



City of Annapolis
Planning Commission
Department of Planning and Zoning
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To: City Council
From: Planning Commission

Memorandum and Recommendations
Re: O-14-25
Implementation of Annapolis Comprehensive Plan
Zoning Text Amendments

On June 5, 2025 the Planning Commission heard staff explanations and public comment in its review of this legislation. The Commission voted on each portion of the legislation. All but one portion were initially approved unanimously and recommended for approval by the Council. The one portion, covering the last and easternmost block of Dock Street on the City Dock, was ultimately approved by a vote of 4-2.

This legislation is the first step toward implementing the Annapolis Ahead Comprehensive Plan. There will be more as the City Code is modernized.

The following summarizes the legislation and any thoughts expressed by the Commission.

Planned Developments

This portion, first, expands the purposes of planned developments. By doing so, the City will be able to gain more community benefits and to provide applicants with clarity. For example, plazas, gardens and accessible green roofs are included in the definition of the required open space. Not only are the purposes expanded, but also the performance standards enunciated in the Plan (Chapter 4: Land Use) are clearly incorporated in the standards applicable to planned developments. This directly ties the standards to the Comprehensive Plan rather than just relying on the rather nebulous requirement of “consistency”.

Of the three types of planned developments – Residential, Business and Special Mixed– density allowances are adjusted. Staff related that several prospective planned development applicants have turned away from Annapolis because of density limits. In Residential Planned Developments, the allowable density is increased to 150% of the base district. By adjusting in Special Mixed Planned Developments the minimal square footage of any residential unit from 1400 square feet to 850, more units can be built.

The positive of this adjustment is more housing available to” the young and the older. One possible outcome is that only studio/one-bedroom housing is built. The market will ultimately determine the mix of apartments that will be built.

One must note that planned developments cannot be built in R1 zones, and that while R4 allowable density would increase theoretically from 25 to 48 units per acre, that increase is not likely not practical because parking would have to be expensively structured to achieve it.

Also, the percentages of allowable commercial space in Special Mixed is adjusted upward to 75% of the ground or gross floor area. The percentage in Business is increased from 15% to 50%. These increases encourage the mixture of uses which is one of the advantages of mixed use planned developments. Where there are people, and available commercial space, businesses will open; the businesses which serve peoples’ needs will thrive; the more people within walking or biking distance, the fewer car trips. The goal, simply, is to create small “neighborhoods.” This was a key recommendation in the Urban3 study from 2024.

Finally, planned developments are zoned only along corridors. Transportation exists in corridors and the amenities upon which people rely already exist to some extent or need to be created. Success depends on people living right there or close by. There are no planned developments proposed for other than along corridors.

The Planning Commission voted 6-0 in favor of recommending each and every portion of 21.24.050 proposed for change. Out of an abundance of caution, the Commission voted unanimously to add to 21.24.060-Common open space an additional “#4. Adequate public facilities requirements are not superseded by this section.”

R2-NC Zoning District

The R2-NC zone covers most of Eastport. The zone requires any building greater than 3,250 square feet to pass approval by the Planning Commission. This is popularly known as “The 3250 Rule.” The proposed legislation does not change that. For the benefit of all, it clarifies how “floor area” is calculated. It does so by clarifying how “half story,” that is an attic, is to be measured. Staff testified that the confusion has slowed and complicated project review. The clarification should relieve both staff, applicants and community.

The Commission voted 6-0 to recommend approval by the Council.

C2 and C2A Parking requirements

These two zones encompass the commercial areas of downtown.

Currently any proposed project of 20,000 square feet or less is relieved of providing onsite parking. Given the plethora of parking spaces in the Hillman, Gotts Court, Whitmore, Legislative Services garages, the success of the Circulator from Park Plaza and the City garage there, and private lots, requiring parking from new buildings under 20,000 sq. ft. is unnecessary and contrary to enhancing the walkability of downtown.

The Commission voted 6-0 to recommend approval by the Council.

No members of the public testified as to any of the above issues.

Historic District Overlay District – Height and Bulk Limits

This portion of the legislation concerns the easternmost block of Dock Street. That block ends at the Maritime Welcome Center and the Burtis House; it backs onto Prince George Street.

Currently the block is governed by a 28’ to cornice and 38’ to roofline height limit. Currently there are several properties which exceed those limits but are grandfathered in. The legislation proposes to increase the limit for mechanical structures to 10 feet above 38’ and an additional 5’ for “elevator shaft overruns,” aka elevator overrides.

Those additional structures are limited to 25% of the area of the roof. The structures are to be positioned to minimize, “to the extent possible,” the degree to

which they are visible from the public rights-of-way and shall be screened. Handrails up to 4' can be installed. Furthermore, a green roof must be installed.

All of the meeting's public comments focused on this portion. A detailed listing of the people providing testimony are included in the June 5 meeting minutes. The comments were, in short:

1. The height addition is unnecessary; the Historic Preservation Commission should review this legislation; the terms are poorly defined and variance could allow for any additional height. However, it was pointed out in response by staff that variances are not allowed in the Historic District. The Commission agreed in discussion that the definitions of "green roof" and "accessory structures" must be clarified.
2. This is "spot zoning" in which a particular parcel is rezoned. In this case, as staff responded, the entire block zone is modified and not rezoned, the construction of City Dock Park has changed the nature of the block as a whole, and the modification is part of a more comprehensive rezoning effort. It is true that the potential boutique hotel referenced by the witness #6 below would benefit from this change.
3. Nowhere does the Comprehensive Plan say that height limits should be raised in historic downtown nor has the necessity for the increase been demonstrated. If the increase allows for rooftop dining, then more noise for the residents of the District. It was noted by others and staff that the Plan calls for enhancement of the City Dock to be more welcoming to Annapolitans and visitors alike, that mechanical and elevator structures abound on rooftops across the commercial Historic District, and that rooftop dining is a pleasure to many and an annoyance to some. Clearly, enforcement of the already-imposed limits on the noise and hours of rooftop dining must be vigorous to gain the trust of residents.
4. The definition of "green roof" is not to be found here or elsewhere in the Code. A green roof implies a flat roof and a flat roof implies rooftop dining. While all the buildings on this block except the wooden building at Craig and Dock Streets are not historic, the scale and variety of forms are crucial to the integrity and attractiveness of the Historic District. The height limit was enacted in 1977. The commenter is "not against a hotel but it has to fit and play by the rules."

Testimony elsewhere and later revealed: one, the HPC reviews new construction for materials, fit, scale, etc.; two, since 1977 air conditioning and elevators have become ubiquitous; three, any property built will have to comply with stormwater management requirements which might well expand the size of the green roof and shrink the remainder.

5. A well-known local architect testified that some height for accessories is indeed necessary;" However, "accessory structure" is badly or not worded; ten feet is not required for mechanical housing (6-8' should be sufficient) and perhaps less than five feet more for elevator override.

This led one commissioner to query whether shrinking the height of the accessory structure to six or 7 feet would limit the use of the structure as a bar or "elevator rooftop lobby."

6. The architect for the endmost and most prominent property for a yet-to-be-proposed boutique hotel stated his client definitely wants rooftop dining, the goal is to maximize the profitability of the property, the rooftop accessory structure may be "a bathroom or an elevator rooftop lobby," but then acknowledged that the height is needed for mechanical reasons but he and his client "might, could do" without rooftop dining.
7. The importance of scale and views were expressed and addressed. The bulk of any building would be similar in height than many of the other buildings in the block and any new building is outside of the viewshed.
8. Staff pointed out that the Historic Preservation Commission reviews the exterior of any proposed building in the District; the Planning Commission would review the major site design plan; the Board of Appeals reviews any special exception request. Staff also pointed out that any green roof which might be required for stormwater management purposes would have to be maintained..

The Planning Commission discussed at length. The positives of permitting modern buildings which would blend in with the new City Dock were balanced against the negative of breaking the 38' height in the Historic District. The Commission initially voted 3-3 concerning this portion of O-14-25. However, one commissioner on virtual attendance incurred chronic connection issues throughout the hearing. A motion to reduce the height of the accessory structures was heard and withdrawn while the commissioner was not fully connected. When reconnected before the final vote on the portion as a whole, he thought he was

voting on the motion to reduce accessory height and voted Nay. He immediately sought a reconsideration.

A virtual meeting was convened on June 26, 2025. At that meeting, pursuant to its rules, the Commission voted to reconsider. The Planning Commission on the reconsidered vote voted 4-2 (Pline and Butler dissented) to recommend to the Council that they APPROVE this legislation.

Transit-oriented Development amendments

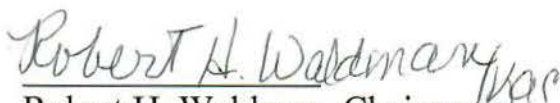
Alderman Rob Savidge presented an amendment to more fully integrate transit planning and funding into the planned development process and discussed the reports which support his ideas, which are contained in the record..

In essence, planned developers would gain the density bonuses outlined in O-14-25 if there is a Community Benefit Agreement and if contributions as part of such an agreement are designated to a sequestered fund for real transit improvements. Those improvements are labeled High Value Transit. Tax Increment Financing proceeds would go to the fund.

He testified that two separate studies, of Forest Drive and West Street, are getting underway as to what High Value Transit might be on those corridors. He supplied reports on Transit Oriented Development versus Density Oriented Development and posited that we need to adopt Transit Oriented Development to build sustainable, affordable housing.

Staff and commissioners expressed both excitement at the concepts in the proposal and concern that it does not harmonize with the legislation, O-14-25, which was on the table that night. The changes in O-14-25 are very modest in scope and the concepts outlined in the amendment are very broad in scope and the Commission believes this should be considered more fully and carefully at a later date. The staff and the Commission offered to collaborate on the proposal. No vote was taken on the proposed amendment.

Respectfully submitted,


Robert H. Waldman, Chairman

The other commissioners, having individually reviewed this Memorandum, have authorized the Chair to sign on their behalf.