



City of Annapolis
Signature Copy
O-14-25



Implementation of Annapolis Ahead Comprehensive Plan, 2040

For the purpose of implementing the adopted Comprehensive Plan; in Planned Development Chapter 21.24, revising the purpose statements and approving criteria for planned development by linking them to the Comprehensive Plan's goals and community benefits, increasing the share of a planned development that may be devoted to a mix of land uses, allowing for increases in the number of housing units in certain planned developments; revising the definition of common open space and expanding the required percentage of such space in planned developments; in Residential Districts Chapter 21.40, more strictly defining how to compute the size of a house in the R2-NC district; in Terms and Definition Chapter 21.72, updating the definitions of "Floor area" and "Half Story"; in Heights and Bulk Limits Chapter 21.56, updating what appurtenances and types of structure are allowed to project above certain maximum height limits; in Parking and Loading Regulation Chapter 21.66, clarifying the off-street parking exception in the C2 and C2A district so its applicable to all buildings sizes not just those under 20,000 square feet in size; in Certificate of Approval—Commission Decision Chapter 21.56, replacing references to the Department of Public Works with the Department of Planning and Zoning; and generally related to comprehensive plan updates in Title 21.

..Body

**City Council of the
City of Annapolis**

Ordinance 14-25

Introduced by: Mayor Buckley

**Co-sponsored by: Alderman Arnett, Alderwoman Finlayson,
Alderman Schadelmeier, Alderman Gay**

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

AN ORDINANCE concerning

Implementation of Annapolis Ahead Comprehensive Plan, 2040

FOR For the purpose of implementing the adopted Comprehensive Plan; in Planned Development Chapter 21.24, revising the purpose statements and approving criteria for planned development by linking them to the Comprehensive Plan's goals and community benefits, increasing the share of a planned development that may be devoted to a mix of land uses, allowing for increases in the number of housing units in certain planned developments; revising the definition of common open space and expanding the required percentage of such space in planned developments; in Residential Districts Chapter 21.40, more strictly defining how to compute the size of a house in the R2-NC district; in Terms and Definition Chapter 21.72, updating the definitions of "Floor area" and "Half Story"; in Heights and Bulk Limits Chapter 21.56, updating what appurtenances and types of structure are allowed to project above certain maximum height limits; in Parking and Loading Regulation Chapter 21.66, clarifying the off-street parking exception in the C2 and C2A district so its applicable to all buildings sizes not just those under 20,000 square feet in size; in Certificate of Approval—Commission Decision Chapter 21.56, replacing references to the Department of Public Works with the Department of Planning and Zoning; and generally related to comprehensive plan updates in Title 21.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2025 Edition:

21.24.010
21.24.020
21.24.050
21.24.060
21.24.090
21.40.060
21.56.060
21.56.070
21.56.150
21.56.160
21.56.170
21.66.130
21.72.010

WHEREAS, The Mayor and City Council of the City of Annapolis unanimously adopted a new comprehensive plan, titled "Annapolis Ahead Comprehensive Plan, 2040," by Resolution 4-24 on July 8, 2024; and

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WHEREAS, The Annapolis City Code, Title 21, the Zoning Code, authorizes the Mayor and City Council to amend the text of the Zoning Code; and

WHEREAS, Land Use Article § 3-101 of the Maryland Code as Annotated requires the City to enact, adopt, amend and execute its comprehensive plan, while § 3-303 of the same article states the City must ensure implementation of the elements of the comprehensive plan through:

1. zoning laws;
2. planned development ordinances and regulations;
3. subdivision ordinances and regulations; and
4. other land use ordinances and regulations.

WHEREAS, The City Council finds the amendments set forth in this ordinance to be consistent with Annapolis Ahead Comprehensive Plan, 2040 and necessary to promote the thoughtful redevelopment and/or renovation of outmoded and obsolescent properties while conserving the City's historic and aesthetic character;

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:

City Code Title 21 - PLANNING AND ZONING
Division II - Administration and Enforcement
Chapter 21.24 - Planned Development

Section 21.24.010 - Purposes, authorities and types.

A. Purposes. The purposes of planned developments are as follows:

1. To allow greater flexibility in order to encourage more creative design for the development of land than is generally possible under conventional zoning district regulations.
2. ~~To promote orderly and thorough planning and review procedures that will result in quality design and counteract the negative effects of monotonous design.~~
To promote orderly and thorough planning and review procedures that will result in community design that exceeds what is possible under conventional site planning and which counteracts the negative effects of monotonous design.

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3. To allow the grouping of buildings and a mix of land uses, especially housing, with an integrated design and a physical plan coordinated with surrounding land uses.
4. To promote development in a manner that protects significant natural resources, coordinates the placement of structures with existing natural features, and integrates natural open spaces into the design of a development project.
5. To promote a design a design development that takes into account the natural characteristics of the sites sites in the placement of structures.
6. To promote development that is consistent which substantially advances the goals of the Comprehensive Plan, particularly the following:
 - a. Promoting the supply of affordable housing, especially multi-family housing types (missing middle housing), which can be developed at a lower cost per unit than single family housing;
 - b. Promoting a mix of land use types within development projects (mixed use);
 - c. Promoting the installation and use of infrastructure such as sidewalks, trails, bikeways, and transit (active transportation);
 - d. Promoting physical connections to area waterways through such things as dedicated routes and recreational enhancements to waterfront land (public water access); and
 - e. Promoting the linking of open spaces for environmental and recreational benefits (greenways).

- a. Promoting a mix of land use types within development projects (mixed use) that support the principles of the Comprehensive Plan 2040.
- b. Promoting the installation and use of infrastructure such as sidewalks, trails, bikeways, and transit (active transportation), parks and neighborhood services such as but not limited to daycare, health care, shopping, dining and entertainment;
- c. Promoting the supply of affordable housing, especially multi-family housing types (missing middle housing), which can be developed at a lower cost per unit than single-family housing;
- d. Promoting physical connections to area waterways through such things as dedicated routes and recreational enhancements to waterfront land (public water access);

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- e. Promoting the linking of open spaces for environmental and recreational benefits (greenways); and
- f. Foster improvements to the environment through development that improves air and water quality.

7. To support development built around and connected to transit to improve residents' mobility, reduce automobile dependence, reduce traffic and parking pressures, reduce the need for large asphalt parking lots, and optimize land use efficiency.

B. Types of Planned Developments, Where Permitted.

1. ~~There are three types of planned developments: residential planned developments, business planned developments, and special mixed planned developments.~~

There are three types of planned developments:

 - a. residential planned developments,
 - b. business planned developments, and
 - c. special mixed planned developments.
2. ~~Planned developments may be permitted only where listed in the use tables for specific zoning districts in Chapter 21.48 of this Zoning Code.~~

C. Authority to Approve. The Planning Commission is authorized to decide applications for planned developments, upon establishing written findings as provided in § 21.24.090.

Section 21.24.020 - Use regulations for planned developments.

A. Residential Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a residential planned development may consist of the following uses:
 - a. Uses that are allowed as permitted uses, uses subject to standards or special exception uses in any residential district, are allowed as permitted uses if included within and approved as part of a residential planned development.
 - b. Up to ~~ten percent~~10% of the ground area or gross floor area of a residential planned development may consist of uses that are

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allowed as permitted uses or as uses subject to standards in the B1 District.

2. No more than ~~thirty percent~~30% of the ground area or of the gross floor area of the development may be devoted to ~~planned development uses~~uses not otherwise permitted in the underlying zone.

B. Business Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a business planned development may consist of the following uses:
 - a. All uses allowed as a permitted use, use subject to standards, or special exception use in the zoning district in which the business planned development is located, are allowed as permitted uses if included within and approved as part of a business planned development.
 - b. For business planned developments located in the B1, B2, B3, B3-CD, BCE, BR, P, PM, PM2, and MX districts, a business planned development may include all uses allowed in any residential district as a permitted use, use subject to standards, or as a special exception.
2. No more than ~~fifteen percent~~50% of the ground area or of the gross floor area of the development may be devoted to ~~planned development uses~~uses not otherwise permitted in the underlying zone.

C. Special Mixed Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a special mixed planned development may consist of all uses allowed as a permitted use, use subject to standards, or as a special exception in any zoning district, which uses are allowed as permitted uses if included within and approved as part of a special mixed planned development.
2. No more than ~~thirty percent~~75% of the ground area or of the gross floor area of the development may be devoted to ~~planned development uses~~uses not otherwise permitted in the underlying zone.

Section 21.24.050 - Bulk and density standards.

A. Bulk Standards. The Planning Commission may adjust bulk standards, other than height, that are otherwise applicable in the zoning district, with the following exception: a ~~twenty percent~~20% increase in the height limit or other bulk

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standards shall be allowed for ~~low income~~ housing developed pursuant to Section 42 of the Federal Internal Revenue Code, and that meets the criteria of the Federal Low Income Housing Tax Credit Program.

B. **Maximum Allowable Density Standards.** The following density standards shall apply to planned developments:

1. ~~In a residential planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located. Gross development area shall be the area of the zoning lot as a whole. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted. If the gross development area of the property includes property within the Resource Conservation Area of the Critical Area Overlay, density shall be determined, as per Section 20.24.130(G) and (H).~~
1. In a residential planned development, the maximum number of dwelling units may not exceed ~~150~~125% of the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located.
 - a. Gross development area shall be the area of the zoning lot as a whole.
 - b. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted.
 - c. If the gross development area of the property includes property within the Resource Conservation Area of the Critical Area Overlay, density shall be determined, as per ~~§~~ 20.24.130(G) and (H).
2. Except as provided in 21.24.050(3), in a business or special mixed planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross residential development area by the minimum lot area per dwelling unit required by the R4 district.
3. In a special mixed planned development, on property meeting both of the following locational criteria, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by ~~850~~1,400 square feet.

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- a. The property fronts directly on at least one of the following streets: Forest Drive, Bay Ridge Road east of Hillsmere Drive, West Street, Rowe Boulevard, Chinquapin Round Road, Spa Road, Old Solomons Island Road, or Solomons Island Road.
- b. The property is designated for mixed use on the map of future land use in Chapter 4, Land Use, of the comprehensive plan.

C. Conditional Density Bonus Tied to High-Value Transit Improvements.

1. Conditional density increases allowed.
 - a. Residential Planned development. The maximum number of dwelling units allowed, as calculated in section B(1) above, may be increased to a maximum of 200%.
 - b. Special mixed planned development. Instead of the 1,400 square feet mentioned in section B(3) above, only 850 square feet may be used when determining the maximum number of allowed dwelling units.
2. The density increases in this section shall become effective only upon satisfaction of all:
 - a. **Transit Conditions.**
 - i. High-value Transit Service Confirmation. The property must be or become served by high-value transit services, as demonstrated by the provision or initiation of these services approved by the City or designated transit authority.
 - ii. Developer Contribution. The developer shall:
 - (1) Enter into a binding Community Benefits Agreement (CBA).
 - (a) This agreement shall obligate them to contribute financial resources, provide in-kind services, or offer other support to improve the project and benefit the surrounding community.
 - (b) The agreement may include requirements such as prioritizing the construction of below-market-rate housing, promoting local hiring and workforce development, making investments and reinvestments in the community, adhering to environmental and

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sustainability standards, supporting local business and economic development, and ensuring accountability and monitoring of these efforts.

(2) Contribute financial resources, in-kind services, or other support identified for improvements that help to optimize transit and/or bicycle use for residents and visitors of the project and the surrounding community.

- (a) These contributions may include the following: Transit pass incentives for residents, bicycle lockers, public restrooms with showers for bicycle users, and a rebate for residents to purchase a bicycle.
- (b) The City Council shall approve such an agreement with recommendations from the Planning Commission.

b. Transit-Oriented Development (TOD) and Tax Incremental Financing (TIF) Establishment.

- i. The City shall establish a Transit-Oriented Development (TOD) Tax Increment Financing (TIF) district.
- ii. The incremental tax revenues generated as a result of the increased density shall be earmarked for financing further high-value transit-related infrastructure enhancements in the area, or for related operations and maintenance costs.

c. Affordable Housing Conditions.

- i. The percentage of below-market-rate housing provided on the property shall be at least 25% of the total units.
- ii. At least half of the below-market-rate housing shall be complete and ready for occupancy before issuing any certificate of occupancy for market-rate units at an above-baseline density.

3. Failure to meet any condition of this section voids the bonus, and the project shall be limited to the baseline density pursuant to § 21.24.050(B).

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Section 21.24.055 – Transit-Oriented Development (TOD) Parking Reduction and Transportation Demand Management

A. Eligibility. Projects that satisfy all requirements pursuant to § 21.24.050.C (Conditional Density Bonus Tied to High-Value Transit Improvements) are eligible to apply for the benefits in subsections B and C.

B. Parking Reduction Incentive. Eligible projects may reduce required off-street parking by up to 30% below the ratios in Chapter 21.66, provided they demonstrate compliance with subsection C.

C. Transportation Demand Management (TMD) Plan Requirement.

1. Approval Process.

- a. The developer shall submit a detailed Transportation Demand Management (TDM) Plan to the Department of Planning & Zoning for review at the time of the site design plan submission.
- b. The Planning Commission must approve the Transportation Demand Management (TDM) Plan before building permits for density above the baseline are issued.

2. Mandatory Elements. The Transportation Demand Management (TDM) Plan shall include, at a minimum, all of the following:

- a. **Parking Pricing.** Tiered or unbundled parking pricing for residents and visitors to encourage mode shift;
- b. **Bicycle Infrastructure.** Secure bicycle parking equals at least one space per ten dwelling units and at least one short-term rack per 50 units;
- c. **Carshare/Rideshare Integration.** On-site carshare or rideshare pick-up/drop-off zones, including at least one dedicated stall;

3. Coordination with High-Value Transit (HVT) and Active

Transportation. The Transportation Demand Management (TDM) Plan must describe how the project will connect to adjacent high-value transit facilities and active-transportation networks, including safe, direct pedestrian and bicycle routes to stations or stops.

D. Monitoring, Reporting, and Enforcement.

1. Annual Reporting. Every two years, the property owner shall submit an annual Transportation Demand Management (TDM) Report to the Department of Planning & Zoning documenting:

- a. Parking utilization rates;
- b. Transit-pass uptake;

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- c. Bike parking usage;
- d. Carshare/ride-share trip counts; and
- e. Results of mode-split surveys.

2. Performance Security. A performance bond or letter of credit equal to 10% of the estimated cost of on-site Transportation Demand Management (TDM) measures shall be posted before the first certificate of occupancy for bonus units.

3. Penalties. Failure to achieve or maintain 20% non-single occupant vehicle mode share within two years of full build-out may trigger revocation of further permits for density above baseline and require additional Transportation Demand Management (TDM) enhancements at the developer's expense.

Section 21.24.060 - Common open space.

Planned developments shall provide for common open space as follows:

- A1. Common open space may include parks, plazas, playgrounds, medians of parkways, medians, landscaped green space, community gardens, accessible green roof spaces, schools, community centers or other similar areas in public ownership or covered by an open space easement or controlled by a homeowners association.
- B2. The minimum area of common open space provided shall be equivalent to twenty percent~~20%~~ of the total ground area in residential planned developments and five percent~~10%~~ of the total ground area in business and special mixed planned developments.
- C3. Planned development applications shall include provisions for the ownership, conservation, and maintenance of the common open space.

4. This section does not supersede Adequate Public Facilities requirements in Title 22.

Section 21.24.090 - Planned development review criteria and findings.

In determining whether to approve or deny planned development applications, the Planning Commission shall make written findings based on the following:

- A1. The planned development is consistent with each of the purposes of this chapter set forth in § 21.24.010. The planned development is compatible

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~~with the character of the surrounding neighborhood and consistent with the Comprehensive Plan and the purposes of planned developments.~~

B2. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, efficient, and designed to minimize any adverse impact upon the surrounding area.

C. ~~The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.~~

3. By virtue of the planned development, the following community benefits shall be advanced:

- a.** High quality architectural and landscape design that fosters civic beauty and physical connectivity with surrounding developments;
- b.** Safety and mobility improvements for walking, bicycle, and transit;
Bicycle and transit;
- c.** Revitalization of outmoded, obsolescent or physically deteriorated real estate;
- d.** Creation of opportunities for public art; and
- e.** The modernization of stormwater management.

D4. The planned development complies with the planned development use standards and bulk and density standards.

E5. The planned development complies with the Site Design Plan Review criteria provided in Section§ 21.22.080.

F6. The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and adequately interconnect with existing public facilities.

G7. The planned development complies with Chapter 21.71 - Forest Conservation, of the Annapolis City Code.

8. The planned development is consistent with the adopted City of Annapolis comprehensive plan. For business and special mixed use planned developments, the planned development is specifically consistent with each of the six performance standards for mixed use development set forth in Chapter 4: Land Use of the comprehensive plan.

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8. **Conditional Transit-Oriented Development (TOD) Findings.** The Planning Commission may approve any density above the baseline in § 21.24.050(B) or any bonus under § 21.24.050(C) only upon a written finding that all of the following have been satisfied:
 - a. All transit infrastructure conditions pursuant to § 21.24.050;
 - b. Execution of the required Community Benefits Agreement (CBA);
 - c. Adoption of the Transit-Oriented Development (TOD), Tax Incremental Financing (TIF) overlay;
 - d. Provision of affordable housing pursuant to § 21.24.050;
 - e. Approval of a Transportation Demand Management (TDM) plan as required pursuant to § 21.24.055; and
 - f. Posting performance security in less than 125% of estimated public infrastructure costs to guarantee High-Value Transit (HVT), Community Benefits Agreement (CBA), and affordable housing delivery.
9. **Density Limitation.** If the Commission finds that any condition of this item has not been met within the required timeframe and manner, the project shall be approved only up to the baseline density pursuant to § 21.24.050(B), and no conditional bonus shall apply.

City Code Title 21 - PLANNING AND ZONING
Division III - Base District Regulations
Chapter 21.40 - Residential Districts

Section 21.40.060 - R2-NC Single-Family Residence Neighborhood Conservation district

C. Development Standards.

2. Site Design Review

- a. Except as provided in Subsection § 21.40.060(C)(2)(b)-of this section, new construction including new buildings, enlargements to building size or bulk, or structural alterations to existing structures which have an impact upon any exterior façade of a

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structure or building are subject to review and approval, with emphasis placed on façades visible from the public view, by the Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, - Site Design Plan Review.

b. ~~New structures, enlargement to a structure, and structural alterations to building size or bulk of existing structures which results in the structure or building being in excess of three thousand two hundred fifty square feet of floor area are subject to public hearing, review and approval by the Planning Commission.~~ The three thousand two hundred fifty square foot figure does not include square footage in basements that are fifty percent or more underground, uninhabitable attic space or accessory structures. Those structures or buildings that are already in excess of three thousand two hundred fifty square feet or have site design review approval as of November 14, 2005, may be rebuilt to the same square footage as long as the design is reviewed and approved by the Planning Commission.

Any new structures, expansions of existing structures, or alterations that increase the size or bulk of a building to more than 3,250 square feet of floor area as defined in § 21.72.010 will require a public hearing, review, and approval by the Planning Commission.

- i. The 3,250 square foot figure shall include all floor area except that area in basements that are 50% or more underground, and in detached accessory structures.
- ii. Those structures or buildings that are already in excess of 3,250 square feet or have site design review approval as of November 14, 2005, may be rebuilt to the same square footage as long as the design is reviewed and approved by the Planning Commission.

City Code Title 21 - PLANNING AND ZONING
Division IV - Overlay District Regulations
Chapter 21.56 - Historic District
Article I - Approval of Exterior Changes

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Section 21.56.060 - Application review.

E. Special Considerations.

2. In the circumstances described above in Subsection (E)(1) of this section, unless the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, cultural, archaeological, or architectural significance of the landmark, site or structure, the Commission shall reject the application, filing a copy of its rejection with the Department of Public Works Planning and Zoning.

Section 21.56.070 - Certificate of approval—Commission decision.

- A. The Commission shall file with the Department of Public Works Planning and Zoning a certificate of approval certifying its approval or modification of each application and plans submitted to it for review. If an application is rejected, the Commission shall notify the Department of Public Works.
- B. Work shall not be commenced on any project until such a certificate of approval has been filed, and the Department of Public Works Planning and Zoning shall not issue a building permit for such change or construction unless it has received such a certificate of approval.

Section 21.56.095 - Green Roof Standards in the Historic District

- A. Purpose.** To enable environmentally beneficial green (living) roofs while preserving the historic character, materials, and skyline of the Historic District.
- B. Applicability.** This section applies to green roofs proposed in the Historic District.
- C. Design and performance standards.**

1. Performance.

— The system shall be designed for stormwater retention and attenuation, as well as thermal performance, with climate-appropriate plantings (extensive, semi-intensive, or intensive).

2. Structural and Waterproofing.

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- a. A licensed design professional shall certify structural load capacity and waterproofing integrity; assemblies shall include a root barrier and drainage layer.
- b. Waterproof membrane and root barriers shall meet ANSI/SPRI/ESR standards.

3. Reversibility.

Installation shall be removable without permanent damage to the historic fabric and shall avoid adverse moisture or drainage impacts on historic materials.

4. Visibility and Placement.

Vegetation and associated assemblies shall not be visible above the roofline from public rights of way unless explicitly approved as compatible by the Historic Preservation Commission.

5. Drainage and Irrigation.

- a. Drainage layer and filter fabric shall be required for uniform moisture retention and substrate retention.
- b. Temporary irrigation is permitted only during plant establishment (max one summer season). Planting requiring no irrigation is preferred.

6. Maintenance.

- a. A maintenance plan shall be implemented for irrigation, seasonal care, and replacement of vegetation to prevent die-off or visual degradation.
- b. The vegetative roof system shall be maintained in a healthy growing condition, free of dead or dying plant material, noxious weeds, and accumulated debris.
- c. Vegetation visible from the street shall be regularly pruned and trimmed to present a neat and orderly appearance.
- d. The property owner shall inspect the green roof at least twice a year and carry out necessary maintenance tasks. This includes removing and replacing any failed vegetation, controlling weeds, and stabilizing soil. Additionally, the owner must keep inspection and maintenance records for at least three years and make them available to the Department of Planning and Zoning upon request.

D. Submittals. Applications shall include:

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1. A roof plan with locations of assemblies and rooftop accessory structures;
2. Structural and waterproofing certifications;
3. Planting plan and specifications; and
4. A maintenance plan.

E. Stormwater Credits.

Green roofs installed in accordance with this section qualify for stormwater management volume credits under Chapter 17.

Section 21.56.105 – Rooftop Accessory Structure Design Guidelines

A. Materials and Finishes.

1. Cladding for accessory structures must match or complement adjacent roof materials in color, texture, and finish.
2. Guard rails, screening, and louvers shall be durable, non-reflective, low-profile, and designed to complement and integrate with building architecture.

B. Visibility Minimization.

Equipment enclosures, planters, and dining parapets shall be arranged to reduce perceived bulk and maintain historic roofline continuity.

C. Prohibited Features.

No enclosed accessory structure shall include space for dining, bar use, or other habitable uses, except for an elevator lobby and stairwells.

Section 21.56.115 – Rooftop Dining Area Design Standards

A. Applicability.

This section applies to all rooftop dining areas at properties on Dock Street between Craig Street and its easternmost terminus of Dock Street.

B. Height and Enclosure.

Guard rails and parapets serving dining areas may not exceed 42 inches above the roof surface and shall be in addition to § 21.64.540(A)(2)(d).

C. Coverage and Setbacks.

1. Rooftop dining platforms shall not exceed 30% of the roof plate.

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2. Dining areas must be set back at least five feet from any roof edge fronting a public right of way.
3. Guardrails and seating platforms may encroach within two feet of the roof edge, provided they are constructed of clear glass or cable railing systems not exceeding four feet in height, and are visually transparent from street level.

D. Review Findings.

The Certificate of Approval must include findings that the dining installation preserves sightlines to the historic rooflines.

City Code Title 21 - PLANNING AND ZONING
Division IV - Overlay District
Chapter 21.56 - Historic District
Article II - Height and Bulk Limits

Section 21.56.150 - Purpose.

The purpose of this article is to provide for light and the circulation of air, to prevent the congestion of population, to implement the purpose set forth in ~~Section § 21.56.010 of this chapter~~, and to better preserve the existing historical and architectural character of the historic district by limiting the height and bulk of buildings in the historic district.

Section 21.56.160 - Applicability.

The special height and bulk limits apply only to land within the historic district and are intended to be supplementary and in addition to the more general factors of compatibility set forth in ~~Section 21.56.100~~§ 21.56.010 of Article I of this chapter.

Section 21.56.170 - Height Measurement

~~B. Antennas and mechanical equipment up to thirty inches high shall not be counted in computing height, and penthouses, other structures and mechanical equipment thirty inches in height shall be used in computing height; chimneys are excluded.~~

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B. Allowable Projections Above Height Limits.

1. Except as provided in § 21.56.170(B)(2):
 - a. Antennas and mechanical equipment up to 30 inches high shall not be counted in computing height;
 - b. Penthouses, other structures, and mechanical equipment 30 inches and over in height shall be used in computing height;
 - c. Chimneys are excluded.
2. On properties with frontage on Dock Street between Craig Street and the eastern most terminus of Dock Street, mechanical penthouses, and other roof top appurtenances and accessory structures may extend up to 10 feet beyond the applicable allowed height limit and elevator shaft overruns may extend an additional five feet, provided:
 - a. The roof is green (living) roof designed and engineered for stormwater management, energy efficiency and planted with vegetation;
 - b. The aggregate footprint of any such structures shall comprise no more than 25% of the area of the roof, or and
 - c. Any such structure shall be positioned on the roof, to minimize, to the extent possible, the degree to which is it viewable from all public rights of way and shall be screened on all four sides, with such screening being an integral architectural element of the building and the required green (living) roof.
3. On properties with frontage on Dock Street between Craig Street and the eastern most terminus of Dock Street, rooftop handrails, not exceeding four feet in height, are allowed to project above the building height limit on a green (living) roof provided they are set back in from the edge of the roof at least one foot for every one foot in handrail height.
2. On properties with frontage on Dock Street between Craig Street and the easternmost terminus of Dock Street:
 - a. Mechanical penthouses, and other roof top appurtenances and accessory structures may extend up to 10 feet beyond the applicable allowed height limit, and elevator shaft overruns may extend an additional five feet, provided:
 - i. The roof is a green (living) roof designed and engineered for stormwater management, energy efficiency and planted with vegetation;

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- ii. The aggregate footprint of any such structures shall comprise no more than 25% of the area of the roof; or
- iii. Any such structure shall be positioned on the roof, to minimize, to the extent possible, the degree to which it is viewable from all public rights of way and shall be screened on all four sides, with such screening being an integral architectural element of the building and the required green (living) roof.

b. The applicant must demonstrate that:

- i. The extra height is necessary and minimal;
- ii. Visual impacts are reduced through greater setbacks, appropriate screening, materials, or colors; and
- iii. All other overlay standards, including green roofs, coverage limits, maintenance, and historic district requirements, are satisfied.

**Title 21 - PLANNING AND ZONING
Division IV - Overlay District Regulations
Chapter 21.56 Historic District**

Section 21.56.190 Front setback for replacement buildings.

- 1. Within the limits of the historic district, front setback provisions for the C1, C1A, C2, C2A and C2P districts shall be modified to provide that where a new building is constructed which takes the place of an existing building, the new building may be constructed with the same front setback as existed for the building it replaces; otherwise, the new building shall be subject to the provisions of the bulk regulations for those districts.
- 2. Where, on property with frontage on Dock Street between Craig Street and the eastern-most terminus of Dock Street, a new building is to be constructed with the same front setback as the building it replaces. The maximum allowable architectural bulk of the new building shall be constrained by the application of the height and setback provisions of this chapter, rather than the floor area ratio standard applicable to the C2 District.

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City Code Title 21 - PLANNING AND ZONING
Division V - Regulations of General Applicability
Chapter 21.66 - Parking and Loading Regulation

Section 21.66.130 - Table of off-street parking requirements.

Important—The notes at the end of the table are as much a part of the law as the table itself.

Table Notes:

4. *C2 and C2A Districts.* Off-street parking facilities are not required in the C2 or C2A districts ~~except that uses containing twenty thousand feet or more of floor area must provide twenty parking spaces, plus one space for each additional five hundred square feet of floor area.~~

City Code Title 21 - PLANNING AND ZONING
Division VI - General Terms and Rules of Measurement
Chapter 21.72 - Terms and Definitions

Section 21.72.010 - Terms.

"Floor area" means the sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the exterior walls or sloped roofs where, in lieu of a wall, a sloped roof forms an exterior boundary of the building (such as in an attic), or from the centerline of walls separating two buildings.

"Story, half". See illustration. "Half story" means a story containing floor area habitable living space not exceeding fifty percent 50% of the floor area next below. Habitable living space is space that meets the ceiling requirements for habitable rooms, hallways, corridors, bathrooms, toilet rooms, and laundry rooms, as set forth in the City of Annapolis Building Code (see Chapter 17.12).

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Insert the following terms into Section 21.72.010 in alphabetical order:

“Accessory Structure, Rooftop” means any enclosed or unenclosed element on a roof incidental to the principal use, including mechanical penthouses, elevators and elevator overrides, guard rails, screening, stair towers, and rooftop dining areas. Does not include rooftop decks regulated under § 21.56.115.

“Elevator Override” means an enclosed rooftop accessory structure containing elevator machinery, hoistway extension, emergency egress stair tower, and related controls.

“Green Roof” means a vegetated roof assembly consisting of a waterproof membrane, root barrier, drainage layer, filter fabric, and growing medium that supports drought tolerant plantings.

“Mechanical Penthouse” means an enclosed rooftop accessory structure housing mechanical, electrical, plumbing, or fire protection equipment, including ductwork, piping, or exhaust. Shall contain no habitable or assembly uses.

“Rooftop Dining Area” means an unenclosed or partially enclosed platform on a roof for outdoor seating, tables, and service incidental to a restaurant. Rooftop dining areas are subject to design, setback, and coverage standards in § 21.56.115.

“High-value transit (HVT)” means a fixed transportation route that includes enhanced reliability and service frequency with headways of at least 20 minutes; dedicated transit infrastructure (e.g., travel lanes); comprehensive station upgrades with real-time arrival/departure information; multi-modal integration with walking, biking, and micro-transit; and seamless intermodal connectivity.

“Transportation Demand Management (TDM)” means a package of strategies, programs, and services designed to reduce reliance on single-occupant vehicle trips, improve system efficiency, and shift travel toward high-value transit, walking, biking, and other low-emission modes. TDM measures may include transit subsidies, carshare/vanpool integration, bicycle infrastructure and amenities, telework/flex scheduling, on-site mobility coordination, and information-sharing platforms.

“Transit-Oriented Development (TOD)” means development sited and designed to prioritize access to high-quality public transit and active transportation. TOD is characterized by increased residential and/or employment density within walking distance of transit stops, pedestrian-oriented site and street design, safe and direct bicycle and pedestrian connections to transit, integration of Transportation Demand Management measures, and reduced automobile-oriented parking. Mixed use is

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encouraged but not required where demonstrated high-quality transit service, multimodal access, and TDM commitments are provided.

“Tax incremental financing” (TIF) means, a public financing mechanism in which the City designates a defined district and fixes a base year taxable value for property therein; thereafter, the increase in property tax revenue above the base (the “tax increment”) is captured and deposited into a dedicated fund to pay for eligible public improvements that benefit the district, including transportation, utility, streetscape, parks, environmental remediation, and transit-supportive infrastructure. TIF may be implemented on a pay-as-you-go basis or used to secure bonds or other obligations, with repayment limited to the tax increment and any other pledged revenues. Establishment of a TIF district does not by itself raise tax rates, and use of TIF revenues shall be limited to purposes and expenditures authorized by the creating ordinance and applicable law within or benefiting the district.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect upon passage.

ADOPTED this 13th day of October 2025.

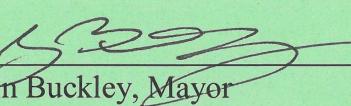
Aye: 4 Alderman Huntley, Alderman Schandelmeier, Alderman Savidge, and Alderman Arnett

Nay: 3 Mayor Buckley, Alderwoman O'Neill, Alderwoman Finlayson,

Abstain: 1 Alderman Gay

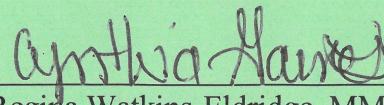
Absent: 1 Alderwoman Pindell Charles

**THE ANNAPOLIS CITY
COUNCIL**


Gavin Buckley, Mayor

Date: 25/11/2025

ATTEST


Cynthia Hawes
Regina Watkins-Eldridge, MMC,
City Clerk

Date: 12/3/25

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