



City of Annapolis

Planning Commission
Department of Planning & Zoning
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June 22, 2018

To: Annapolis City Council
From: Planning Commission
Re: Findings for Ordinance O-19-18/ZTA2018-004: 2018 Zoning Code Updates and Amendments

SUMMARY

The purpose of Ordinance O-19-18 is to update and amend the zoning code by making several changes to Title 21 in various sections. Some of the changes are technical or “housekeeping” in nature and would not have a noticeable effect on any particular property. Other amendments are minor in nature but could have an impact in certain zoning districts. None of the amendments represents wholesale changes to the zoning code or its approach.

ANALYSIS

Five of the proposed code changes fall into the technical or “housekeeping” category. Little or no material change will occur in terms of how the zoning code is administered if these changes are approved. The following describes these changes:

- A. Deleting Section 21.18.030(A)(3) - Permitted administrative adjustments. This amendment removes language about administrative adjustments that should have been deleted from the code in 2005. Since that date, it has not been possible to ask for an administrative adjustment for specific instances for a sign.
- B. Deleting Section 21.70.030 - Sign permit. This amendment deletes Section 21.70.030(A) because it is redundant. Section 21.70.030(B) requires posting of property with a public notice sign, which is very burdensome for the applicant and is rarely utilized, as new signs are typically part of a sign program. On the few occasions when this provision has been utilized, staff has found this requirement to be excessive. Posting for signs remains a requirement in the Historic District, as outlined under Chapter 21.56.
- C. Section 21.70.060 - Exempt signs. The Planning Commission has recently recommended approval of increasing the allowed size of a temporary sign. This additional amendment would increase the number of days a temporary sign may be displayed from sixty to ninety days. Staff has found that some community event organizers would like additional time to be able to display a temporary sign. This only applies to community, civic, or public interest signs.
- D. Section 21.70.080 - Types of Signs Permitted in Non-Residential Sign Table 1: This amendment would allow freestanding signs in the P and PM zoning district. Much of the

existing P and PM property has freestanding signs currently. This amendment would allow the sign type and reduce the amount of nonconformity.

- E. Section 21.70.080 - Regulations for Signs in Non-Residential Zoning Districts Sign Table 2. This amendment changes the height of wall-mounted signs allowed in the B1, BR, PM, and MX zoning district from 13 feet to 15 feet. This allows placement of a sign to be slightly above the first floor of a building. This amendment also adds in text inadvertently deleted from the sign table for wall-mounted signs in zoning districts WME, WMI, and WMM. The language that governs "Number of Signs Allowed," "Maximum Height," "Illumination Permitted," and "Projection Permitted" is now included.

The remaining amendments are minor in nature but could have small impacts on certain aspects of development in specific area. They are as follows:

1. Chapter 21.20 - Zoning district boundary adjustments. This chapter was amended in 2017. Since that time, the Board of Appeals has processed one application and staff has found that some of the standards need to be clarified. The amendment proposes to remove "unnecessary hardship" from the Unique Conditions standard. Practical difficulty is a sufficient standard. The amendment would also remove the current Public Welfare and Safety standard, which staff found too nebulous for determining the impact of a hypothetical change to a property. In place of the Surrounding Properties standard, the amendment substitutes "Suitability," which is intended to address whether the uses permitted under the proposed zoning classification are appropriate for the context where the boundary line adjustment is proposed.
2. Section 21.28.040 - Permitted variances. Currently, if a property owner with an existing structure on an existing lot wishes to change the use of that structure, he or she must fully comply with bulk regulations for the zoning district for the new use. If the lot area or width is insufficient for the new use, the applicant can apply for a variance if the lot width or area is within eighty percent of what is allowed in the bulk regulations. This ordinance proposes to eliminate the restriction on the existing lot width or area for the purpose of applying for a variance. Therefore, the applicant could apply for a variance even if the lot area or width was less than eighty percent of what is required in the bulk regulations.
3. Section 21.38.030 - Bulk regulations. Currently, except in the MX zoning district, if a project is going to be more than forty-five feet high and/or have a Floor Area Ratio of more than 2, it must go through the planned development process. This requirement is not necessary. All large projects are subject to site design review and most large projects are planned developments because of other factors.
4. Section 21.44.030(C)(2) - MX Mixed Use district. With the change described above, this section would be redundant.
5. Delete Section 21.60.070 (G) - Fences and walls. This section currently requires all fences to be installed with the finished side facing out. There are many instances where this is not a feasible or practical option for the property owner. The overall design and materials used for fences and walls are still required to be "in keeping with the character and purpose for which the fence or wall is intended, and shall be compatible with other similar structures in the neighborhood."

6. Section 21.64.240 - Dwellings, multi-family. In the Business Corridor Enhancement (BCE) Zoning District, which can be found along Upper West Street and along Chinquapin Round Road, retail and/or office use is “required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor.” Generally, this is a standard that is important for encouraging mixed use in the City. However, there are certain instances, especially when the property does not have frontage along a major road, where this is not feasible.
7. Section 21.70.080. In Regulations for Signs in Non-Residential Zoning Districts Sign Table 2, freestanding signs can only be placed in lot where there is a minimum lot width of 100. This amendment would remove this restriction and allow freestanding signs on smaller lots. This applies to freestanding signs in the following zoning districts: B1, WMC, B2, B3, B3-CD, BCE, I1, P, PM, WME, WMI, and WMM.

PROPOSED AMENDMENTS

The Planning Commission offers four amendments to the legislation.

Amendment 1

The Planning Commission recommends reinstatement of the original code language, with an additional sentence.

Chapter 21.60 - Supplemental Use and Development Standards

Section 21.60.070 - Fences and walls.

Proposed:

~~G. All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall.~~

Recommended:

All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall. Where there are practical difficulties, the Director of Planning and Zoning may waive this requirement.

Amendment 2

The Planning Commission recommends reinstatement of the original code language, with an additional clause.

Chapter 21.64 - Standards for Uses Subject to Standards

Section 21.64.240 - Dwellings, multi-family.

Proposed:

- A. BCE District.

1. ~~Retail and/or Office Use Required. Retail and/or office use shall be required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor.~~

Recommended:

1. Retail and/or Office Use Required. Retail and/or office use shall be required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor if there is direct access or frontage along a principal arterial, minor arterial, or collector road. If there is no access or frontage along such a road, retail and/or office use is not required.

Amendment 3

The Planning Commission recommends reinstatement of the original code language.

Chapter 21.70 - Sign Regulations

Section 21.70.060 - Exempt signs.

Proposed:

The signs in this section are exempt from this chapter and do not require a permit provided they meet both the standards applicable to all signs in the previous section and the following standards:

- B. Illumination is Not Permitted.
- 4. Temporary signs as follows:
 - a. Signs, banners, flags and other advertising devices may be placed on a site or building to announce the opening of a new business or a special promotion with written approval from the Director of Planning and Zoning. Such signs shall be limited to two events per year for a period of up to thirty days each event.
 - b. Temporary signs up to thirty-two square feet for community or civic projects or special events for events of public interest such as carnivals, community gatherings, fairs, political events and other events of a similar nature. Temporary signs shall be displayed for a period not in excess of sixty ninety days and shall be removed within seven days after the conclusion of the event.

Recommended:

The signs in this section are exempt from this chapter and do not require a permit provided they meet both the standards applicable to all signs in the previous section and the following standards:

- B. Illumination is Not Permitted.
- 4. Temporary signs as follows:
 - a. Signs, banners, flags and other advertising devices may be placed on a site or building to announce the opening of a new business or a special promotion with written approval from the Director of Planning and Zoning. Such signs shall be limited to two events per year for a period of up to thirty days each event.
 - b. Temporary signs up to thirty-two square feet for community or civic projects or special events for events of public interest such as carnivals, community gatherings, fairs, political events and other events of a similar nature.

Temporary signs shall be displayed for a period not in excess of sixty days and shall be removed within seven days after the conclusion of the event.

Amendment 4

The Planning Commission recommends all freestanding signs on lots smaller than 100 feet in width are ground signs only.

Proposed:

Sign Table 2
Regulations for Signs in Non-Residential Zoning Districts

In using the table the following regulations apply:

- a. Lots are permitted both wall-mounted and freestanding signs up to the limits set forth in the table. With the exception of the signage allowed in Table Note 1, signage in multi-tenant facilities is counted as an alternative, not in addition, to permitted wall-mounted and freestanding signs.
- b. For wall-mounted signs the maximum sign area is for the lot, with the exception of the signage allowed in Table Note 1.
- c. For all other signs the maximum sign area is the maximum area per sign face, unless stated otherwise. For example, a two-sided, freestanding, ground sign in the BCE could be thirty square feet per face or sixty square feet total.
- d. The following abbreviations are used in the table: sf = square feet; lf = linear feet; bldg = building; " = inches.
- e. Important. The notes at the end of the table are as much a part of the law as the table itself.

Sign Type	Zoning District	Number of Businesses per Lot	Maximum Sign Area	Number of Signs Allowed	Maximum Height (feet)	Illumination Permitted	Projection Permitted	Other
Wall-mounted								
	B1, BR, PM, MX		1. 1 sf per lf of building frontage up to a maximum of 100 sf. 2. No single sign may exceed 30 sf per face.	1. B1, PM: no limit, up to maximum permitted sign area. 2. BR, MX: no more than 3 signs per building.	15. In the MX district, signs may not be located higher on a façade than the second-story windowsills.	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	
	B2 ¹ , B3, B3-CD, BCE,		1. 2 sf per lf of building frontage up to a maximum of 120 sf. 2. No single sign may exceed 75 sf in area	No limit up to permitted sign area	15	Yes	Yes, up to 1.5 feet into a public way	Uses with canopies, such as service stations, may use the If of canopy frontage in lieu of lf of building frontage to calculate permitted sign area.
	C2, C2A, C2P		1 sf per lf of building frontage up to a maximum of 30 sf	Up to 3 signs per building	15	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	
	P		9 sf	1 per street frontage	15	No	Yes, but not into a public way.	
	PM2		See below under multi-tenant facilities sign types					
	II		2 sf per lf of building frontage up to a maximum of	No limit up to permitted sign area	18	Yes	No	

Sign Type	Zoning District	Number of Businesses per Lot	Maximum Sign Area	Number of Signs Allowed	Maximum Height (feet)	Illumination Permitted	Projection Permitted	Other
			120 sf					
	WMC		1 sf per If of building frontage up to a maximum of 100 sf	No limit up to permitted sign area	22	Yes	Yes, but not into a public way or over the water	
	WME, WMI, WMM		2 sf per If of building frontage up to a maximum of 120 sf	No limit up to permitted sign area	22	Yes	Yes, but not into a public way or over the water	
Marquee sign								
	Any district where the associated use is permitted		120 sf. The area of a marquee sign is permitted instead of, not in addition to, wall-mounted or freestanding signage that would otherwise be permitted.	1 per lot	15	Yes	Yes, up to the projection of the marquee	Theaters, museums, and auditoriums with a marquee sign are permitted wall-mounted frames up to 24 sf per frame advertising movies, plays or other features to be given at the venue.
Freestanding								
	B1, WMC		Pole signs: 12 sf, or ground signs: 20 sf.	1 per lot	10	No	Yes, but not into a public way or over the water	1 Freestanding signs are permitted only on lots with a minimum lot width of 100 feet or larger. 2 Minimum setback from property lines: WMC 0 feet B1, I1, WME, WMI, WMM 5 feet

Sign Type	Zoning District	Number of Businesses per Lot	Maximum Sign Area	Number of Signs Allowed	Maximum Height (feet)	Illumination Permitted	Projection Permitted	Other
								Other districts 10 feet
	B2 ¹ , B3, B3-CD, BCE, I1, P, PM, WME, WMI, WMM	Lots with up to 2 businesses	Pole signs: 20 sf, or ground signs: 30 sf	1 per street frontage.	Pole signs: 15 Ground signs: 12	Yes	Yes, but not into a public way or over the water	1. Freestanding signs are permitted only on lots with a minimum lot width of 100 feet or larger. 2. Minimum setback from property lines: WMC 0 feet B1, I1, WME, WMI, WMM 5 feet Other districts 10 feet
	B2 ¹ , B3, B3-CD, BCE, I1, P, PM, WME, WMI, WMM	Lots with 3 or more businesses	Pole signs: 24 sf, or ground signs: 30 sf	1 per street frontage.	Pole signs: 15. Ground signs: 12	Yes	Yes, but not into a public way or over the water	1. Freestanding signs are permitted only on lots with a minimum lot width of 100 feet or larger. 2. Minimum setback from property lines: WMC 0 feet B1, I1, WME, WM, WMM 5 feet Other districts 10 feet
	MX		30 sf	1 per street frontage.	10	Yes	Yes, but not into a public way or over the water	Must be a ground sign, monument style.
Multi-tenant facility signs								
Multi-tenant facility identification sign	B2 ¹ , B3, B3-CD, BCE, PM2, WMC, WME, WMI, WMM		64 sf	1 per street frontage	15	Yes	Yes, but not into a public way or over the water.	1. In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be

Sign Type	Zoning District	Number of Businesses per Lot	Maximum Sign Area	Number of Signs Allowed	Maximum Height (feet)	Illumination Permitted	Projection Permitted	Other
Multi-tenant facility identification sign	II		100 sf	1 per street frontage	15	Yes	Yes, but not into a public way or over the water.	ground signs, monument style. 3. Minimum setback from property lines: WMC 5 feet. I1, MX, PM, WME, WMI, WMM, 10 feet. Other districts: 15 feet 1. In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be ground signs, monument style. 3. Minimum setback from property lines: WMC 5 feet. I1, MX, PM, WME, WMI, WMM, 10 feet. Other districts: 15 feet
Multi-tenant facility identification sign	MX, PM		30 sf	1 per street frontage	10	Yes, external means only such as spotlight	Yes, but not into a public way or over the water.	1. In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be ground signs, monument style.

Sign Type	Zoning District	Number of Businesses per Lot	Maximum Sign Area	Number of Signs Allowed	Maximum Height (feet)	Illumination Permitted	Projection Permitted	Other
Multi-tenant facility identification sign	P		15 sf	1 per street frontage	10	Yes, external means only such as spotlight	Yes, but not into a public way or over the water.	3. Minimum setback from property lines: WMC 5 feet. I1, MX, PM, WMEWMI, WMM, 10 feet. Other districts: 15 feet
Shopping center anchor tenant, wall-mounted	B2 ¹ , PM2,		0.5 sf per lf of anchor tenant façade	1 per street frontage	20	Yes	Yes, but not into a public way or over the water.	1. In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be ground signs, monument style. 3. Minimum setback from property lines: WMC 5 feet. I1, MX, PM, WME, WMI, WMM, 10 feet. Other districts: 15 feet
Tenant sign, wall-mounted	B2 ¹ , B3, B3-CD, BCE, PM2, I1, WMC, WME, WMI, WMM		1.5 sf per lf of building frontage per tenant, up to 40 sf per tenant.	1 per tenant, plus 1 additional for a corner tenant with windows in both façades.	15	Yes	No	Maximum sign board height: 36" for anchors, 18" for other tenants. Maximum lettering height: 36" for anchors, 14" for other tenants.

Tenant sign, wall-mounted	BR, MX, PM, P		Lesser of 1 sf per 1f of entrance façade or 20 sf	1 per tenant, plus 1 additional for a corner tenant with windows in both façades.	15	No	No	Maximum sign board height: 36" for anchors, 18" for other tenants. Maximum lettering height: 36" for anchors, 14" for other tenants.
Tenant sign, projecting	B2 ¹ , B3, B3-CD, BCE, PM2, WMC, WME, WMI, WMM		6 sf	1 per tenant		Yes, external means only such as spotlight	Yes	This type of sign is permitted where tenant spaces are recessed under a canopied walkway.
Business community identification sign	B1, P, PM		30 sf	1 at each entry point	6	Yes, external means only such as spotlight	Yes, but not into a public way.	This type of sign is for communities comprising six or more businesses.
Marine refueling facility signs on piers	WMC, WME, WMI, WMM		6 sf per face	1 per facility	10	Yes	No	

Recommended:

Sign Type	Zoning District	Number of Businesses per Lot	Maximum Sign Area	Number of Signs Allowed	Maximum Height (feet)	Illumination Permitted	Projection Permitted	Other
Wall-mounted	B1, BR, PM, MX		1. 1 sf per 1f of building frontage up to a maximum of 100 sf. 2. No single sign may exceed 30 sf per face.	1. B1, PM: no limit, up to maximum permitted sign area. 2. BR, MX: no more than 3 signs per building.	13, 15. In the MX district, signs may not be located higher on a façade than the second-story windowsills.	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	

	B2 ¹ , B3, B3-CD, BCE,		1. 2 sf per lf of building frontage up to a maximum of 120 sf. 2. No single sign may exceed 75 sf in area	No limit up to permitted sign area	15	Yes	Yes, up to 1.5 feet into a public way	Uses with canopies, such as service stations, may use the lf of canopy frontage in lieu of lf of building frontage to calculate permitted sign area.
	C2, C2A, C2P		1 sf per lf of building frontage up to a maximum of 30 sf	Up to 3 signs per building	15	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	
	P		9 sf	1 per street frontage	15	No	Yes, but not into a public way.	
	PM2		See below under multi-tenant facilities sign types					
	II		2 sf per lf of building frontage up to a maximum of 120 sf	No limit up to permitted sign area	18	Yes	No	
	WMC		1 sf per lf of building frontage up to a maximum of 100 sf	No limit up to permitted sign area	22	Yes	Yes, but not into a public way or over the water	
	WME, WMI, WMM		2 sf per lf of building frontage up to a maximum of 120 sf	<u>No limit up to permitted sign area</u>	<u>22</u>	<u>Yes</u>	<u>Yes, but not into a public way or over the water</u>	
	Marquee sign							

							120 sf. The area of a marquee sign is permitted instead of, not in addition to, wall-mounted or freestanding signage that would otherwise be permitted.	1 per lot	15	Yes	Yes, up to the projection of the marquee	Theaters, museums, and auditoriums with a marquee sign are permitted wall-mounted frames up to 24 sf per frame advertising movies, plays or other features to be given at the venue.
Freestanding												
	B1, WMC						Pole signs: 12 sf, or ground signs: 20 sf.	1 per lot	10	No	Yes, but not into a public way or over the water	<p>1 Freestanding signs are permitted only on lots with a minimum lot width of 100 feet or larger. 1. For lots with a minimum lot width of less than 100 feet, only ground signs are permitted.</p> <p>2. Minimum setback from property lines: WMC 0 feet B1, I1, WME, WMI, WMM 5 feet</p> <p>Other districts 10 feet</p>
	B2 ¹ , B3, B3-CD, BCE, I1, P, PM, WME, WMI, WMM						Pole signs: 20 sf, or ground signs: 30 sf	1 per street frontage.		Yes	Yes, but not into a public way or over the water	<p>1 Freestanding signs are permitted only on lots with a minimum lot width of 100 feet or larger. 1. For lots with a minimum</p>

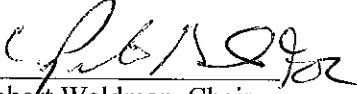
sign	WMI, WMM								may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be ground signs, monument style. 3. Minimum setback from property lines: WMC 5 feet. II, MX, PM, WME, WMI, WMM, 10 feet. Other districts: 15 feet
Multi-tenant facility identification sign	II	100 sf	1 per street frontage	15	Yes	Yes, but not into a public way or over the water.		1. In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be ground signs, monument style. 3. Minimum setback from property lines: WMC 5 feet. II, MX, PM, WME, WMI, WMM, 10 feet. Other districts: 15 feet	
Multi-tenant facility	MX, PM	30 sf	1 per street frontage	10	Yes, external means only such	Yes, but not into a public way or over		1. In the P district and the waterfront	

<p>identification sign</p>						<p>as spotlight</p>	<p>the water.</p>	<p>districts these signs may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be ground signs, monument style. 3. Minimum setback from property lines: WMC 5 feet. II, MX, PM, WMEWMI, WMM, 10 feet. Other districts: 15 feet</p>
<p>Multi-tenant facility identification sign</p>	<p>P</p>	<p>15 sf</p>	<p>1 per street frontage</p>	<p>10</p>	<p>Yes, external means only such as spotlight</p>	<p>Yes, but not into a public way or over the water.</p>	<p>1. In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted. 2. All other districts these signs must be ground signs, monument style. 3. Minimum setback from property lines: WMC 5 feet. II, MX, PM, WME, WMI, WMM, 10 feet. Other districts: 15 feet</p>	

RECOMMENDATION

On June 7, 2018, the Planning Commission held a public hearing on O-19-18 and subsequently moved to recommend that the City Council adopt ordinance O-19-18 as amended. The recommendation was approved with a vote of 7 to 0.

Adopted this 22nd day of June, 2018


Robert Waldman, Chair

