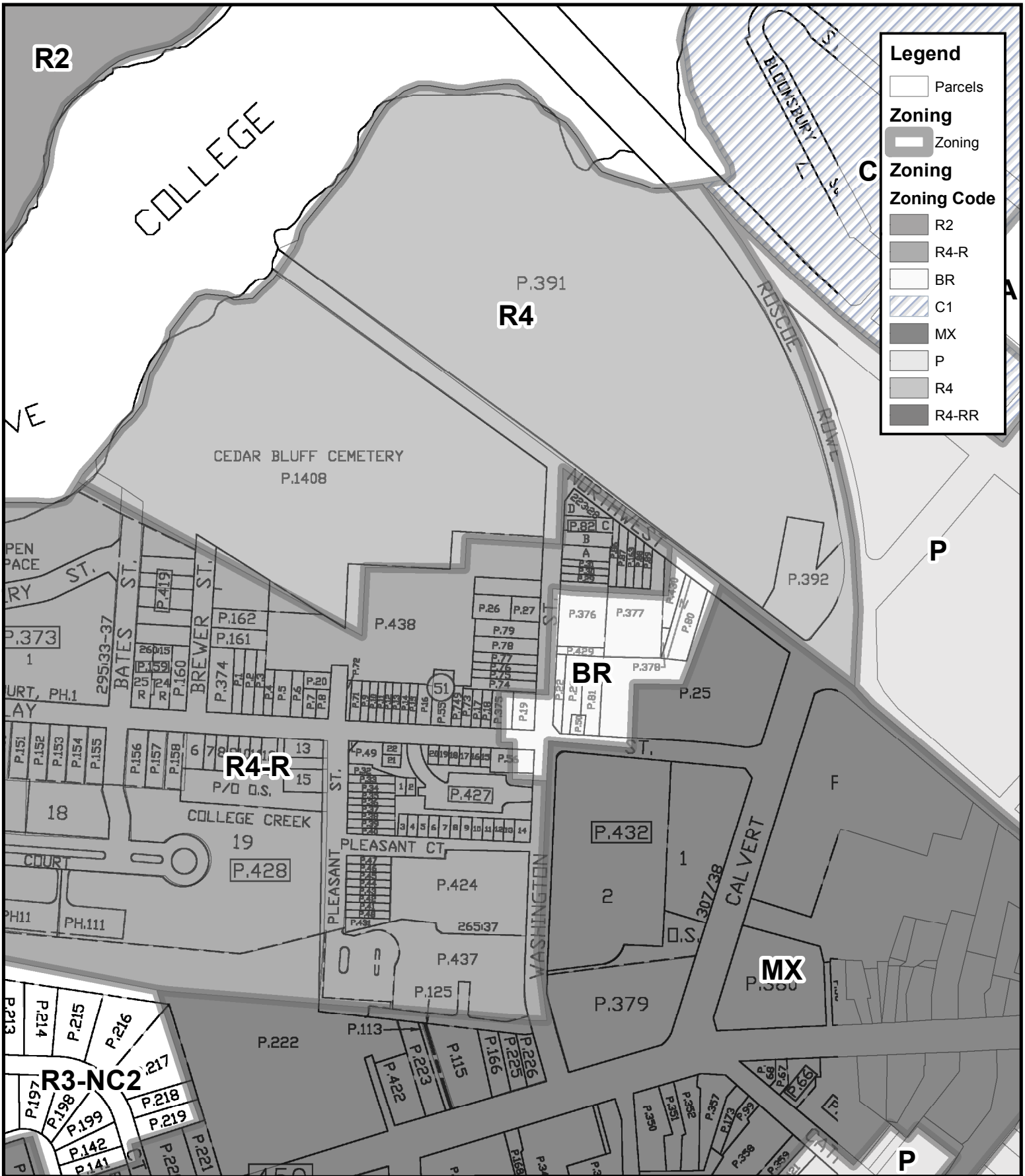
Legend

- Parcels
- Zoning**
- Zoning
- Zoning Code**
- R2
- R4-R
- BR
- C1
- MX
- P
- R4
- R4-RR

	Proposed Zoning	Map Created By: Shawn Wampler	Department Use: Planning and Zoning
	City of Annapolis MIT GIS	Feet 0 45 90 180 270 360	

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Legend

- Parcels
- Zoning**
- Zoning
- Zoning Code**
- R2
- R4-R
- BR
- C1
- MX
- P
- R4
- R4-RR

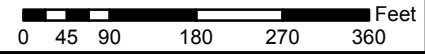
Existing Zoning

Map Created By: Shawn Wampler

Department Use: Planning and Zoning



City of Annapolis MIT GIS



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