



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

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April 27, 2021

**MEMORANDUM**

**To:** Planning Commission *APW*  
**From:** Sally Nash, Ph.D., AICP, Director of Planning and Zoning  
**Re:** Ordinance O-8-21 (ZTA2021-006) -- Dwellings above nonresidential uses in the PM District the purpose of allowing dwellings above the ground floor of nonresidential uses in the PM zoning district; and matters generally relating to regulation of such dwellings.  
**Encl:** O-8-21

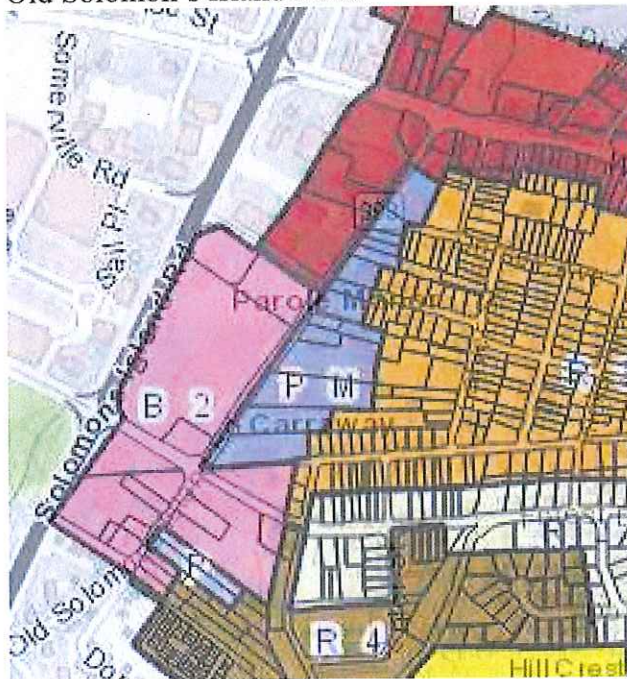
**Purpose**

The proposed ordinance would allow dwellings above the ground floor of a nonresidential use in the Professional Mixed Office (PM) district. Per City Code Section 21.44.020, the PM District is “designed to serve as a transitional zone reducing commercial/ office impact on adjoining residential neighborhoods.” The use, “Dwellings above the ground floor of nonresidential uses” is appropriate in this district and it was recommended that it be added in the PM District in the *West Annapolis Sector Study* (2015) as well as the draft *Upper West Street Sector Study*.

**Analysis**

PM is present in Wards 2 and 3 as shown below:

Old Solomon’s Island Road



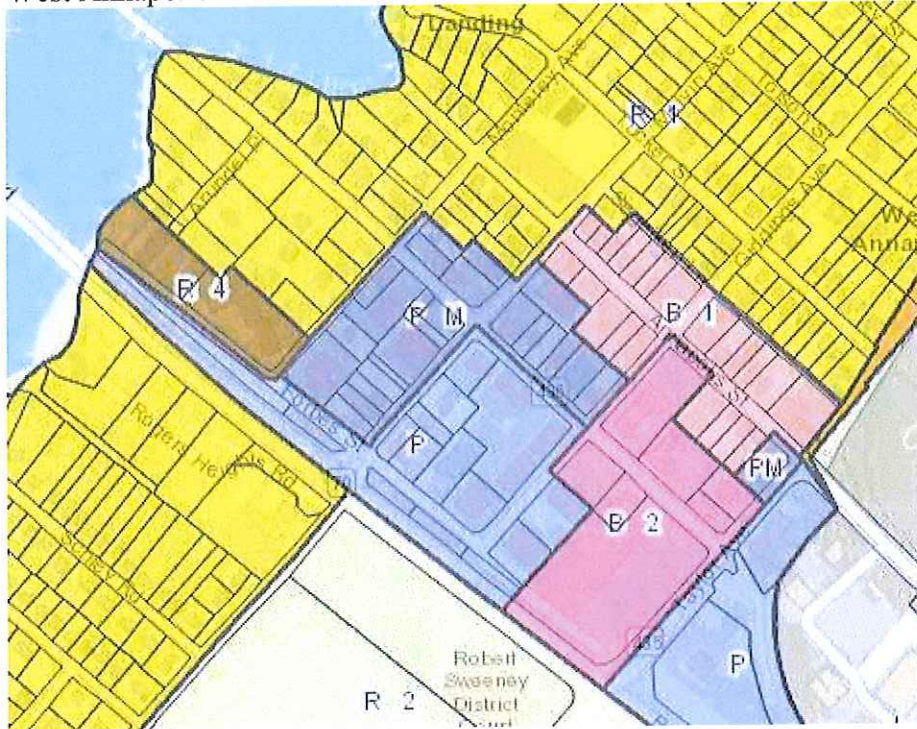
West Street and Legion Avenue



West Street between Westgate Circle and McKendree Avenue



West Annapolis




The PM District is being analyzed as part of the Comprehensive Planning process and it is expected that this district will be combined with a similar lower intensity mixed use zone. Currently, the lot width for a business in the PM district is 65 feet. A preliminary analysis of existing PM Districts shows that less than half of parcels in the PM District are conforming to this bulk regulation. Due to this large degree of nonconformity, it is a flawed standard. Given the remaining robust setback requirements in this zoning district, and due to the variability of existing front yard widths, the bulk regulation for width is not needed.

Additionally in this ordinance, bulk regulations are added for the proposed use “Dwellings above the ground floor of nonresidential uses,” however, the standards refer to the business establishment, as by definition, the dwellings will be above these uses.

**Recommendation**

The Department of Planning and Zoning recommends approval of this ordinance

Report Prepared by

  
Sally Nash, Ph.D., AICP  
Director of Planning and Zoning

1 **..Title**  
 2 **Dwellings above nonresidential uses in the PM District** – For the purpose of creating standards  
 3 for dwellings permitted above the ground floor of nonresidential uses in the PM zoning district;  
 4 and matters generally relating to regulation of such dwellings.

5 **..Body**

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

8 **Ordinance 8-21**

9  
 10  
 11 **Introduced by: Alderman Paone**  
 12 **Co-sponsored by: Alderman Schandelmeier**

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

17 **AN ORDINANCE** concerning

18 **Dwellings above nonresidential uses in the PM District**

19  
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 21  
 22 **FOR** the purpose of allowing dwellings above the ground floor of nonresidential uses in the PM  
 23 zoning district; and matters generally relating to regulation of such dwellings.

24  
 25 **BY** repealing and reenacting with amendments the following portions of the Code of the City  
 26 of Annapolis, 2021 Edition  
 27 21.48.030  
 28 21.50.250

29  
 30 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
 31 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

32 **TITLE 21 – PLANNING AND ZONING**

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 34  
 35 **Chapter 21.48 – Use Tables**  
 36 **Section 21.48.030 - Table of Uses—Office and Mixed Use Zoning Districts.**

37  
 38 P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory  
 39 Use; Blank = Not Permitted  
 40 A use, including a special exception use, that is not normally permissible as a permitted use or use subject to  
 41 standards in a zoning district may be permitted in that district as a planned development use pursuant to Section  
 42 21.24.020

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

Uses	District P	District MX	District PM	District C2P
Dwellings above the ground floor of nonresidential uses		P	P	

REVISOR’S NOTE: In this section, the use “Dwellings above the ground floor of nonresidential uses” is added as a permitted use in “District PM”.

No other changes are made.

Footnotes:

<sup>1</sup> If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.

<sup>2</sup> The following apply only to the uses specified: in the MX-1 area only, in planned developments with a minimum lot size of five acres, "accessory structures" such as clock towers attached to office and/or retail structures and "theaters, indoor" shall not exceed one hundred feet in height. See the bulk regulations table in Section 21.50.260.

Table Notes:

The following regulations apply to all uses in the MX District:

1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the following:

a. Either twenty-five percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses, alternatively, the entire ground level front façade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses. Retail use along the front façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;

b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen; and

c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.

2. Buildings in excess of forty-six feet, but less than sixty-five feet in height require special exception approval except as provided in note No. 1 above.

3. Uses and combinations of uses located on zoning lots of forty thousand square feet or more require special exception approval, unless such uses are approved as part of a planned development.

**Chapter 21.50 – Bulk Regulations Tables**

**Section 21.50.250 - Bulk Regulations Table PM District.**

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

Permitted uses, special exception uses, and uses subject to specific standards	Density (minimum sq. ft. lot area per dwelling unit)	Lot Dimensions (minimum) Area (sq. ft. or acres)	Lot Dimensions (minimum) Width (ft)	Yards (minimum) Front (ft)	Yards (minimum) Interior Side (ft)	Yards (minimum) Corner Side (ft)	Yards (minimum) Rear (ft)	Floor Area Ratio (maximum)	Height (maximum, stories and feet)
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Business establishment			65	See table notes	See table notes	See table notes	30	0.75	1. Buildings with dormerless roofs with straight rafters pitched more than 20 degrees shall have a maximum cornice line of 28 feet in height and a ridgeline of 38 feet in height. 3
DWELLINGS, ABOVE THE GROUND FLOOR OF NONRESIDENTIAL USES	1,800 PER DWELLING UNIT			PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS

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2 REVISOR’S NOTE: In this section, the use “Dwellings above the ground floor of  
3 nonresidential uses” is added; and the “Lot dimensions (minimum) width” for the  
4 use “Business establishment” is stricken.

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6 No other changes are made.

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8 **Table Notes:**

9 1 If the lot is to be subdivided, a minimum lot width of twenty-five feet per dwelling unit shall  
10 be provided.

11 2 As specified by the decision-making body or official through the zoning decision-making  
12 process set forth in Division II, Administration.

13 3 Pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code, the Planning and  
14 Zoning Director may permit an extension of the maximum ridgeline to forty-five feet upon  
15 findings that this would achieve a roof slope more compatible with adjacent structures and  
16 character. In no case shall the structure be more than three stories in height.

17 **Front yard requirements**

18 1. The required front yard is the greater of twenty feet or the average setback of all structures  
19 located on parcels on the same block which lie within three hundred feet of either side of the  
20 property. If four or more lots are available for computation, the largest and smallest setbacks  
21 may be excluded (but not one or the other).

22 2. Buildings fifty feet or more in width:

- a. At least thirty-three percent of the building façade shall be set back thirty-five feet from the front property line or fifteen feet from the average setback line, whichever is greater.
  - b. When located on more than one lot of record, the building façade shall reflect the scale and massing of the property as would occur if the lots were developed individually.
3. Pursuant to the administrative adjustment procedures set forth in Chapter 21.18 of this Zoning Code, the Planning and Zoning Director may allow the front yard setback to be established by drawing a straight line between existing buildings on both sides of the new building.

**Interior side yard requirements:**

1. Buildings two stories or less: ten-foot side yard. Buildings over two stories: fifteen-foot side yard.
2. For buildings fifty feet or more in width:
  - a. Shall provide an additional one foot of side yard for each three feet the building width exceeds fifty feet, and
  - b. At least thirty-three percent of the side building façade shall be set back an additional ten feet from the side property line.

**Corner side yard requirements:**

1. The required corner side yard is the greater of:
  - a. Buildings two stories or less: ten feet; buildings over two stories: fifteen feet, or
  - b. For buildings fifty feet or more in width: a minimum twenty-five percent of the lot width.
2. For buildings fifty feet or more in width:
  - a. At least thirty-three percent of the corner side building façade shall be set back an additional ten feet from the corner side property line, and
  - b. When located on more than one lot of record, the building façade shall reflect the scale and massing of the property as would occur if the lots were developed individually.

**Transitional Yard Requirements:**

In addition to required yards, in the following cases transitional yards are required as set forth in the following table:

1. When a PM zoned parcel lies adjacent to a parcel which is zoned predominantly for residential use (sixty percent or more of the adjacent parcel is zoned for residential use), and
2. On parcels which are split zoned. In this case fifty percent of the transitional yard requirement may be provided within the residentially zoned portion of the parcel.

Situation	Required transitional yard	Additional requirements
Front yard coincides with an adjacent residential district.	Same front yard as is required in the adjacent residential district.	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.
Interior side lot line coincides with either a side or rear lot line in an adjacent residential district.	15-foot side yard	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.
Corner side yard coincides with an adjacent residential district.	15-foot corner side yard	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.

Rear yard coincides with either the side or rear lot line in an adjacent residential district.	30-foot rear yard	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.
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**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Revisor’s Notes contained in this Ordinance are not law and may not be considered to have been enacted as a part of this Ordinance.

**SECTION III: 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**

- UPPERCASE indicates matter added to existing law.
- ~~Strikethrough~~ indicates matter stricken from existing law.
- Underlining indicates amendments.