

City of Annapolis



160 Duke Of Gloucester Street
Annapolis, MD 21401

Signature Copy

Ordinance: O-31-14 Amended

Technical Corrections to the Zoning Code— For the purpose of amending sections of Title 2, Title 20, and Title 21 to be consistent with the Land Use Article of the Annotated Code of Maryland.

CITY COUNCIL OF THE City of Annapolis

Ordinance 31-14 Amended

Introduced by: Alderman Budge

**Referred to
Planning Commission
Rules and City Government**

A ORDINANCE concerning

Technical Corrections to the Zoning Code

FOR the purpose of amending sections of Title 2, Title 20, and Title 21 to be consistent with the Land Use Article of the Annotated Code of Maryland.

BY repealing and reenacting the following sections from the Code of the City of Annapolis, 2013 Edition:

Section 2.52.070
Section 20.04.051
Section 20.04.061
Section 20.08.010
Section 20.24.010
Section 20.24.020
Section 20.24.040
Section 20.24.150
Section 20.32.020
Section 21.06.010

Section 21.08.030
Section 21.08.040
Section 21.08.050
Section 21.10.020
Section 21.10.030
Section 21.14.020
Section 21.16.030
Section 21.18.020
Section 21.20.020
Section 21.22.060
Section 21.22.070
Section 21.22.080
Section 21.24.010
Section 21.24.070
Section 21.24.090
Section 21.24.110
Section 21.26.030
Section 21.26.050
Section 21.28.020
Section 21.28.050
Section 21.30.020
Section 21.34.040
Section 21.48.010
Section 21.64.300
Section 21.50.020
Section 21.50.280
Section 21.50.310
Section 21.59.080
Section 21.70.095
Section 21.64.240
Section 21.64.300
Section 21.48.030
Section 21.64.540
Section 21.64.550
Section 21.72.010
Section 22.02.010
Section 22.10.010

WHEREAS, the Land Use Article of the Annotated Code of Maryland, formerly known as Article 66B of the Annotated Code of Maryland, has been updated by the State Legislature; and

WHEREAS, Title 21 of the City Code must be compliant with the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, certain provisions of Title 20 and Title 21 of the City Code should be amended to

effectuate consistency with the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the City's tolling legislation has expired effective July 1, 2014.

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:

Chapter 2.52 – ANNEXATION POLICY AND PROCEDURE

Section 2.52.070 – Required findings.

To act favorably with regard to the petition, the City Council shall find that:

- A. The annexation will enhance and will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare of the citizens of the area proposed to be annexed or of the surrounding areas of the City and of the County;
- B. The annexation will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the neighborhood;
- C. The annexation is ~~in conformance~~ CONSISTENT with the COMPREHENSIVE PLAN OF THE CITY OF ANNAPOLIS AS DEFINED IN TITLE 21 AND THE plans of general development of the City and of the County;
- D. Acceptable and reasonable steps are being or will be taken to provide adequate municipal services;
- E. The annexation will not precipitate environmental degradation;
- F. The annexation will generate revenue at least equal to the anticipated cost of providing municipal services.

Chapter 20.04 – DEFINITIONS

Section 20.04.051 – COMPREHENSIVE PLAN

“COMPREHENSIVE PLAN” MEANS THE POLICIES, STATEMENTS, GOALS, AND INTERRELATED PLANS FOR PRIVATE AND PUBLIC LAND USE, TRANSPORTATION, AND COMMUNITY FACILITIES DOCUMENTED IN TEXTS AND MAPS AND ADOPTED BY RESOLUTION OF THE CITY COUNCIL TO CONSTITUTE THE GUIDE FOR FUTURE DEVELOPMENT OF THE MUNICIPALITY. THE “COMPREHENSIVE PLAN” INCLUDES A GENERAL PLAN, MASTER PLAN, FUNCTIONAL PLAN, OR COMMUNITY PLAN ADOPTED IN ACCORDANCE WITH TITLE 3 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF THE STATE OF MARYLAND AND SUBSEQUENT AMENDMENTS TO THAT PLAN.

Section 20.04.061 – CONSISTENCY

“CONSISTENCY” MEANS AN ACTION TAKEN THAT WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE COMPREHENSIVE PLAN:

- A. POLICIES;
- B. TIMING OF THE IMPLEMENTATION OF THE PLAN;
- C. TIMING OF DEVELOPMENT;
- D. TIMING OF REZONING; AND
- E. DEVELOPMENT PATTERNS.

Chapter 20.08 – PROCEDURE GENERALLY – PREAPPLICATION

Section 20.08.010 – Compliance with other requirements.

No subdivision plat shall be approved under this title unless, at the time of approval, the subdivider has demonstrated to the reviewing agency that all improvements present on, or intended to be constructed upon, the property to be subdivided are, or will be, in full compliance with the then applicable provisions of the City's building, housing and property maintenance standards (Title 17 of this code), and Zoning Code (Title 21 of this Code), AND ARE CONSISTENT WITH THE COMPREHENSIVE PLAN.

Chapter 20.24 – DESIGN STANDARDS

Section 20.24.010 – Street design considerations generally.

The arrangement, character, extent, width, grade and location of all streets shall BE CONSISTENT WITH ~~conform~~ to the Ceomprehensive master Pplan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by the streets.

Section 20.24.020 – Street arrangement.

- A. Where not shown in the Ceomprehensive ~~master~~ Pplan, the arrangement of streets in a subdivision either shall:
 - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood approved or adopted by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- B. Minor streets shall be laid out to discourage their use by through traffic.
- C. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning and Zoning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- D. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land. Where this distance is less than fifty feet in

width, the area shall be used for park purposes only. These distances also shall be determined with due regard for the requirements of approach grades and future grade separations.

Section 20.24.040 – Right-of-way width.

Street right-of-way widths shall be as shown in the Comprehensive master Plan and where not shown in the plan shall be not less than as follows:

- A. Limited access freeways and parkways shall comply with SRC standards (right-of-way requirements may vary from two hundred feet to five hundred feet in this category);
- B. Controlled major highways with frontage roads shall comply with SRC standards;
- C. Major highways, eighty feet;
- D. Secondary highways and residential collector streets, sixty feet;
- E. Collector streets for nonresidential areas, sixty feet;
- F. Minor or local streets in medium high density residential areas, sixty feet;
- G. Minor or local streets in other residential areas, fifty feet;
- H. Marginal access and private streets, forty feet;
- I. In the case of any planned development developed pursuant to the requirements of Chapter 21.24, the Planning Commission may authorize reductions in right-of-way and paving width pursuant to the standards set forth in Chapter 21.24 or its successor.

Section 20.24.150 – Public sites and open spaces.

- A. Where a proposed park, playground, school or other public use shown in the Comprehensive master Plan is located in whole or in part in a subdivision, the Planning Commission may require the reservation of an area for the use within the subdivision in those cases which the commission deems the requirements to be reasonable.
- B. Where deemed essential upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Commission may require the reservation of other areas or sites of a character, extent and location suitable to the needs created by the development for schools, parks and other neighborhood purposes.
- C. The Planning Commission shall consider any recommendation made by the Director of Neighborhood and Environmental Programs and the Director of Public Works when imposing any requirement under this section.

Chapter 20.32 – VARIANCES

Section 20.32.020 – Required findings.

The Board of Appeals shall not vary the regulations of this title unless findings are made based upon the evidence presented in each specific case that:

- A. Because of the particular physical surroundings, shape or topographical conditions of the specific project involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

- B. The conditions upon which the A petition for a variance is based are unique to the property for which the variance is sought, AND ARE NOT APPLICABLE, GENERALLY, TO OTHER PROPERTY WITHIN THE SAME ZONING CLASSIFICATION.
- C. The purpose of the variance is not based exclusively upon a desire to increase financial gain;
- D. The alleged difficulty or hardship is caused by this title and has not been created by any persons presently having an interest in the property;
- E. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- F. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
- G. With respect to proposed lots comprised of land which, as of January 1, 1981, was unimproved by buildings or structures, the proposed variance will not authorize lot areas or lot widths which are less than eighty percent of those required by the applicable zoning regulations of the City. With respect to other proposed lots, the proposed variance may authorize any lot areas or lot widths complying with Subsections A through F of this section.

CHAPTER 21.06 – ZONING DISTRICTS AND MAPPING

Section 21.06.010 – Establishment of zoning districts.

For the purpose of this Zoning Code the City is organized into the following zoning districts:

A. Residence districts:

R1	Single-Family Residence
R1-A	Single-Family Residence
R1-B	Single-Family Residence
R2	Single-Family Residence
R2-NC	Single-Family Residence Neighborhood Conservation
R3	General Residence
R3-NC	General Residence Neighborhood Conservation
R3-NC2	General Residence Neighborhood Conservation 2
R3-R	General Residence Neighborhood Revitalization
R4	General Residence
R4-R	General Residence Neighborhood Revitalization
C1	Conservation Residence
C1A	Special Conservation Residence

B. Commercial and industrial districts:

B1 Convenience Shopping
B2 Community Shopping

B3 General Commercial
B3 CD General Commercial Corridor Design
BCE Business Corridor Enhancement
BR Business Revitalization
C2 Conservation Business
C2A Special Conservation Business
PM2 Professional Mixed Office Park
I1 Light Industrial

C. Office and mixed use districts:

P Professional Office
MX Mixed Use
PM Professional Mixed Office
C2P Special Conservation Professional

D. Waterfront maritime districts:

WMC Waterfront Maritime Conservation
WMM Waterfront Mixed Maritime
WMI Waterfront Maritime Industrial
WME Waterfront Maritime Eastport

E. Overlay districts:

Critical Area
Historic District
Office and Commercial Design
EASTPORT GATEWAY CONSERVATION OVERLAY DISTRICT

Chapter 21.08 – DECISION MAKING BODIES AND OFFICIALS

Section 21.08.030 – Planning Commission.

- A. Establishment. The Planning Commission is established under the Land Use Article of the Annotated Code of Maryland as may be amended from time to time.
- B. Membership. The Planning Commission shall consist of seven residents of the City who have a demonstrated interest with regard to planning policy and with regard to land use matters and procedures of the City. The members shall be appointed by the Mayor and confirmed by the City Council.
- C. Term. The term of office of each member of the Planning Commission shall be as provided in the Land Use Article of the Annotated Code of Maryland as may be amended from time to time. The term of each member shall commence on July 1st of the year in the appointment is made.
- D. Rules. The Planning Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code.
- E. Duties. The Planning Commission shall have the following powers and duties:

1. Review all proposed amendments to this Zoning Code and Zoning Map and to report to the City Council its findings and recommendations in the manner prescribed in this Zoning Code, Chapter 21.32 and Chapter 21.34.
2. Receive the Planning and Zoning Director's recommendations related to the effectiveness of this Zoning Code and report its conclusions and recommendations to the City Council not less frequently than once a year.
3. Hear and decide applications on planned developments pursuant to the provisions of Zoning Code Chapter 21.24.
4. Execute all powers conferred to Planning Commissions under the Land Use Article of the Annotated Code of Maryland as may be amended from time to time.
5. On referral by the Director of Planning and Zoning of a major site design the Planning Commission shall hold a public hearing and make recommendations.
6. On referral by the Director of Planning and Zoning on structures greater than three thousand two hundred fifty square feet in R2-NC zoning districts the Planning Commission shall hold a public hearing and make recommendations.
7. THE PLANNING COMMISSION SHALL PROVIDE WRITTEN FINDINGS FOR EVERY APPLICATION DECISION UNDER THIS TITLE. THE APPLICATION SHALL BE APPROVED ONLY IF A THE MAJORITY OF THE MEMBERS OF THE PLANNING COMMISSION EACH FIND THAT ALL OF THE NECESSARY REVIEW CRITERIA HAVE BEEN MET.
8. FOR APPLICATIONS UNDER 21.08.030(E)3 OF THIS TITLE, THE PLANNING COMMISSION SHALL GRANT OR DENY APPLICATIONS BASED ON WHETHER THEY SATISFY ALL THE STANDARDS IMPOSED BY 21.24.090. THE COMMISSION MAY CONSIDER EACH STANDARD INDIVIDUALLY BUT SHALL ONLY VOTE ON THE APPLICATION AS A WHOLE.

Section 21.08.040 – Board of Appeals.

- A. Establishment. The Board of Appeals is established pursuant to and has the authority to execute all of the powers granted to Boards of Appeals by the Land Use Article of the Annotated Code of Maryland as may be amended from time to time.
- B. Membership. The Board of Appeals shall consist of five members who shall be residents and registered voters of the City of Annapolis and who shall serve without compensation. The regular members and one alternate member shall be appointed by the Mayor and confirmed by the City Council and be removable for cause, upon written charges, and after public hearing. When an alternate member is absent, the Mayor with the confirmation of the City Council may designate a temporary alternate.
- C. Term. The term of office of each member of the Board of Appeals shall be for three years, as provided in the Land Use Article of the Annotated Code of Maryland as may be amended from time to time. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- D. Rules. The Board of Appeals shall adopt rules in accordance with the provisions of this section and in accordance with the provisions of the Land Use Article of the Annotated Code of Maryland as may be amended from time to time. The Board shall adopt and amend rules as follows:

1. After a public session to consider the proposed rules or amendments, the Board shall adopt and periodically amend rules of practice and procedure.
 2. The Board shall give reasonable notice of the date, time, and place of the public session and the category of rule or amendment to be considered at the session.
 3. After approval by the Board, the rules of the Board of Appeals shall be published and shall be available to the public through the Department of Planning and Zoning.
- E. Duties. The Board of Appeals shall have the following powers and duties:
1. To hear and decide appeals, pursuant to the provisions of Zoning Code Chapter 21.30 where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the enforcement of: (a) this Zoning Code; or (b) any ordinance adopted pursuant to this Zoning Code.
 2. To hear and decide applications for special exceptions pursuant to Chapter 21.26 of this Zoning Code.
 3. To hear and decide applications for variances from the terms of this Zoning Code, pursuant to the provisions of Chapter 21.28 and from the terms of Title 20 - Subdivisions, pursuant to the provisions of Chapter 20.32.
 4. To hear and decide applications for zoning district boundary adjustments pursuant to the provisions of Zoning Code Chapter 21.20.
 5. To hear and decide applications for physical alteration of a nonconforming use pursuant to the provisions of Chapter 21.68.
 6. To hear and decide all matters referred to it or upon which it is required to decide by this Zoning Code, and as prescribed by the Land Use Article of the Annotated Code of Maryland as may be amended from time to time.
 7. THE BOARD OF APPEALS SHALL PROVIDE WRITTEN FINDINGS FOR EVERY APPLICATION DECISION UNDER THIS TITLE. THE APPLICATION SHALL BE APPROVED ONLY IF A THE MAJORITY OF THE MEMBERS OF THE BOARD OF APPEALS EACH FIND THAT ALL OF THE NECESSARY REVIEW CRITERIA HAVE BEEN MET.
 8. FOR APPLICATIONS UNDER 21.08.040(E)2-4 OF THIS TITLE, THE BOARD OF APPEALS SHALL GRANT OR DENY APPLICATIONS BASED ON WHETHER THEY SATISFY ALL THE STANDARDS IMPOSED BY THIS CODE. THE BOARD MAY CONSIDER EACH STANDARD INDIVIDUALLY BUT SHALL ONLY VOTE ON THE APPLICATION AS A WHOLE.
- ~~F. Tolling of Approvals. Approvals granted by the Board of Appeals pursuant to Section 21.08.040 E. of this Code and extensions thereof which are active and valid as of June 30, 2012, shall be tolled until June 30, 2014, so that all such approvals and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014.~~
- ~~G.~~ F. Meetings. The meetings of the Board of Appeals shall be held at the call of the chair and at other time determined by the Board. The Board shall provide public notice of any meeting by publication in at least one newspaper of general circulation in the City not less than seven FIFTEEN days prior to the meeting. The chair or the acting chair may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall make a transcript of all proceedings, showing the vote of each

member on each question, or the member's absence or failure to vote. The board shall immediately file the transcript of its proceedings in the Office of Planning and Zoning. Each transcript shall be a public record. If a recording or a transcript of a recording is not prepared in the normal course of the Board's proceedings, the party who requests a copy of the recording or its transcript shall pay the cost of preparing the recording or transcript.

Section 21.08.050 – Planning and Zoning Director.

- A. Establishment. The position of Planning and Zoning Director is established as the manager of the Department of Planning and Zoning, with the authority to administer and enforce this Zoning Code.
- B. Duties. The Planning and Zoning Director may delegate zoning administration and enforcement responsibilities to any deputy director, assistant director, or staff member of the Department of Planning and Zoning, or other individual designated by the Director. The Planning and Zoning Director has the following powers and duties:
 - 1. Decide applications for demolition permits pursuant to the provisions of Chapter 21.14
 - 2. Decide applications for administrative interpretations pursuant to the provisions of Chapter 21.16
 - 3. Decide applications for administrative adjustments pursuant to the provisions of Chapter 21.18
 - 4. Decide applications for major and minor site plan review pursuant to the provisions of Chapter 21.22
 - 5. Decide applications for extensions of planned developments pursuant to the provisions of Chapter 21.24
 - 6. Decide applications for determinations of nonconforming use status pursuant to the provisions of Chapter 21.68
 - 7. Hear and decide applications for change of nonconforming use pursuant to the provisions of Chapter 21.68
 - 8. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Zoning Code.
 - 9. Take appropriate enforcement action with regard to alleged violations of this Zoning Code.
 - 10. Maintain permanent and current records made under this Zoning Code, including, but not limited to, all maps, amendments, planned developments, special exceptions, variances, appeals, use permits and applications.
 - 11. Provide and maintain public information related to this Zoning Code.
 - 12. Initiate or direct from time to time a study of the provisions of this Zoning Code, and make reports or recommendations to the Planning Commission not less frequently than once a year.
 - 13. Coordinate the exchange of information between the City's Department of Planning and Zoning and the Anne Arundel County School Board to facilitate accurate and timely data about school capacity of those Annapolis feeder system schools that serve the residents of the City of Annapolis.

14. Provide input into Anne Arundel County planning documents on school capacity and make necessary recommendations to Anne Arundel County regarding additional school facilities or capital improvements to existing facilities.

~~C. Tolling of approvals. Approvals granted by the Planning and Zoning Director pursuant to Section 21.08.050B of this Code and extensions thereof which are active and valid as of June 30, 2012, shall be tolled until June 30, 2014, so that all such approvals and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014.~~

Chapter 21.10 – GENERAL APPLICATION PROCEDURES AND FEES

Section 21.10.020 – Notice requirements.

- A. Posting of property. If the Zoning Code Division II provisions applicable to a specific type of application provide for posting of property, unless specific notice procedures are otherwise provided for in another Zoning Code chapter or section, posting must be done follows:
 1. Notice must be posted on the property that is the subject of an application at least fifteen days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director.
 2. In the case of an application for demolition of buildings and structures pursuant to Section 21.40.060(C)(3), in the R2-NC district, notice must be posted on the property that is the subject of an application at least thirty days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director.
 3. It is the responsibility of an applicant to post any notice required under (A)(1) or (A)(2) on the property that is the subject of an application, unless the applicant is not the property owner, in which case it is the responsibility of the property owner.
 4. In the case of appeals to any Board of Appeals, failure of the property owner responsible pursuant to (A)(3), to post any notice required under (A)(1) or (A)(2) shall result in a stay of all proceedings, including those in furtherance of the action or decision appealed. The failure of a property owner, who is not the applicant, to post any notice required under (A)(1) or (A)(2) shall not be a basis for the dismissal of any appeal to any Board of Appeals. In such circumstances, any issued permits, including but not limited to building, use and occupancy, and other permits, shall be suspended and/or revoked until such time as the property owner posts the notice. Should injunctive proceedings become necessary to require the posting, all costs shall be borne by the property owner and assessed as a lien against the property.
 5. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the decision.
- B. Notice to Abutting Property Owners. If the Zoning Code Division II provisions applicable to a specific type of application provide for notice to abutting property owners, unless specific notice procedures are otherwise provided for in another Zoning Code chapter, notice must be given as follows:

1. The applicant must send written notification to all parties with a financial or vested interest in the property that is the subject of the application and to property owners within two hundred feet of the property boundary. Notice of public hearings must be mailed not less than fifteen days prior to the date of hearing.
 2. Prior to any public meeting or public hearing on an application, the applicant must provide the Planning and Zoning Director with verification of mailing of written notification. An applicant must provide evidence that notices of the public hearing were mailed not less than fifteen days prior to the date of hearing.
 3. ~~The notification must be posted at a designated central location for similar notices at the Department of Planning and Zoning.~~
- C. Notice of Formal Public Hearing. If notice of a formal public hearing is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:
1. Notice of the application and any required public hearings at which the application will be considered shall be published in a newspaper of general circulation in the City ~~no fewer than once each week for two successive weeks.~~ The first notice of the hearing must be at least fifteen days before the hearing.
 2. Notice must be posted on the property that is the subject of an application by the applicant or the property owner, if not the same, at least fifteen days prior to any public hearing on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the close of the public hearing. Failure to post shall be governed by (A)(4) above.
- D. Notice of Public Meeting. If notice of a public meeting at which an application may be considered is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:
1. Notice of the application and any public meeting at which the application will be considered shall be published in a newspaper of general circulation in the City no fewer than ~~seven~~ FIFTEEN days before the meeting.
 - i. Notice must be posted on the property that is the subject of an application at least ~~seven~~ FIFTEEN days prior to any public meeting on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the public meeting.
- E. Notice of Decision. Notice of any decision on the application by the Planning and Zoning Director or the decision making body, must be given to ~~all persons who provided comments~~ THE APPLICANT, THE MAYOR AND CITY COUNCIL, AND ANY OTHER PERSONS WHO MADE WRITTEN COMMENTS or testified AT A HEARING concerning the application, PROVIDED THEY INCLUDED THEIR LEGAL NAME AND VALID MAILING ADDRESS OR VALID EMAIL ADDRESS. Such notice of decision shall be by mail OR EMAIL and provided by the Planning and Zoning Director not more than ~~three~~ FIVE days following the date of final decision.
- F. Summary of Public Meeting and Hearing Requirements. The table below summarizes the types of applications requiring a public meeting or public hearing and the City official or decision making body responsible for conducting the meeting or hearing. If more than one application or approval is required for a proposed development or activity, public

hearings on each application may be simultaneously held by a decision making body on related applications.

Section 21.10.030 – Administrative procedures for review of applications.

- A. Applications Decided by the Planning and Zoning Director. Any application submitted to the Planning and Zoning Director for a decision by the Director shall be on forms specified by the Director. All applications must be accompanied by the information specified on the application form and in the Zoning Code and the required filing fee set forth in the fee schedule adopted by resolution of the City Council. The Planning and Zoning Director will process applications in accordance with the common procedures set forth in Section 21.10.010, unless the Planning and Zoning Director grants a waiver from any requirements of that section or unless otherwise specifically provided in another chapter of Zoning Code Division II. The Director may request additional studies, acquire additional data, or provide the applicant an opportunity to submit plan revisions.
- B. Decision by Planning and Zoning Director. The Planning and Zoning Director must render a decision to approve, conditionally approve, or deny an application in accordance with the time for decision established by this code. Unless otherwise specifically provided in Zoning Code Division II, the Planning and Zoning Director will decide an application no later than thirty days after a determination of completeness of the application, unless the applicant consents in writing to additional time. The Director ~~will promptly send written notice of any decision to the applicant and any other party previously receiving notice of the application and any other party who made written comments which include their valid name and mailing address.~~ SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Chapter 21.14 – DEMOLITION PERMITS

Section 21.14.020 – Procedures.

- A. Application Procedures. Applications for a demolition permit shall be submitted in accordance with the procedures set forth in Chapter 17.12 of the Annapolis City Code.
- B. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).
- C. Review of Application. In the review of demolition applications, submitted for review pursuant to the requirements of this chapter, the following procedures shall apply:
 - 1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate City departments for review.
 - 2. Staff Report. Any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director.
 - 3. Optional Public Hearing. The Planning and Zoning Director may hold a public hearing within thirty days of submission of a demolition application, if the Director finds the structure proposed for demolition to be significant with respect

to the purposes of the zoning district in which the structure is located. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C) related uses.

4. NOTICE OF DECISION. THE PLANNING AND ZONING DIRECTOR SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Chapter 21.16 – ADMINISTRATIVE INTERPRETATIONS

Section 21.16.030 – Procedures.

- A. An application for an interpretation of the Zoning Code shall be filed and reviewed in accordance with Section 21.10.030 Administrative Procedures for Review of Applications.
- B. If the interpretation that is requested applies to a particular property, notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).
- C. ~~The Planning and Zoning Director shall inform the applicant in writing of the Director's decision within thirty days of the determination of completeness of the application and will state the reasons and analysis upon which the determination is based.~~ NOTICE OF DECISION. THE PLANNING AND ZONING DIRECTOR SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Chapter 21.18 – ADMINISTRATIVE ADJUSTMENTS

Section 21.18.020 – Procedures.

- A. Application Procedures. All applications for administrative adjustments shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).
- C. Review Procedures. In the review and decision of administrative adjustment applications, the following procedures shall apply:
 1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate City departments for review.
 2. Staff Report. Any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director prior to the public hearing on the application.
 3. Optional Public Hearing. The Planning and Zoning Director shall hold a public hearing on each application if an objection to the application is raised. Notice of any public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C).

4. Action on Application. Within thirty days of the conclusion of the public hearing, the Planning and Zoning Director shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application. The Planning and Zoning Director's decision shall be based on written findings of fact and may impose such conditions or restrictions upon the premises benefited by an administrative adjustment as may be necessary to comply with the standards established in this chapter and the purposes of this Zoning Code.
5. Notice of Decision. ~~At the applicant's expense, †~~The Planning and Zoning Director SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E). ~~will mail a copy of the decision to the applicant and any other party previously receiving notice of the application~~

Chapter 21.20 – ZONING DISTRICT BOUNDARY ADJUSTMENTS

Section 21.20.020 – Procedures.

- A. Application Procedures. All applications for zoning district boundary adjustments shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. Review Procedures. In the review and decision of applications for zoning district boundary adjustments, the following procedures shall apply:
 1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate City departments for review.
 2. Staff Report. The Planning and Zoning Director, prior to the required public hearing on the application, will prepare a staff report on the application and transmit the staff report to the Board of Appeals.
 3. Public Hearing. The Board of Appeals shall hold a public hearing on the application. Notice of the application must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C).
 4. Action on Application. Within thirty days of the conclusion of any public hearing or of receipt of the application by the Board of Appeals if no public hearing is held, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application. The Board of Appeals may impose such conditions or restrictions upon the premises benefited by a zoning district boundary adjustment as may be necessary to comply with the standards established in this chapter and the purposes of this Zoning Code.
 5. Notice of Decision. ~~At the applicant's expense, the~~ PLANNING AND ZONING DIRECTOR ~~Board of Appeals will mail notice of its decision to the applicant and those receiving notice of the application~~ SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Chapter 21.22 – SITE DESIGN PLAN REVIEW

Section 21.22.060 – Procedures for major site design plan applications.

- A. Application Procedures. Applications for major site design plan review shall be decided by the Director of Planning and Zoning. All applications for major site design plan review must be submitted in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications, including a pre-application conference with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010(A).
- B. Review Procedures for Major Site Design Plan Applications. In the review and decision of major site design review applications, the following procedures shall apply:
 1. Review of Preliminary or Final Site Design Plan. The Planning and Zoning Director will review any required preliminary plan submitted in connection with major site design plan applications. The Planning and Zoning Director will respond to the applicant with written comments on the preliminary plan within thirty days of the determination of completeness of the submission.
 2. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the preliminary plan or final plan to appropriate City departments for review. Within fifteen days of receipt of any preliminary or final major site design plan, any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Director of Planning and Zoning.
 3. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).
 4. Optional Public Meeting on Preliminary or Final Plan. If the Planning and Zoning Director deems necessary, the Director may hold a public meeting for the review of the preliminary or final site design plan; or may recommend to the Planning Commission that the Planning Commission hold a public meeting on the preliminary or final site design plan. Notice of the public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(D).
 5. Review and Decision on Preliminary or Final Plan. The Planning and Zoning Director shall review, approve, approve subject to modifications or disapprove the preliminary or final site design plan within thirty days from the date of the close of any public meeting on the application; or if no public meeting is held, within thirty days of the determination of completeness of the preliminary or final major site design plan application.
 6. NOTICE OF DECISION. THE PLANNING AND ZONING DIRECTOR SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Section 21.22.070 – Procedures for minor site design plan applications.

- A. Application Procedures. Applications for minor site design plans shall be decided by the Planning and Zoning Director. All applications for minor site design review must be

submitted in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.

B. Review Procedures for Minor Site Design Plans. In the review of minor site design plan applications, the following procedures shall apply:

1. Review of Preliminary Plan. In the case of a preliminary plan submission, the Planning and Zoning Director will respond to the applicant within ten days of the determination of completeness of the submission.
2. Staff and Report. The Planning and Zoning Director, after having determined that the preliminary plan or final plan submission is complete, may distribute copies of the preliminary plan or final plan to the appropriate City departments for review. Within ten days of receipt of any preliminary or final minor site design plan, any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director.
3. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).
4. Optional Planning Director Public Meeting. If the Planning and Zoning Director deems necessary, the Director may hold a public meeting for the review of the preliminary or final minor site design plan. Notice of the public meeting scheduled by the Planning and Zoning Director must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(D).
5. Review and Decision on Preliminary and Final Plan. The Planning and Zoning Director shall review, approve, approve subject to modifications or disapprove the preliminary or final site design plan within thirty days from the date of the close of any public meeting on the application; or if no public meeting is held, within thirty days of the determination of completeness of the preliminary or final minor site design plan application.
6. NOTICE OF DECISION. THE PLANNING AND ZONING DIRECTOR SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Section 21.22.080 – Review criteria and findings.

The decision of the Planning and Zoning Director shall be based on findings with respect to the following:

- A. District Standards. The proposed design plan meets all of the requirements of the zoning district in which it is located, including but not limited to the site design standards set forth in Chapter 21.62
- B. Design. The proposed design is in harmony with the character of the surrounding neighborhood and CONSISTENT WITH the Comprehensive Plan and achieves a maximum of compatibility, safety, efficiency, and attractiveness.
- C. Compatibility. Each improvement, building and/or use is compatible with other uses and with existing and proposed developments on adjacent land.
- D. Minimize Adverse Impacts. The proposed structures are sited in order to minimize any adverse impact upon the surrounding area by reason of: building location, height, bulk,

shadows; location, intensity, direction and times of use of outdoor lighting or other similar characteristics.

- E. Building Locations. The proposed locations of the buildings and structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.
- F. Natural Features. The proposed design results in minimal modification of existing geological and topographic features where practicable.
- G. Slopes and Soils. The proposed design minimizes degradation of unique or sensitive lands, such as steep slopes or highly erodible soils.
- H. Critical Area. The proposed design minimizes adverse impacts to resources in the Critical Area Overlay District, such as streams, wetlands, areas of aquifer recharge and discharge, areas with a high water table, mature stands of trees and wildlife habitat.

Chapter 21.24 – PLANNED DEVELOPMENTS

Section 21.24.010 – Purposes, authority 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.
 - 3. To allow the grouping of buildings and a mix of land uses with an integrated design and a coordinated physical plan.
 - 4. To promote development in a manner that protects significant natural resources and integrates natural open spaces into the design of a development project.
 - 5. To encourage a design that takes into account the natural characteristics of the site in the placement of structures.
 - 6. To promote development that is compatible CONSISTENT with the goals of the Comprehensive Plan.
- B. Types of Planned Developments, Where Permitted.
 - 1. There are three types of planned PLANNED developments: residential planned developments, business planned developments, and 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.

Section 21.24.070 – Procedures for planned developments.

- A. Application Procedures. All planned development applications must be submitted to the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications. Applications must be

submitted on forms provided by the Planning and Zoning Director and accompanied by any required fees, preliminary or final plans or other required submittals.

B. Application Options. An applicant may elect one of the following procedural options:

1. An applicant may submit a preliminary plan for informal review by the Planning and Zoning Director and other City departments the Director deems appropriate, prior to the submission of a final planned development application.
2. An applicant may submit a preliminary plan for formal review and decision by the Planning Commission.
3. An applicant may elect to submit only a complete final planned development application.

C. Review of Preliminary Planned Development Plans. The following procedures shall apply to the review of preliminary planned development plans.

1. Staff Review. The Planning and Zoning Director may distribute copies of a preliminary plan for review by the appropriate City departments.
2. Staff Comments on Preliminary Plan. Following review of any preliminary plan, the Planning and Zoning Director and any other City department reviewing the preliminary plan will provide the applicant with any written comments prepared in connection with the review of the preliminary plan and will transmit a copy of any written comments to the Planning Commission.
3. Optional Work Session or Public Meeting. If the Planning and Zoning Director deems necessary, the Director or the Planning Commission may hold a work session or public meeting for the review of the preliminary plan. Notice of the work session or public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(D).
4. Public Hearing. If the applicant requests action on a preliminary plan by the Planning Commission, the Planning Commission shall schedule and hold a public hearing on a preliminary planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C) and any other requirements established by the Planning Commission.
5. Decision on Preliminary Plan. Within thirty days of the conclusion of the public hearing, the Planning Commission shall decide to: (1) approve the preliminary plan, (2) approve the preliminary plan subject to specific conditions; or (3) deny the preliminary plan.

D. Review of Final Plans and Application.

1. Staff Review. The Planning and Zoning Director shall distribute copies of a final planned development application to appropriate City departments for review after having determined that the submission is complete.
2. Staff Report. Following review of any complete final planned development application, the Planning and Zoning Director and any other City department reviewing the application will prepare a staff report on the final planned development application and transmit the staff report to the Planning Commission prior to the required Planning Commission public hearing on the application.
3. Public Hearing. The Planning Commission shall schedule and hold a public hearing on the complete final planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set

forth in Section 21.10.020(B) and 21.10.020(C) and any other requirements established by the Planning Commission.

4. Decision on Final Plan and Application. Any staff reports received by the Planning Commission will be considered at the public hearing. Within thirty days of the conclusion of the public hearing, the Planning Commission shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.
5. NOTICE OF DECISION. THE PLANNING AND ZONING DIRECTOR SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Section 21.24.090 – Planned development review criteria and findings.

In deciding planned development applications the Planning Commission shall make written findings based on the following:

- A. The planned development is compatible with the character of the surrounding neighborhood and CONSISTENT WITH the Comprehensive Plan and the purposes of planned developments.
- B. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and 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.
- D. The planned development complies with the planned development use standards and bulk and density standards.
- E. The planned development complies with the Site Design Plan Review criteria provided in Section 21.22.080
- F. 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.

Section 21.24.110 – Expiration.

- A. Expiration.
 1. A preliminary planned development approval shall expire one year from the date of final approval if the applicant has not submitted a final planned development application prior to that date.
 2. A final planned development approval shall expire two years from the date final approval if a building permit is not obtained prior to that date. If substantial site development has not commenced within a period of three years from the date of final approval, or in the case of larger developments, for each phase of the project indicated on the planned development plan, the planned development approval shall expire.
- B. Extension. If an extension is requested prior to the expiration of a preliminary or final planned development approval, the Planning and Zoning Director may extend a

preliminary or final planned development approval, and the corresponding expiration dates in Subsection A. above, for up to three years from the date or dates on which the approval would otherwise have expired, subject to the notification requirements of Section 21.10.020A.

- C. Abandonment. If, within any continuous three year period after approval of a planned development, no building permits are issued for that planned development, then that planned development shall be deemed to be abandoned.
- D. Abandoned or Expired Planned Developments. Abandoned or Expired Planned Developments. In the event that a planned development is abandoned or expires, no building permits shall be issued for the planned development unless it is determined by the Planning and Zoning Director that the planned development ~~complies~~ IS CONSISTENT with the ~~current~~ Comprehensive Plan AND ALL OTHER REQUIREMENTS OF THIS TITLE, ~~site design standards and zoning regulations~~. Should the Planning and Zoning Director decline to make a determination that an abandoned or expired planned development ~~complies~~ IS CONSISTENT with the current Comprehensive Plan AND ALL OTHER REQUIREMENTS OF THIS TITLE, ~~site design standards and zoning regulations~~, the abandoned or expired planned development may be reinstated in the same manner as a new planned development.
- E. Conditions. Any conditions of approval related to those phases of the planned development which were complete prior to the abandonment of the planned development shall remain in full effect and shall be enforceable.

Chapter 21.26 – SPECIAL EXCEPTIONS

Section 21.26.030 – Procedures for special exceptions.

- A. Application Procedures. All applications for special exceptions shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. Review Procedures for Special Exception Applications. In the review and decision of special exception applications, the following procedures shall apply:
 - 1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete pursuant to Section 21.10.010, may distribute copies of the application to appropriate City departments for review.
 - 2. Staff Report. Following review of any special exception application, the Planning and Zoning Director and any other City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Board of Appeals prior to the required Board of Appeals public hearing on the application.
 - 3. Public Hearing. The Board of Appeals shall hold a public hearing on each application. The hearing shall be conducted, and a record of the proceedings shall be preserved, in the manner the Board of Appeals, by rule, prescribes from time to time. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Sections 21.10.020(B) and 21.10.020(C). At the hearing, a report from the Planning and Zoning Director shall be placed in evidence.

4. Action on Application. Within thirty days of the conclusion of the public hearing, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.
5. Conditions of Approval. The Board of Appeals may stipulate, conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as are deemed necessary for the protection of the public interest and to secure compliance with the requirements specified in Section 21.26.050. However, the Board of Appeals may not impose any condition, or enforce any condition previously imposed, which restricts the applicability or approval of a special exception to a particular applicant, owner or operator.
6. NOTICE OF DECISION. THE PLANNING AND ZONING DIRECTOR SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Section 21.26.050 – Review criteria and findings.

The decision by the Board of Appeals must be based upon written findings with respect to the following:

- A. The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare.
- B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
- C. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. Adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
- F. The special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, including any use provisions or standards set forth in Chapter 21.64 AND BE CONSISTENT WITH THE COMPREHENSIVE PLAN.
- G. In the case of food service establishments, the following additional standards for review apply. The review of the proposed food service operation shall be based upon an analysis of the proposed use's impact in the following areas:
 1. Environmental:
 - a. Noise, including the noise of the mechanical equipment and of the patrons while on the premises,
 - b. Odors: control of odors from the cooking process and from the storage of garbage,
 - c. Trash and litter: the type of trash and garbage the food service operation will generate; the precautions to be taken to prevent littering of the streets.

2. Traffic:
 - a. Streets: adequacy of the street system to handle additional traffic,
 - b. Loading/unloading: off-street loading facilities available and adequate to handle the intensity and the type of trucks needed to service the proposed use; if on-street loading facilities are used, whether the use will impede traffic flow,
 - c. Parking: adequate parking available either on-site or within the area for employees and patrons.
 3. Neighborhood:
 - a. Hours: the hours of operation are compatible with the surrounding commercial and/or residential neighborhood,
 - b. Loitering: the measures the restaurant will employ to discourage loitering; whether the type of use is compatible with the surrounding commercial and residential neighborhood.
 4. Adequacy of public facilities:
 - a. Water and sewer: excess capacity exists and is available,
 - b. Police: police coverage is available,
 - c. Fire: the Fire Department has access to the site; sufficient water pressure for firefighting purposes is available and the building meets life safety standards.
 5. Community need: a community need for the use has been established.
- H. An appeal from a decision of the Board of Appeals shall be made to the Circuit Court of Maryland for Anne Arundel County.

Chapter 21.28 – VARIANCES

Section 21.28.020 – Procedures.

- A. Application Procedures. All applications for variances shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. Review Procedures for Variance Applications. In the review and decision of variance applications, the following procedures shall apply:
 1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate City departments for review.
 2. Staff Report. Following review of any variance application, the Planning and Zoning Director and any other City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Board of Appeals prior to the required Board of Appeals public hearing on the application.
 3. Public Hearing. The Board of Appeals shall hold a public hearing on each application at the time and place established by it. The hearing shall be advertised, conducted, and a record of the proceedings shall be preserved, in the manner the Board of Appeals, by rule, prescribes from time to time. Notice of the public

- meeting must be given by the applicant in accordance with the notice requirements set forth in Sections 21.10.020(B) and 21.10.020(C).
4. Action on Application. Within forty days of the conclusion of the public hearing, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application. The Board of Appeals may impose such conditions or restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this chapter and the purposes of this Zoning Code.
 5. Notice of Decision. ~~At the applicant's expense, † The PLANNING AND ZONING DIRECTOR Board of Appeals will publish notice of the decision in a newspaper of general circulation in the City and mail notices of the decision to all persons owning property within two hundred feet of the applicant's property~~ SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

Section 21.28.050 – Review criteria and findings.

The Board of Appeals shall not vary the regulations of this Zoning Code unless it makes findings based upon the evidence presented to it in each specific case that:

- A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
- B. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
- C. The purpose of the variance is not based exclusively upon a desire to increase financial gain.
- D. The alleged difficulty or hardship has not been created by ~~the~~ ANY present owner or any previous owners of the property, WHETHER INDIVIDUAL OR ENTITY, TO WHOM OR TO WHICH THE PROPERTY HAS BEEN TRANSFERRED FOR FAIR MARKET VALUE, FOR OTHER ADEQUATE OR SUFFICIENT CONSIDERATION, OR AS A RESULT OF INHERITANCE OR COURT ORDER.
- E. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- F. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or alter the essential character of the neighborhood or district in which the property is located.
- G. Within the intent and purpose of this Zoning Code, the variance, if granted, is the minimum variance necessary to afford relief.

Chapter 21.30 – APPEALS

Section 21.30.020 – Procedures.

- A. Appeal Procedures. An appeal may be taken within thirty days after the decision or the action complained of, by filing with the director from whom the appeal is taken a notice of appeal specifying the grounds of the appeal. The director from whom the appeal is taken shall, at the expense of the appellant, forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- B. Review Procedures.
1. Notice and Hearing. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal. Notice of the hearing must be given in accordance with the notice requirements set forth in Sections 21.10.020(B) and 21.10.020(C).
 2. Decision. The board shall reach its decision within forty days from the date of the hearing. The Board of Appeals may affirm or reverse, wholly or in part, or may modify the order, requirement, decision or determination as ought to be made or the board may issue a new order, requirement, decision or determination. To that end, the board has all the powers of the officer from whom the appeal is taken.
 3. Notice of Decision. ~~At the appellant's expense, Tthe Board of Appeals~~ DIRECTOR FROM WHOM THE APPEAL IS TAKEN shall ~~publish notice of the decision in a newspaper of general circulation in the City and mail notices of the decision to all persons owning property within two hundred feet of the subject property~~ GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).
 4. Record of Decisions. The Planning and Zoning Director and the Director of Neighborhood and Environmental Programs shall maintain records of all actions of the Board of Appeals relative to appeals taken from their actions pursuant to this section.

Chapter 21.34 ZONING MAP AMENDMENTS

21.34.040 Planning Commission review criteria and findings.

The Planning Commission shall not recommend the adoption of a proposed zoning map amendment unless it finds that the adoption of the amendment is in the public interest and is not solely for the interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property to a more restrictive district than that requested by the applicant. FOR SECTIONAL AND COMPREHENSIVE ZONING MAP AMENDMENTS THE PLANNING COMMISSION SHALL MAKE WRITTEN FINDINGS BASED UPON THE EVIDENCE PRESENTED TO IT IN EACH SPECIFIC CASE THAT THE AMENDMENT IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN. FOR LOCAL MAP AMENDMENTS, ¶the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

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

- B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.
- C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.
- D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
- E. The availability of public facilities, present and future transportation patterns.
- F. The relationship of the proposed amendment to the City's Comprehensive Plan AND ITS CONSISTENCY WITH THE COMPREHENSIVE PLAN.

21.34.050 City Council review criteria and findings.

The City Council shall make findings of fact in each specific case including, but not limited to, the criteria set forth above in Section 21.34.040 AND ANY ADDITIONAL CRITERIA IT DETERMINES ARE RELEVANT AND APPROPRIATE.

Chapter 21.48 – USE TABLES

Section 21.48.010 – Table of Uses – Residential Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
Accessory buildings and uses, including signs	A	A	A-Std	A	A	A	A	A	A	A	A	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Apartment hotels										P-Std	P-Std		
Bed and breakfast homes				P-Std	P-Std		P-Std	P-Std				P-Std	P-Std
Bed and breakfast home in a structure constructed or					S-Std								

erected after December 14, 1998 on a vacant lot of record	P	P	P	P															
Cemeteries	P	P	P	P															
Colleges, private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Day care, family	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Day care centers, group, in conjunction with public school facilities																			
Day care centers, group, including day care centers accessory to a principal religious institution	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Driveways, walkways, parking or access for	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

the storage of domestic supplies and equipment																			
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¹ Duplex units existing on August 10, 1970, may be altered or enlarged provided that the alteration or enlargements otherwise meet the provisions of the R2 zoning district, except that the shared lot line between each half of the duplex unit must meet the provisions of the R3, General Residence District, and subject to minor site design plan review.

² Attached units existing on August 10, 1970, may be altered or enlarged provided that the alteration or enlargement otherwise meets the provisions of the C1A zoning district except that the shared lot line between attached units will have no setback requirement, and subject to minor site design plan approval and review by the Historic Preservation Commission under Section 21.56 of this Code.

Section 21.48.030 – Table of Uses – Office and Mixed Use Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

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
Accessory Structures and uses	A	A ⁶	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Antique stores		P	P-Std	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P		
Arts and crafts studios		P	P-Std	

Arts and crafts stores	P	P-Std	
Bank and financial institutions	P		
Bake shops	P-Std		
Cab stands including dispatch offices and related parking facilities	S		
Candy stores, where only candy prepackaged off the premises is sold	P		
Candy stores including candy making	P-Std		
Carpet and rug stores, retail sales only	P		
Catering establishments	P-Std		
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities	P	S	S
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities	P-Std		
Coffee shops	P-Std		
Conference facilities	S		
Convenience stores	P-Std		
Day care centers, groups	S	S	S
Delicatessens	P-Std	P-Std	
Department stores	P		
Drive-through facilities associated with permitted or special exception uses		S-Std ⁵	
Dry cleaning and laundry drop off and pick up stations		P	
Dry cleaning and laundry establishments	P		
Dwellings, multi-family	P-Std	S	S
Dwellings, multi-family, containing 12 or fewer units		P-Std	

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Dwellings, single-family attached	P		P-Std	P	
Dwellings, single-family detached	P		P	P	P
Dwellings, two-family	P		P	P	P
Dwellings above the ground floor of nonresidential uses			P		
Food service marts			P-Std	P-Std	
Furniture stores			P		
Garden supply, tool and seed stores			P		
Governmental uses					
Offices	P		P	P	P
Other government and government-related structures, facilities and uses	S		S	S	S
Public schools and colleges	P		P	P	
Group homes	S			S	S
Hotels with up to forty rooms, including restaurants and conference room facilities.			P-Std		
Hotels with more than forty rooms			S		
Ice cream stores			P-Std		
Inns	S				S
Institutions for the care of the aged	S				S
Laboratories, including medical, dental, research and testing			P		
Launderettes, automatic, self service			P		
Liquor stores			S		
Markets, open air, including farmers' markets and produce markets			P-Std		
Medical appliance stores				P-Std	
Motor vehicle service stations, including fuel sales			S		
Museums and art galleries	P			P	
Nautical shops, retail trade				P	

Office and business service establishments	P				
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std or S-Std, depending on lot size	P	P-Std		P
Offices, medical	P	P	P		P
Parking garages	S	P-Std, S-Std	S		
Parking lots, other than accessory	S	P-Std	P-Std		
Personal care establishments	S	P	P-Std		
Pet grooming facility	S-Std	P-Std	P-Std		
Photocopying and reproduction services, including blueprinting		P			
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P			
Planned developments, business and special mixed	P-Std	P-Std			
Religious institutions, including churches, chapels, mosques, temples and synagogues	P	P	P		
Research and development businesses, provided that there is no significant assemblage of goods or products		P			
Rest homes and nursing homes	S				S
Restaurant, fast food		S-Std			
Restaurant, standard		P-Std ⁴ S-Std ⁴	P-Std, S-Std		
Retail goods stores		P			
Schools, commercial, trade, vocational, music, dance, or art		P			
Schools, private, elementary, middle, or high	P				
Sidewalk cafes	P-Std	P-Std	P-Std		P-Std
Specialty convenience retail store		P	P-Std		P-Std

Supermarkets		P-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P		
Temporary uses	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		P-Std		
Tobacco shops		P		
Undertaking establishments and funeral parlors	S			
Wine bars		P-Std		

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 25 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 46 feet, but less than 65 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 40,000 square feet or more require special exception approval, unless such uses are approved as part of a planned development.

⁴ ~~Two a.m. alcoholic beverage licenses shall not be permitted for properties within the MX-2 or MX-3 height districts, but such licenses shall be allowed for properties within the MX-1 Height District.~~

⁵ 4 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.

⁶ 5 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

Section 21.50.020 – Bulk Regulations Table R1-A 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	Lot Dimensions (Minimum) Area (sq. ft. or acres) ⁵	Lot Dimensions (Minimum) Width (ft)	Yards (Minimum) Front (ft)	Yards (Minimum) Interior Side (ft)	Yards (Minimum) Corner Side (ft)	Yards (Minimum) Rear (ft)	Height, Coverage, Floor Area Ratio (maximum) Height, (stories and feet)	Height, Coverage, Floor Area Ratio (maximum) Lot Coverage, (percent)	Height, Coverage, Floor Area Ratio (maximum) Floor Area Ratio	Open Space (minimum , (percent)
Cemeteries	5 acres	200								
Day care centers, group	21,780	100	40	12	25	40	2.5 stories not to exceed 35 feet	30		
Dwellings, single-family detached	21,780	100	40	12	25	40	2.5 STORIES NOT TO EXCEED 35 FEET	30		
Educational institutions	5 acres	200	50 feet from all property lines	50 feet from all property lines	50 feet from all property lines	50 feet from all property lines		60	0.25	
Governmental	6	6	6	6	6	6	6	6	6	6

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Museums and art galleries	2 acres	150	50 ¹	20 ³	35 ³	75		60	0.4		
Philanthropic and charitable institutions	40,000	120	50 ¹	12 ³	35 ³	50		60	0.4		
Planned developments	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24
Recreational and social clubs	40,000	120	6	6	6	6		6	6		
Religious institutions	40,000	120	50 ¹	12 ³	35 ³	50		60	0.4		
Accessory Uses											
Buildings accessory to single-family dwellings, other than as specified			45	12 ⁴	25	5					

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- ⁴ Unless the entire structure is located on the rear 25 percent of the lot, in which case only five feet is required. See illustration at Section 21.60.100
- ⁵ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by twenty percent.
- ⁶ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.

⁷ I. WITHIN FIVE FEET OF ANY PROPERTY LINE EXCEPT REAR PROPERTY LINES ADJACENT TO AN ALLEY: MAXIMUM CORNICE HEIGHT OF EIGHT FEET AND MAXIMUM RIDGE HEIGHT OF 16 FEET.

II. THE CORNICE AND RIDGE HEIGHTS OF AN ACCESSORY STRUCTURE MAY INCREASE ONE FOOT FOR EACH ONE FOOT OF ADDITIONAL SETBACK BEYOND TWO FEET UP TO A MAXIMUM HEIGHT OF TWO STORIES AND/OR A CORNICE HEIGHT OF 16 FEET AND A RIDGE HEIGHT OF COMPATIBLE DESIGN.

Section 21.50.280 – Bulk Regulations Table WMC 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	Lot Dimension (minimum) Area (sq. ft.)	Lot Dimension (minimum) Width (ft)	Lot Dimension (minimum) Depth (ft)	Yards (minimum) Front (ft)	Yards (minimum) Front building line setback	Yards (minimum) Interior Side (ft)	Yards (minimum) Corner Side (minimum depth)	Yards (minimum) Rear (ft)	Coverage, Height, Floor Area Ratio (maximum) Coverage	Coverage, Height, Floor Area Ratio (maximum) Height	Coverage, Height, Floor Area Ratio (maximum) Floor Area Ratio	Location where a street right-of-way terminates at a waterway
	5,000	50	100	0	12 feet from edge of curb.	0, or five feet where a yard is	Equal to the front building line	1. Lots with no waterway frontage:	50 percent ² .	1. 2.5 stories not to exceed 22 feet at	1.0	No buildings or structures

					provided.	setback.	15 feet. 2. Lots with waterway frontage: 12 feet, measured parallel to the shoreline ¹	the cornice line, and 32 feet at the ridge line. ⁴ 2. No structure may intrude on the sky exposure plane ³ .	are permitted within a setback defined by the prolongation of a line defined by the southwest side of the right-of-way of Main Street and extending to the waterway.
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Table Notes:

- ¹ No buildings or structures are permitted in this yard, except structures associated with the public pedestrian walkway provided in accordance with Section ~~21.46.040~~ 21.46.020
- ² For lots with waterway frontage, unless a public pedestrian walkway is constructed, a minimum 25 percent of the lot must be unobstructed to provide views of the waterway from the street. If a walkway is constructed, a minimum 15 percent of the lot must be unobstructed. Standards for walkways are set forth in Chapter 21.62
- ³ The sky exposure plane is measured from a height of 22 feet above the building line and rises over a slope of one foot of horizontal distance for every one foot of vertical distance.
- ⁴ In the historic district, special height measurement and limits requirements apply, see Chapter 21.56

Section 21.50.310 – Bulk Regulations Table WME 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	Lot Dimensions (minimum) Area (sq. ft.)	Lot Dimensions (minimum) Width (ft)	Lot Dimensions (minimum) Depth (ft)	Yards (minimum) Front (ft)	Yards (minimum) Interior Side (ft)	Yards (minimum) Corner Side (Adjacent to a public street, ft)	Yards (minimum) Rear (ft)	Yards (minimum) Waterway	Coverage, Height, Floor Area Ratio (maximum) Coverage	Coverage, Height, Floor Area Ratio (maximum) Height	Coverage, Height, Floor Area Ratio (maximum) Floor Area Ratio
	10,000 ¹	100	0	15	10	15	Lots with no waterway frontage: 30 feet along each rear lot line.	Lots with waterway frontage: 30 feet, measured parallel to the shoreline ² .	40 percent.	1. Boat repair and maintenance and marine fabrication structures: 3.5 stories not to exceed 45 feet. 2. All other structures: three stories not to exceed 38 feet.	1.0

Chapter 21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS

Section 21.64.2400 – Dwellings, multi-family.

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.
2. Multiple Structures on a Zoning Lot. Consistent with Section 21.60.030, a multi-family residential use may contain more than one principal residential building, including a building containing a mix of residential and other BCE district uses, on a zoning lot.
3. Parking and Loading.
 - a. Structured parking may be permitted as a component of a multi-family development.
 - b. Sufficient street-level parking shall be provided to accommodate commercial uses and office visitors.
 - c. Parking spaces wherever reasonably possible shall be located in the rear or interior courtyard or plaza areas; if structured parking is provided then it shall be screened by buildings or landscaped wherever reasonably possible.
 - d. Notwithstanding the provisions of Chapter 21.66, off-street loading facilities for a multi-family development and other BCE uses developed in conjunction therewith may be provided in the front yard of the lot.
4. Streetscape and Planting.
 - a. The streetscape shall be of an urban character with street trees, street lighting, controlled pedestrian crossings, dedicated bicycle facilities, benches and other streetscape elements.
 - b. Public courts and plazas shall be open to the street or connect to pedestrian walkways. Such areas shall be well planted and shall be paved for pedestrian circulation.
 - c. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks, pathways, crossings and other marked pedestrian ways.
 - d. Sidewalks along streets designated as major or minor arterial in the Comprehensive Plan shall be a minimum of fifteen feet wide; sidewalks along all other streets shall be a minimum of twelve feet wide.
 - e. Buffer areas adjacent to public streets shall have street trees a minimum of thirty-five feet on-center and a maximum of forty-five feet on-center along with planting beds buffering pedestrians from vehicular traffic.
 - f. Pedestrian features such as benches, lighting and pavers shall be designed in a consistent manner.
 - g. Interior courtyards, boulevards and plaza areas shall be adequately landscaped, and include adequate sitting areas.

passive recreational activities or limited active recreation, subject to the following requirements:

- a. The area required for parking lot landscaping or buffers shall not be included in the common open space calculation.
 - b. The area of each parcel of common open space shall be of such minimum dimensions as to be functionally usable.
 - c. Common open space areas shall be convenient to the dwelling units they are intended to serve.
 - d. Up to fifty percent of the common open space may include community meeting rooms and indoor recreational facilities, such as club houses and exercise facilities.
 - e. Any area dedicated for open space purposes shall be described in appropriate subdivision dedications, covenants and/or deed restrictions approved by the City Attorney which demonstrate that:
 - i. The use of the common open space shall continue for the life of the project for the purpose specified;
 - ii. Appropriate provisions shall be made for the maintenance of the common open space areas; and
 - iii. Common open space areas shall not be used for a commercial enterprise admitting the public for a fee.
 - f. The type of ownership of land dedicated for common open space purposes shall be selected by the owner, developer or subdivider, subject to the approval of the Planning and Zoning Director. Type of ownership may include, but is not limited to the following:
 - i. The City, subject to the acceptance of the City Council;
 - ii. Homeowner, condominium or cooperative associations;
 - iii. Shared, undivided interest by all property owners;
 - iv. The project owner.
 - g. The owner of the common open space shall be responsible for its continuing upkeep and proper maintenance.
9. Subdivision Plat.
- a. Notwithstanding any other provisions of the City Code to the contrary, a subdivision plat in accordance with the requirements of Title 20 shall be approved by the Planning Commission.
 - b. Notwithstanding the provisions of Section 20.08.030, an administrative exemption to the subdivision plat shall not be allowed.
 - c. In approving the subdivision plat, the Planning Commission shall determine that the design and development of the project is ~~in~~ ~~compliance~~ CONSISTENT with all applicable goals and policies of the Comprehensive Plan and any legislatively adopted sector studies or other legislatively adopted planning studies for the area in which the project is located.
 - d. Modifications to Standards. In acting upon the subdivision plat, the Planning Commission shall have the authority to modify any of the foregoing standards or other BCE development standards, provided the Planning Commission shall find based on the evidence presented in each

case that the proposed modification to the standard complies with all of the following criteria:

- i. The objectives underlying the standards can be met without strict adherence to them;
- ii. Because of peculiarities in the parcel of land to be developed or the facilities proposed, it would be unreasonable to require strict adherence to the standards;
- iii. The modification is in the public interest and is necessary in order to further the purposes of the BCE district; and
- iv. The modification Is in compliance CONSISTENT with all applicable goals and policies of the Comprehensive Plan or other legislatively adopted planning studies for the area in which the project is located.

10. Modifications to Approved Site Development Plan. All substantive changes or modifications to the approved site development plan shall require review and approval by the Planning Commission in accordance with the criteria for modifications to standards in previous subsection (A)(9)(d) of this section for subdivision plat approval.

B. C1 District.

1. In addition to proposed new uses, the following uses require special exception approval:
 - a. Any change or expansion of the bulk or any structural modifications, including extensions, enlargements or alterations which increase or decrease the floor area of a particular use, except as provided in subsection (B)(2) below, or
 - b. The expansion or extension of a special exception for part of a building or structure, the remainder of which is utilized for a use permitted in the district.
2. The gross floor area of a dwelling unit on an individual lot of record may be expanded with administrative approval by up to twenty percent of the total floor area, provided the proposed addition complies with all other requirements of the district and provided that no previous expansion has been granted pursuant to this section.

C. MX District.

1. On lots of forty thousand square feet or greater, permanent usable common open space equal to ten percent of the lot area shall be identified and dedicated for passive recreational activities or limited active recreation. In the case of attached units, each unit shall have an individual rear yard which may be included in calculating the required common open space. The area required for parking lot planting or buffers shall not be included in the open space calculation.
2. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks.
3. 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.

4. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen.

Section 21.64.300 – Food and beverage-related uses.

- A. Applicability. The standards in this section apply to the following uses:
 1. Bake shops,
 2. Candy stores,
 3. Catering establishments,
 4. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
 5. Coffee shops,
 6. Convenience stores,
 7. Delicatessens,
 8. Fast food restaurants,
 9. Food service marts,
 10. Ice cream stores,
 11. Markets, open air,
 12. Standard restaurants, and
 13. Supermarkets.
- B. Site Plan. A site design plan for the use is required pursuant to Chapter 21.22.
- C. Noise. Noise emanating from the use shall not be of such a volume to disturb the quiet and enjoyment of property in any nearby residential zoning districts.
- D. Loitering. Loitering is not permitted around the exterior of the use.
- E. Kitchens and Food Preparation Areas. Kitchens and food preparation areas shall be designed, maintained and operated in a manner to minimize noise and odors, and to eliminate grease flows into City sewers in strict adherence to the City's Plumbing Code. An outdoor spigot shall be installed if required.
- F. Related Plans. The use shall ~~comply~~ BE CONSISTENT with the City's Comprehensive Plan and any sector plans applicable to the area where the use will be located.
- G. Trash.
 1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located. See also Section 17.48.120
 2. Except where trash is placed in accordance with Subsection (F)(1) of this section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick-up time and shall be removed within one-half hour after trash pick-up.
 3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.
- H. C2 and C2A Districts. In the C2 and C2A districts, the following standards apply:
 1. No food establishment shall be allowed in a building which fronts on, or whose side yard is contiguous with, residential use on the following streets:

- a. Prince George Street;
 - b. Randall, between Dock Street and King George;
 - c. Cornhill Street;
 - d. Fleet Street;
 - e. Upper Duke of Gloucester Street from Church Circle to a point on Duke of Gloucester Street two hundred fifteen feet from the centerline of Church Circle;
 - f. Newman Street;
 - g. St. Mary's Street; and
 - h. Maryland Avenue between Prince George and King George Streets.
2. The provisions of Subsection (H)(1) of this section shall not apply to restaurant/food service and bars existing as of June 13, 1994.
 3. Revenues from alcohol sales shall not exceed fifty percent of total revenues. This limitation shall not apply to restaurants existing prior to June 13, 1994. All restaurants, established after June 13, 1994, shall report annually the ratio of food revenues to total revenues.
 4. [Reserved.]
 5. Expansion.
 - a. All proposed expansions of restaurants are subject to the special exception process of this Zoning Code, however restaurants existing as of June 13, 1994 shall not be required to provide the report described in Subsection (H)(3) of this section for its expansion.

Section 21.64.540 – Restaurants, standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

- A. Drive-through service is not permitted.
- B. Catering or delivery service may be permitted as an accessory use.
- C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
 1. Where the use is permitted subject to standards:
 - a. No more than fifty seats are permitted,
 - b. Alcohol is permitted with the service of food,
 - c. Hours of operation are limited to midnight seven days a week,
 - d. Outdoor dining with the exception of rooftop dining may be permitted subject to the following:
 - i. Alcoholic beverages shall be served only in conjunction with the service of food.
 - ii. Hours of operation shall be limited to 10 p.m., seven days a week.
 - iii. No speakers or public address system shall be allowed.
 - e. No bar, dancing, or live entertainment is permitted, except in the PM district where indoor, live, non-amplified acoustical musical entertainment may be permitted.
 - f. Recorded music shall be limited to background variety only indoors.
 2. In the B1 district, more than fifty seats may be permitted by special exception.

3. In the B2, B3, B3-CD and PM districts, the following may be permitted by special exception:
 - a. More than fifty seats; and
 - b. Bar, dancing, and live entertainment indoors;
 - c. Hours of operation extending past midnight;
 - d. Rooftop dining, subject to the following:
 - i. Alcoholic beverages shall be served only in conjunction with the service of food.
 - ii. Hours of operation shall be limited to 10 p.m., seven days a week.
 - iii. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.
 - iv. No portion of a rooftop dining area may be located any closer than 75 feet from a residential structure, measured horizontally at grade.
 - v. The rooftop dining area may not exceed 25 percent of the floor area of the indoor restaurant area and may not have more than 25 percent of the number of seats in the indoor restaurant area.
 - vi. Access to the rooftop dining area shall be through the interior of the restaurant. An exterior access shall be allowed only as an emergency access for fire and life safety purposes.
 - vii. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.
 - viii. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:

1. More than fifty seats,
2. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
3. Bar, dancing, and live entertainment,
4. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.540 C.3.d.

E. MX District. In the MX district:

1. The following are permitted by right:
 - a. Any number of seats,
 - b. Alcohol with the service of food,
 - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
 - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.540 C.3.d.
4. TWO A.M. ALCOHOLIC BEVERAGE LICENSES SHALL NOT BE PERMITTED FOR PROPERTIES WITHIN THE MX-2 OR MX-3 HEIGHT DISTRICTS, BUT SUCH LICENSES SHALL BE ALLOWED FOR PROPERTIES WITHIN THE MX-1 HEIGHT DISTRICT.

- F. WMC District. In the WMC district the following standards apply:
1. The use may only be provided in combination with a principal permitted use.
 2. The use may occupy no more than thirty percent of the total gross floor area on the lot.
 3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020 21.62.130(E)
- G. WMM District. In the WMM district the following standards apply:
1. This use is permitted only in combination with one of the following:
 - a. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift,
 - b. Seafood processing of at least nine thousand square feet,
 - c. On-land boat storage of at least twenty-five thousand square feet, or
 - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
 2. In structures in existence as of August 24, 1987 this use may not exceed thirty percent of the total gross floor area of development on the lot.
- H. WME District. In the WME district the following standards apply:
1. This use may be permitted only in combination with one of the following:
 - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift, or
 - b. Seafood processing of at least 9,000 square feet.
 2. The lot on which the use is proposed must be at least 20,000 square feet.
 3. The use may occupy no more than 2,000 square feet of gross floor area on the lot.

Section 21.64.550 – Retail sales of non maritime-related goods.

- A. WMC District.
1. In structures in existence as of August 24, 1987 this use may not exceed thirty percent of the total gross floor area of development on the lot.
 2. In structures constructed after August 24, 1987 this use may not exceed twenty-five percent of the total gross floor area of development on the lot.
 3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020(J)-21.62.130(E)
- B. WMM District.
1. This use is permitted only in combination with one of the following:
 - i. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift,
 - ii. Seafood processing of nine thousand square feet,
 - iii. On-land boat storage of at least twenty-five thousand square feet, or
 - iv. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
 2. In structures in existence as of August 24, 1987 this use may not exceed thirty percent of the total gross floor area of development on the lot.

3. In structures constructed after August 24, 1987 the use is also subject to the following:
 - i. The use may not exceed twenty-five percent of the total gross floor area of development on the lot
 - ii. The use is not permitted in buildings or structures within one hundred feet of the waterfront or mean high waterline.

Chapter 21.59 – EASTPORT GATEWAY CONSERVATION OVERLAY DISTRICT

Section 21.59.080 – Signs.

~~Private or public signage shall be designed and made of materials consistent with the maritime and historic character of Eastport. The size and location of signs shall reflect a pedestrian orientation and scale. Signs shall not be neon or internally lighted. Letter size can be no more than fifteen inches in height.~~

- ~~A. Freestanding Signage. No freestanding commercial signs, markers, monuments or the like shall be permitted above six feet.~~
- ~~B. Attached Signage. Signs attached to building shall be placed within the first floor area and shall not exceed fifteen feet from the ground.~~

SECTION 21.70.095 – SIGNS IN THE EASTPORT GATEWAY CONSERVATION OVERLAY DISTRICT

PRIVATE OR PUBLIC SIGNAGE SHALL BE DESIGNED AND MADE OF MATERIALS CONSISTENT WITH THE MARITIME AND HISTORIC CHARACTER OF EASTPORT. THE SIZE AND LOCATION OF SIGNS SHALL REFLECT A PEDESTRIAN ORIENTATION AND SCALE. SIGNS SHALL NOT BE NEON OR INTERNALLY LIGHTED. LETTER SIZE CAN BE NO MORE THAN FIFTEEN INCHES IN HEIGHT.

- A. FREESTANDING SIGNAGE. NO FREESTANDING COMMERCIAL SIGNS, MARKERS, MONUMENTS OR THE LIKE SHALL BE PERMITTED ABOVE SIX FEET.
- B. ATTACHED SIGNAGE. SIGNS ATTACHED TO BUILDING SHALL BE PLACED WITHIN THE FIRST FLOOR AREA AND SHALL NOT EXCEED FIFTEEN FEET FROM THE GROUND.

Chapter 21.72 – TERMS AND DEFINITIONS

Section 21.72.010 – Terms.

- A. Construction. In the construction of this Zoning Code, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.
- B. Definitions. Except as provided for elsewhere in this Zoning Code, terms used in this Zoning Code shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of this Zoning Code.
- C. Generic Definitions.

1. Purpose of Generic Definitions. Certain terms in this chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this title. These terms are referred to in this title as "generic" definitions. Examples of generic definitions used in this title are "retail goods establishment," "amusement establishment" and "light manufacturing."
2. Components of Generic Definitions. A generic definition has three components: (1) a brief listing of examples of uses intended to be included within the scope of the definition; (2) an identification (where appropriate) of certain uses which are not meant to be included by the term; and (3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.
3. Uses Not Listed or Not Within Scope of Generic Definition. A use which is not specifically listed in a zoning district, or which does not fall within a generic definition as defined in this chapter, or as interpreted by the Director of Planning and Zoning pursuant to Chapter 21.16 is prohibited.

D. List of Definitions.

Accessory building or use. See Use, accessory.

“Adult bookstore” means any commercial establishment which includes in its stock books, periodicals, photographs, drawings, sculpture, motion pictures, films or other visual representations which depict sadomasochistic abuse, sexual conduct or sexual excitement, as defined by Article 27, Section 416a of the Annotated Code of Maryland, and which otherwise does not qualify as a theater or nonprofit, free-lending library.

“Alley” means a public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on some other public way.

“Alteration” means any change in size, shape, character or use of a building or structure.

Amusement establishment, indoor. "Indoor amusement establishment" means a commercial establishment where the principal use or purpose is providing diversions or activities for entertainment, recreation, or pleasure. The term "amusement establishment, indoor" includes, but is not limited to amusement arcades, bowling alleys, dance halls, pool halls swimming pools and skating rinks.

The term “amusement establishment, indoor” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

“Anchor tenant” means the largest tenant or tenants in a shopping center. Shopping center anchor tenants are typically grocery stores or department stores.

“Animal hospital” means a building or portion of a building designed or used for the care,

observation or treatment of domestic animals. Animal hospital includes veterinarian office.

“Antenna” means a device designed for telephone, radio, or television communications through sending and/or receiving of electromagnetic waves.

Antenna, flush mounted. "Flush mounted antenna" means an antenna mounted on the side of a building or structure.

“Antenna tower” means a structure used to support antennas for providing wireless voice, data and image transmission within a designated service area. Antenna tower includes monopole.

“Apartment hotel” means an apartment building in which not more than ten percent of the accommodations are available for occupancy by nonpermanent guests, and which provides such services as maid service, laundering or furnishing of linens, telephone and secretarial or desk service.

“Arts and crafts store” means an establishment where the principal use or purpose is the sale of goods, products and merchandise for the practice and enjoyment of arts and crafts. The term "arts and crafts store" includes but is not limited to antique stores, art and school supply stores, coin and stamp stores, gift shops, and hobby shops.

The term "art and craft store" does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

“Arts and crafts studio” means an establishment where the principal use or purpose is practicing, producing, or selling arts and crafts. The term "art and craft studio" includes but is not limited to china and glassware stores, picture framing, jewelry sales and repair, musical instruments sales and repair, and interior decorating shops.

“Bake shop” means an establishment where only bread, pastries and other baked goods are made and offered for sale.

“Bakeries” means an establishment where only bread, pastries and other baked goods are made and offered for sale, and the products are sold wholesale and not for immediate consumption.

“Bar and tavern” means establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages, with food only incidental to the sale of alcohol.

“Basement” means a portion of a building located partly or wholly underground and having more than one-half of its floor-to-ceiling height below the average grade of the adjoining ground.

“Bed and breakfast home” means a single-family, owner-occupied, detached dwelling which provides only transient lodging in not more than five rooms with a maximum stay of fourteen consecutive nights.

“Block” means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of the City.

Boatyard, working. "Working boatyard" means an arrangement of piers, slips, mooring piles, wharves, and buoys, not to exceed thirty slips, intended to be used for the repair, construction and temporary storage of watercraft, and which slips are not available for occupancy or rental by the general public.

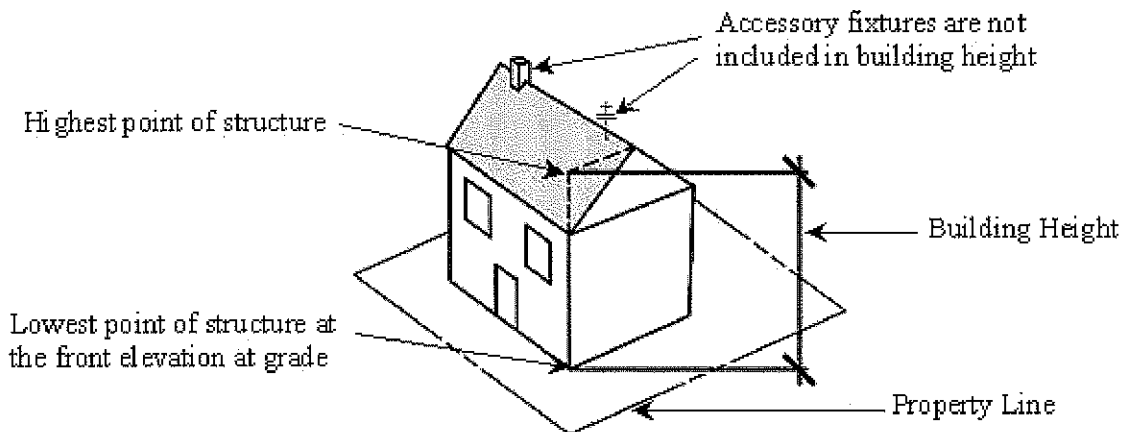
“Bufferyard” means a landscaped yard that creates separation, transition, or enhanced spacing between zoning districts, uses, or rights-of-way.

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

Building, completely enclosed. "Completely enclosed building means" a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, detached. "Detached building" mean a building surrounded by an open space on the same lot.

“Building height” means the vertical distance from the lowest point of a structure at its front elevation at grade to the highest point of the structure, not including accessory fixtures attached to the structure. See illustration.



Refer to Chapter 21.56 for measurement of building height in the historic district.

Building, principal. "Principal building" means a non-accessory building in which the principal use of the lot on which it is located is conducted.

"Bulk" means the size and setbacks of buildings or structures and the location of the buildings or structures with respect to one another, and includes the following:

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. All open spaces allocated to buildings;
- e. Amount of lot area provided per use.

"Business establishment" means a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

"Capacity in persons" means the maximum number of persons that can avail themselves of the services or goods of an establishment or use, at any one time, with reasonable comfort, as determined in the Annapolis Building Code.

"Car wash" means an area or structure equipped with facilities for washing automobiles.

"Charitable institution" means a building or group of buildings devoted to and supported by charity.

"Co-location" means use of an antenna tower or site by more than one antenna or telecommunications service provider.

"Coffee shop" means a type of food establishment of no more than two thousand square feet gross floor area whose principle business is the sale of coffee and other hot beverages. Pastries, sandwiches and other light fare may also be sold incidental to the service of coffee. A food service establishment that otherwise meets this definition shall not be a coffee shop if it serves alcoholic beverages or is otherwise required to have an alcoholic beverage license under this code.

"COMPREHENSIVE PLAN" MEANS THE POLICIES, STATEMENTS, GOALS, AND INTERRELATED PLANS FOR PRIVATE AND PUBLIC LAND USE, TRANSPORTATION, AND COMMUNITY FACILITIES DOCUMENTED IN TEXTS AND MAPS AND ADOPTED BY RESOLUTION OF THE CITY COUNCIL TO CONSTITUTE THE GUIDE FOR FUTURE DEVELOPMENT OF THE MUNICIPALITY. THE "COMPREHENSIVE PLAN" INCLUDES A GENERAL PLAN, MASTER PLAN, FUNCTIONAL PLAN, OR COMMUNITY PLAN ADOPTED IN ACCORDANCE WITH TITLE 3 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF THE STATE OF MARYLAND AND SUBSEQUENT AMENDMENTS TO THAT PLAN.

“CONSISTENCY” MEANS AN ACTION TAKEN THAT WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE COMPREHENSIVE PLAN:

- B. POLICIES;
- F. TIMING OF THE IMPLEMENTATION OF THE PLAN;
- G. TIMING OF DEVELOPMENT;
- H. TIMING OF REZONING; AND
- I. DEVELOPMENT OF PATTERNS.

“Convenience store” means a retail establishment, selling a limited number of food items, household items and some items prepared on the premises, including reheating, which can be immediately consumed, of no more than four thousand square feet gross floor area.

“Curb level” means the level of the established curb in front of a building measured at the center of the front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

Day care, family. "Family day care" means care provided for a fee to eight or fewer children under the age of thirteen, in a residence outside of the child's home, for a part of a twenty-four hour day, and regulated by the State Department of Human Resources.

Day care center, group. "Group day care center" means an agency, institution or establishment regulated by the State Department of Human Resources pursuant to the Family Law Article of the Annotated Code of Maryland that, for part or all of a day, on a regular schedule, and at least twice a week, offers or provides group day care to at least nine children who do not have the same parentage.

“Delicatessen” means a type of food service establishment which has as a substantial portion of its business the carry-out of foods for immediate consumption. Delicatessens must exhibit both of the following characteristics:

The establishment does not provide more than ten seats, and

Food items prepared for consumption generally are not prepackaged, but are made to specific order. A limited number of prepackaged items may be sold, but only as accessory to the principal use of service of food for immediate consumption.

“Density” means the number of dwelling units per gross acre.

“Department store” means store selling a wide variety of goods and arranged in several departments.

“District” means a portion of the territory of the City within which certain uniform

regulations and requirements, or various combinations of regulations and requirements, apply under the provisions of this Zoning Code.

“Dwelling” means a building, or portion of a building, designed or used exclusively for residential occupancy. Includes the following unit types:

- a. Single-family detached dwellings,
- b. Single-family attached dwellings,
- c. Multifamily dwellings,
- d. Two-family dwellings, and
- e. Dwellings above the ground floor of nonresidential uses.

The term “dwelling” does not include house trailers and hotels.

Dwelling, Multi-Family. See illustration. "Multi-family dwelling" means a building, or portion of a building, containing three or more dwelling units.

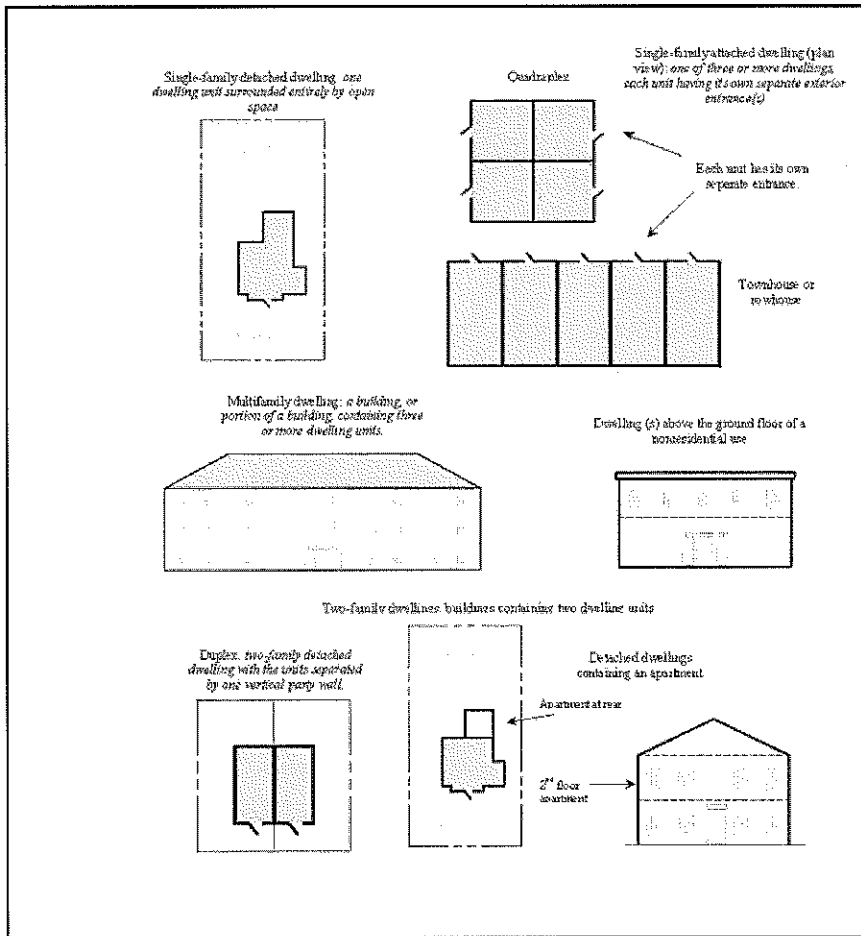
Dwelling, Single-Family Detached. See illustration. "Single-family detached dwelling" means a building containing one dwelling unit that is surrounded entirely by open space on the same lot.

Dwelling, Single-Family Attached. See illustration. "Single-family attached dwelling" means one of a series of two or more dwellings that can be joined to another dwelling at one or more sides by a party wall or walls, with each unit having its own separate exterior entrance(s). For example, townhouse, rowhouse, two-family dwelling, and quadraplex units are single-family attached dwellings.

Dwelling, Two-Family. See illustration. "Two-family dwelling" means a building containing two dwelling units. Examples:

- a. A detached dwelling containing an apartment is a two-family detached dwelling.
- b. A duplex is a two-family detached dwelling with the units separated by one vertical party wall without openings extending from the basement floor to the roof along the dividing lot line.

“Dwelling unit” means any habitable room or a group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals



Single-family attached dwelling (plan view): one of two or more dwellings, each unit having its own separate exterior entrance(s)

“Efficiency unit” means a dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing the dining alcove does not exceed one hundred twenty-five square feet in area.

“Electric substation,” for determining setbacks, means and includes any piece of electrical equipment or electrical apparatus required to transform voltage of electricity. It excludes fences, planting, and other aesthetic treatments.

“Established front yard” means the front yard for a block or portion of a block that has been created by any existing legally constructed building or buildings, whether or not this yard meets the minimum yard requirements for the zoning district where the building or buildings are located.

“Family” means one or more persons, each related to the other by blood, marriage or adoption, who are living together in a single dwelling and maintaining a common household. A family includes any domestic servants and not more than one gratuitous guest residing with the family.

“Fences and walls” means an artificially constructed exterior barrier of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials, for which the primary purpose is to mark boundaries, control access, or to screen views. For the purpose of this Title, the term "fences and walls" does not include retaining walls.

“Fences and walls height” means the vertical distance, measured to the nearest integral foot, from the elevation at grade directly below the structure to the top of the structure, not including supporting posts. If the fence or wall has been elevated through the use of a retaining wall, the creation of a berm or another method for the primary purpose of increasing the overall height of the fence or wall, then the fence or wall height shall be measured from the ground elevation prior to the grade modification.

“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 from the centerline of walls separating two buildings.

a. Calculation of Floor Area for Determining Floor Area Ratio.

i. The following areas shall be included in the calculation:

- (A) Elevator shafts and stairwells at each floor,
- (B) Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof),
- (C) Penthouses,
- (D) Attic space having headroom of seven feet ten inches or more,
- (E) Interior balconies and mezzanines,
- (F) Enclosed porches,
- (G) Floor area devoted to accessory uses, and
- (H) In Waterfront Maritime districts only, space devoted to off-street parking structures at or above ground level.

ii. The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, is determined on the basis of height in feet; i.e., ten feet in height equals one floor.

b. Calculation of Floor Area For Determining Off-Street Parking Requirements

i. The following areas shall be included in the calculation:

- (A) Penthouses,
- (B) Attic space having headroom of seven feet ten inches or more,
- (C) Interior balconies and mezzanines,
- (D) Enclosed porches,
- (E) Accessory storage areas located within selling or working space such as counters, racks or closets, and
- (F) Basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

ii. The following areas shall not be included in the calculation:

- (A) Areas devoted primarily to storage purposes except those included above in Subsection (b)(i)(E) of this definition;

- (B) Areas devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or
- (C) Basement floor area other than areas devoted to uses included above in Subsection (b)(i)(F) of this definition.

“Floor area ration (F.A.R)” means the floor area of the building or buildings on a zoning lot divided by the area of the zoning lot, or, in the case of planned developments, by the net site area.

The floor area ratio requirements as set forth in the zoning district bulk regulations tables determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

“Food and beverage-related use” means a commercial or nonprofit enterprise engaged in the preparation and sale of food, beverages or frozen desserts. Food service may or may not be the principal business of the establishment. Food and beverage-related uses include the following uses:

- a. Bake shops,
- b. Candy stores,
- c. Catering establishments,
- d. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
- e. Coffee shops,
- f. Convenience stores,
- g. Delicatessens,
- h. Fast food restaurants,
- i. Food service marts,
- j. Ice cream stores,
- k. Markets, open air,
- l. Standard restaurants,
- m. Supermarkets,
- n. Wine bars

“Food service mart” means an establishment whose principal purpose is the sale of food items for home consumption, either prepared on premises or prepackaged. A food service mart must exhibit all of the following characteristics:

- a. The principal operation of the establishment is the sale of food items for home consumption, either prepared on the premises or prepackaged,
- b. No seating is provided on the premises, and
- c. The gross square footage of the establishment does not exceed four thousand square feet.

“Food store” means a retail establishment selling dry groceries, produce and household items, but having no food prepared on the premises for immediate consumption.

Grade, lot. "Lot grade" means the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

"Group home" means any residential structure used to house a group of individuals in need of special residential facilities, but without extra medical or institutional services, guards or procedures, provided the facility is certified under guidelines and control of the State Departments of Health, Social Services or Juvenile Services.

Half-story. See Story, half.

"Hedge, boundary" means a linear row of closely planted shrubs or low-growing trees put in place to accomplish the same effect as a fence or wall.

"Height"

- a. For buildings, see building height.
- b. For fences and walls, see fences and walls height.
- c. For signs, see Section 21.70.050(B).

"Home occupation" means a business use conducted entirely within a dwelling unit or accessory building to a dwelling unit by a resident of the dwelling unit and which is clearly incidental and secondary to the use of the principal building on the zoning lot for dwelling purposes.

"Hotel" means an establishment which is open to transient guests and which provides customary hotel services including maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

"Incompatible use" means a use that is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.

"Inn" means a hotel which has no more than twenty sleeping rooms and/or suites for use by transient guests, and which has no food and beverage service other than that provided for guests of the inn, and which may provide meeting or conference facilities for guests of the inn.

"Institution for the care of the aged" means a building or buildings which provide housing for senior citizens aged sixty-two and older and which include seniors-specific amenities and services that meet the nutritional, social, recreational, medical, safety and transportation needs of the residents. This requirement may be met through the provision, for example, of meal service with common dining facilities, physical therapy facilities and activities, social and recreation facilities and activities, exercise facilities, meeting rooms and library service, health care service including a dedicated medical examination room, and personal services such as either an internal trash chute or trash pickup for each unit, an emergency response system for each unit and cleaning services for each unit.

The term "institution for the care of the aged" includes acute care facilities such as

nursing homes, assisted living facilities, and independent living facilities.

“Integrated sign program” means a coordinated program of signage for a zoning lot or lots where the materials, colors, shapes, and sizes of signage establish a unity of design compatible with the site, architecture, and the context.

“Kennel” means a premises on which dogs or cats are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

“Landscape elements” means the components of a landscape including planting, lighting, paving, fencing, grading, and walls.

Living space, minimum. "Minimum living space" means the minimum amount of space that must be provided in a dwelling unit when required in the bulk regulations table for a zoning district. Minimum living space is determined by measuring from the inside walls of the dwelling unit. Gross square footage is expressed as gross square footage and may include closets and interior hallways, but may not include common hallways or storage areas located outside the dwelling unit.

“Lot” means a zoning lot, except when the context indicates a lot of record, in which case a "lot" is a lot of record. Lot includes "piece," "parcel" and "plot."

Lot, contiguous. "Contiguous lot" is a lot of record that shares a boundary line with another lot of record. In the case of two or more lots, each lot shares a boundary line with at least one of the other lots.

Lot, corner. See illustration. "Corner lot" means a lot situated at the intersection of two streets, the interior angle of the intersection not exceeding one hundred twenty-five degrees.

Lot, reversed corner. See illustration. "Reversed corner lot" means a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, through. See illustration. "Through lot" means a lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot, zoning. See illustration. "Zoning lot" means a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a "lot of record."

“Lot coverage” means the amount of surface area of a lot that is covered by the sum of all structures, including accessory structures. Walks, driveways and fences shall not be

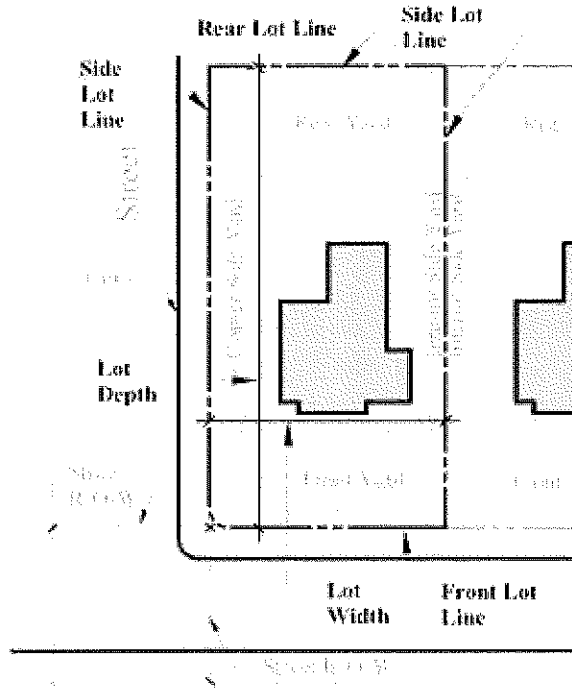
considered structures for the purpose of this definition, but parking pads, parking lots and swimming pools are considered structures. Paved surfaces constructed of permeable materials allowing direct storm water absorption shall be exempted from the coverage calculation if approved by the Planning and Zoning Director.

Lot depth. See illustration. "Lot depth" means the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

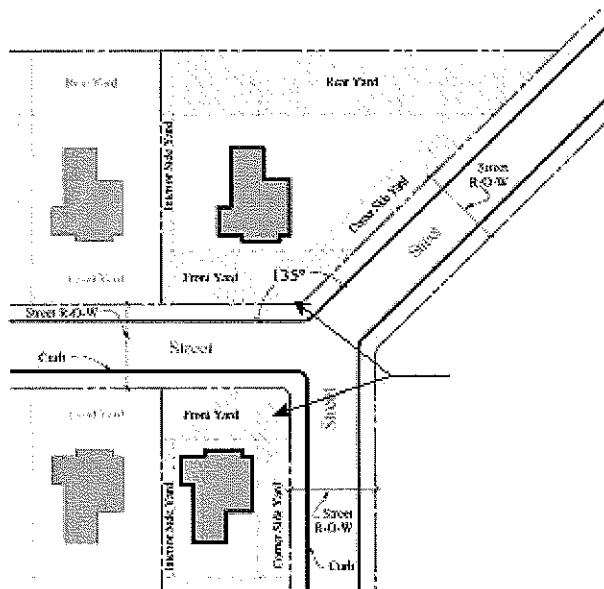
Lot line, front. See illustration. "Front lot line" means the boundary of a lot which is along an existing or dedicated public street. In the case of a corner lot, the Director of Planning and Zoning will determine which lot line is the front lot line at the time of first application for review and approval pursuant to Division II of Title 21.

Lot line, rear. See illustration. "Rear lot line" means the boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

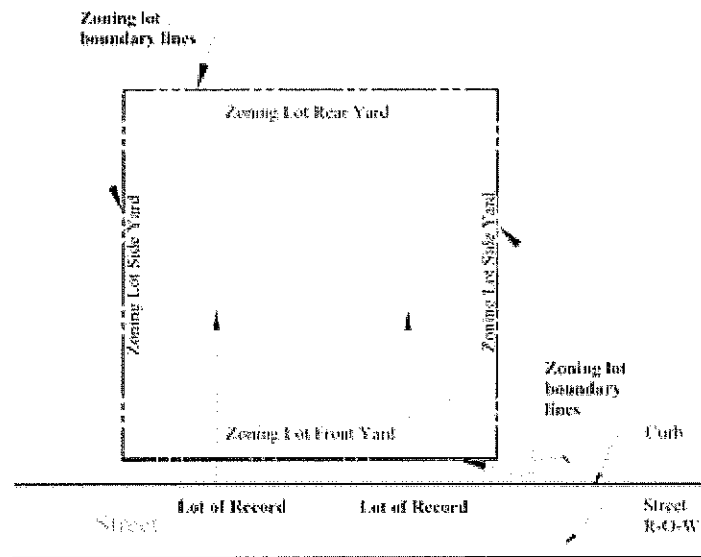
Lot Lines, Lot Width, Lot Depth



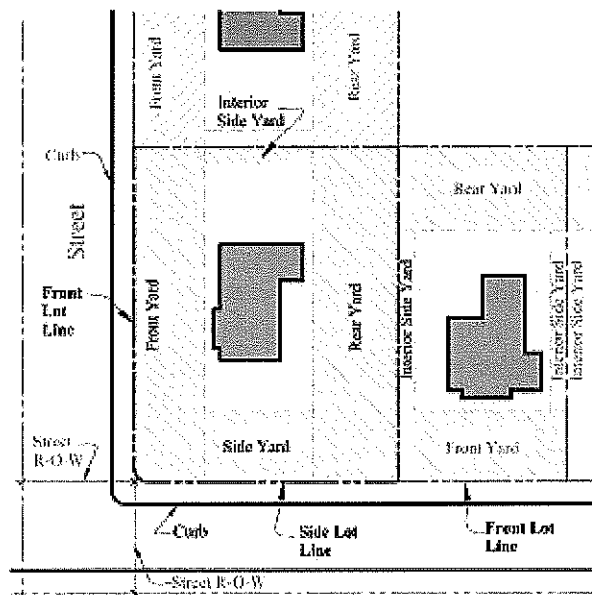
Corner Lot



Zoning Lot

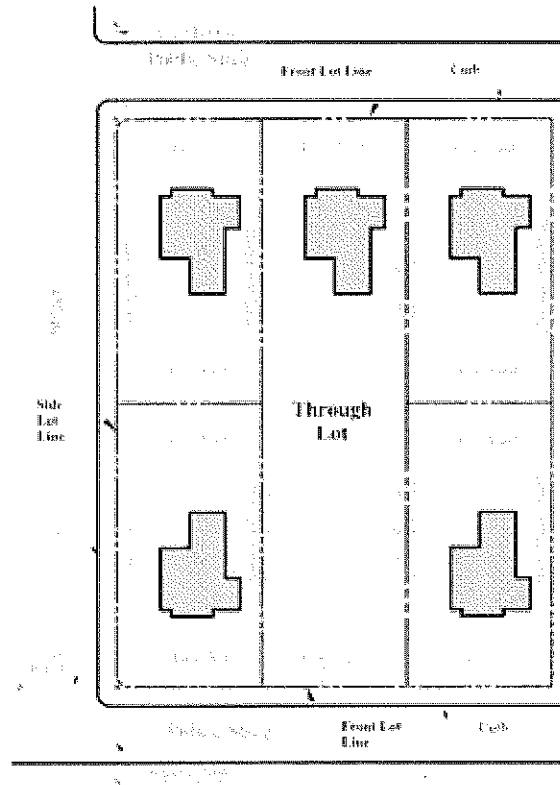


Reversed Corner Lot



Side lot line is a continuation of the front lot line of the lot to the rear.

Through Lot



Lot line, side. See illustration. "Side lot line" means any boundary of a lot which is not a front lot line or a rear lot line.

"Lot of record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the recorder of deeds of Anne Arundel County; or a parcel of land, the deed to which was recorded in the office of the recorder prior to the effective date of this Zoning Code.

Lot width. See illustration. "Lot width" means the horizontal distance between the side lot lines of a lot. Lot width is measured as follows:

- a. Single-family detached dwellings in the R1-A district: at the narrowest width within the first fifty feet of lot depth immediately in back of the front yard setback line,
- b. All uses in all other districts: at the narrowest width within the first thirty feet of lot depth immediately in back of the front yard setback line or established front yard if applicable.

"Maritime use setback" means an open-air location for water-dependent maritime uses. The setback is one hundred-feet deep measured parallel to the shoreline. Non water-dependent uses are permitted in the maritime use setback if certain bulk requirements are met.

Marquee sign. See Sign, marquee.

“Marquee” means a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

“Massage parlor” has the meaning given it in Chapter 7.32 of the Annapolis City Code.

“Mezzanine” means an intermediate or fractional story between the floor and ceiling of a full story, used for a purpose accessory to the principal use. Normally, a mezzanine is just above the ground or main floor, extending over only part of the main floor.

Mooring slip, private. "Private mooring slip" means any dock, arrangement of piles, lift or method used to store a boat over fifteen feet long, owned or used by the owner of the property, the owner's immediate family or tenants of the property.

Mooring slip, public. "Public mooring slip" means any dock, device or method for storing any boat owned or leased by a person other than the landowner, the owner's immediate family or tenants of the property.

“Motel” means an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than fifty percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

“Motor vehicle” means any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

“Multi-tenant facility” means two or more businesses under single ownership or under unified control. Multi-tenant office or commercial buildings, industrial parks, shopping centers are multi-tenant facilities.

“Nameplate” means a sign indicating the name and address of a building, or the name of an occupant of a building and the practice of a permitted occupation in a building.

“Nonconforming structure” means a building or structure lawfully constructed prior to the effective date of the Zoning Code, or an amendment to the Zoning Code, that does not comply with the applicable bulk regulations or other development or design standards of the Zoning Code in the zoning districts in which the building or structure is located.

Nonconforming Use. See Use, nonconforming.

Nursing home. See Rest home.

“Off-site parking facility” means a parking facility located on land other than the zoning lot on which the use requiring the parking is located.

Office, medical. "Medical office" means an organization of specializing physicians, dentists, chiropractors, osteopaths or similar licensed or registered practitioners who have their offices in a common building. A medical office does not include in-patient care.

“Office and business services establishment” means an establishment providing business services for office and business uses. The term "office and business services" includes but is not limited to are blueprinting and photostating, business machine sales and service, camera and photographic supply, computer and communications products supply and service facilities, office supply stores, package mailing service establishments, fax and telegraph facilities, and photocopying and reproduction shops.

The term "office and business services" does not include any used that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

“Overlay district” means a district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location, or other circumstances. An overlay district supplements the regulations of the underlying zoning district.

“Personal care establishment” means an establishment providing services for the customary comfort, convenience or care of individuals. The term "personal care establishment" includes but is not limited to barbershops, beauty parlors, dressmaking/tailoring stores, drugstores, and photography studios.

The term "personal care establishment" does not include any that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

“Pet grooming facility” means a business establishment, other than a kennel or animal hospital, that provides basic grooming for domestic animals, but does not board animals for a fee. For the purposes of this title, a veterinary clinic that provides basic grooming is not a pet grooming facility.

“Planned development” means a tract of land which contains or will contain one or more principal buildings, the development of which is allowed greater flexibility and, consequently, achieves more creative and beneficial design than may be possible under conventional zoning district regulations. There are three types of planned development:

- a. Residential planned development is a planned development that is substantially residential in character.
- b. Business planned development is a planned development that is substantially commercial or industrial in character.
- c. Special mixed planned development is a planned development that is substantially mixed in character and that may contain a wide range of planned development uses.

Planned development use. See Use, planned development.

“Professional person” means an individual, as distinguished from a corporation, partnership, group, or other entity, who is pursuing a vocation involving labor or skill which is predominately mental or intellectual, rather than physical or manual, in which a knowledge of a science or field of learning is used by its practical application to the affairs of others, either in advising, treating or teaching them, or in serving their interests or welfare in the practice of the art founded on that science or field.

“Property lines” means the lines bounding a zoning lot, as defined in this chapter.

“Public way” means any sidewalk, street, alley, highway, waterway or other public thoroughfare.

“Rest home or nursing home” means a private home, not age restricted, for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. This home does not contain equipment for surgical care or for the treatment of disease or injury.

Restaurant, fast food. "Fast food restaurant" means an establishment, other than a bake shop, candy or ice cream store, which provides as a principal use the sale of foods or beverages in a ready-to-consume state, for consumption off the premises. A fast-food establishment's design or principal method of operation includes two or more of the following characteristics:

- a. Food or beverages are service in edible containers, or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable;
- b. The line of food or beverages is limited, and is usually prepared in advance of the customer's order;
- c. Food or beverages are served over a general service counter for the customer to carry to a seating facility within the restaurant, or carry-out off premises, or to an occupant of a motor vehicle while seated in the vehicle, such as through a drive-in window; and
- d. Carry-out sales, including delivery service, constitute over ten percent of the food service business.

Restaurant, standard. "Standard restaurant" means an establishment whose principal business is the sale of foods or beverages to customers in a ready-to-consume state. Carry-out foods or beverages may constitute not more than ten percent of the business. A standard restaurant has a design or principal method of operation which includes one or both of the following characteristics:

- a. Patrons usually and customarily are provided with individual menus, and are served their food or beverages by a restaurant employee at the same table or counter at which the items are consumed,
- b. Service is provided by a cafeteria-type operation where foods or beverages are served on non-disposable plates or containers and nondisposable eating utensils are

provided.

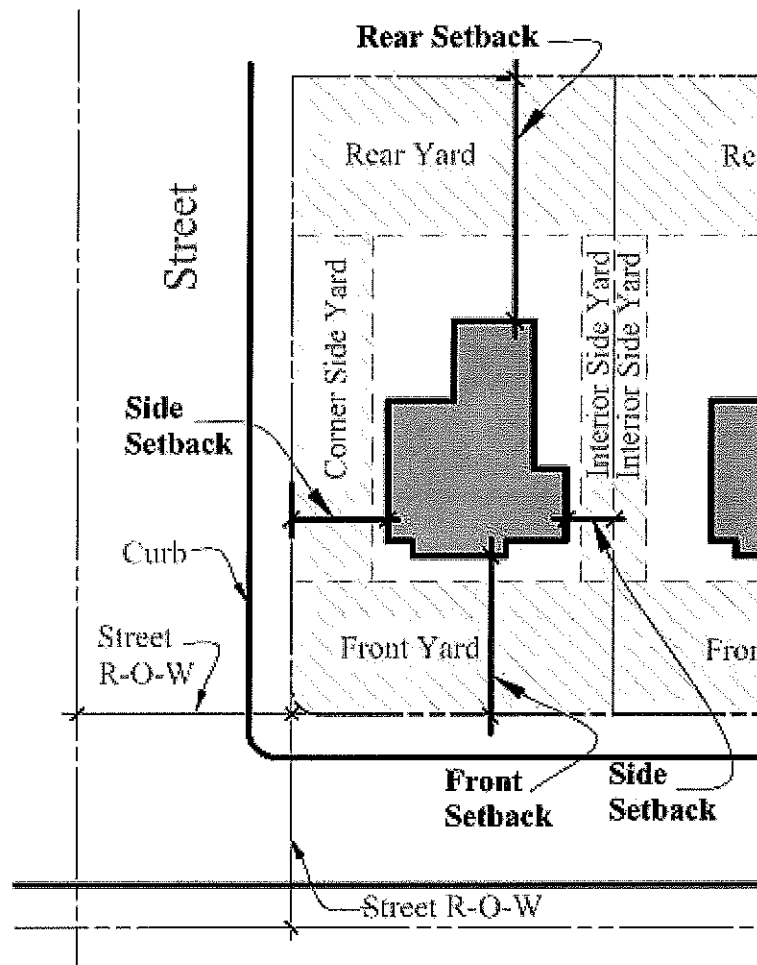
“Rest home” or “nursing home” means a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. This home does not contain equipment for surgical care or for the treatment of disease or injury.

“Retail goods store” means an establishment where the principal use or purpose is the sale of physical goods, products, and merchandise directly to the consumer. The term “retail goods store” includes, but is not limited to clothing and apparel stores, dry goods stores, leather goods and luggage stores, furrier shops, medical appliance and supply stores, pawnshops, pet shops, shoe shops, sporting goods stores, and toy shops.

The term “Retail goods store” does not include any use or other type of establishment that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

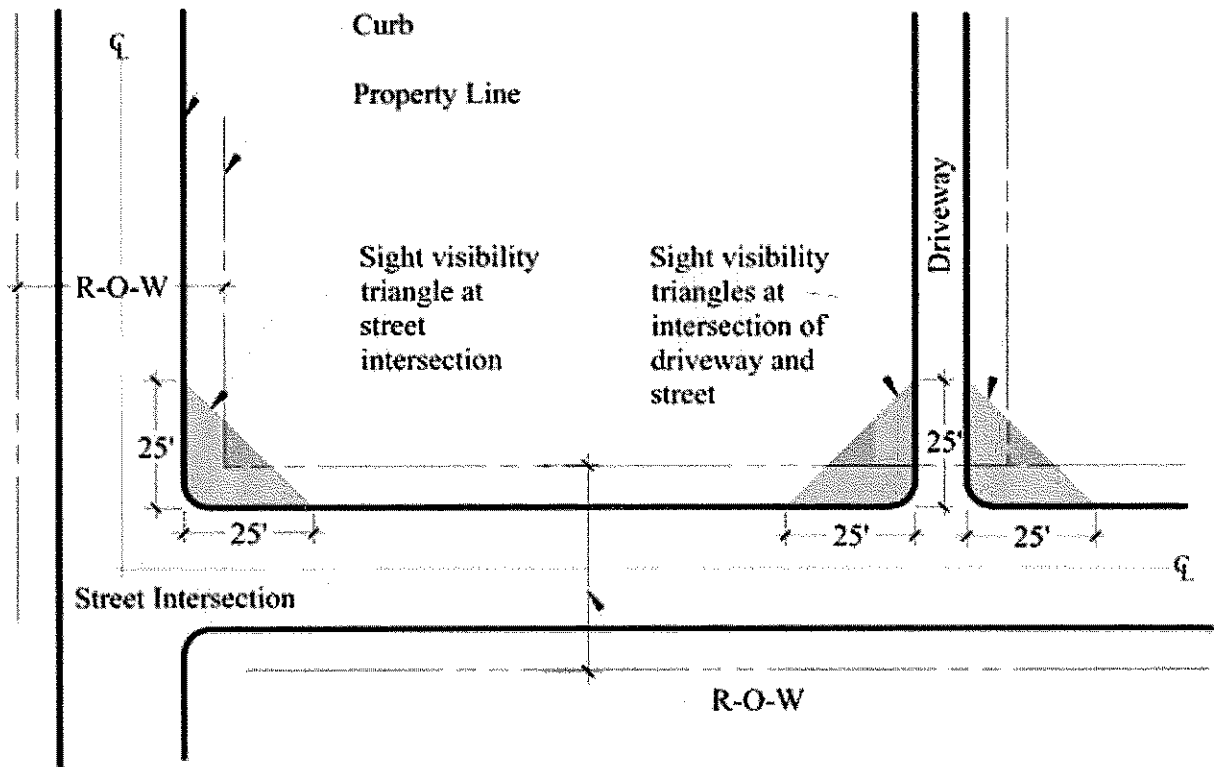
Rowhouse. See Dwelling, attached.

Setback. See illustration. “Setback” means the minimum horizontal distance between a lot line or public street right-of-way and the nearest point of a structure or projection thereof.



“Shopping Center” means a complex of retail stores sharing common parking facilities. Non-retail uses such as offices and residential uses can be incorporated into a shopping center. A shopping center contains at least six retail stores and thirty thousand square feet of retail space.

Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular area intended to remain free of visual obstructions to prevent potential traffic hazards across all property corners formed by two intersecting streets or the intersection of an alley and a street or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot between two points each measured twenty-five feet back from the vertex of the extended curblines of the intersecting streets, alleys or driveways.



“Sign” means any name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

The term “sign” includes signs erected or installed in the interior of a structure if the sign is situated in a manner to indicate that its prime purpose is for viewing from the exterior of the structure. The prime purpose of an interior sign is exterior viewing if it is visible from the exterior and if no public access is permitted between the sign and the exterior window of the structure.

The term “sign” does not include the following:

1. Display of official court or public office notices,
2. The flag, emblem or insignia of a nation, political unit, school or religious group, or
3. A sign located completely within an enclosed building and not visible to the outside of the building.

Sign, business community identification. "Business community identification sign" means a sign representing an area consisting of no less than six distinct businesses located on separate parcels of land.

Sign, freestanding. "Freestanding sign" means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, ground. "Ground sign" means a sign where the entire bottom of the sign is in contact with or in close proximity to the ground. A "monument sign" is a ground sign.

Sign, pole. "Pole sign" means a sign supported by one or more poles and otherwise separated from the ground by air.

Sign, marquee. "Marquee sign" means a sign attached to or made part of a marquee. A marquee sign is a type of wall-mounted sign.

Sign, projecting. "Projecting sign" means a sign affixed to a building or wall in such manner that its leading edge extends more than six inches beyond the surface of the building or wall.

Sign, temporary. "Temporary sign" means a sign that advertises community or civic projects or special events on a temporary basis, or a political sign.

Sign, wall-mounted. "Wall-mounted sign" means any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the outside limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.

A marquee sign is a type of wall-mounted sign.

Signs placed on canopies or awnings are considered to be wall-mounted signs.

"Sky exposure plane" means a defined plane above a lot into which no part of a structure is permitted to intrude.

Special exception. See Use, special exception.

"Specialty convenience retail store" means an establishment where the principal use or purpose is the sale of convenience products directly to the consumer. These stores usually specialize in one type or line of inter-related products. The term "specialty convenience retail goods store" includes but is not limited to book and stationery stores, camera and photographic supply stores, florists, and hardware, paint and wallpaper stores.

The term "specialty convenience retail store" does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

The term "specialty convenience retail store" does not include a "Convenience store" as defined in this chapter.

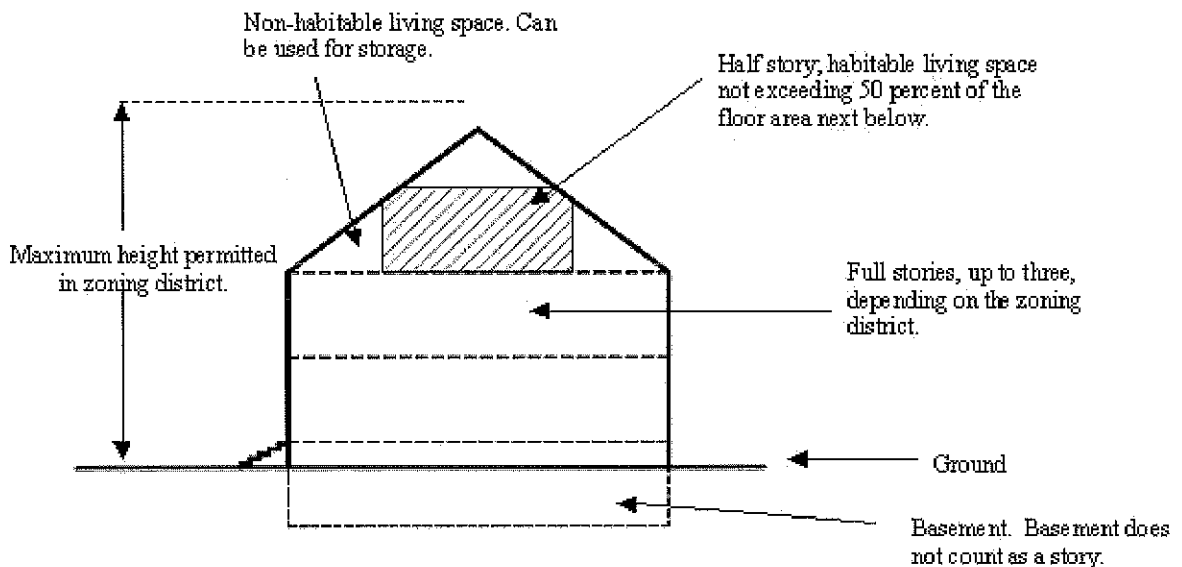
Special mixed planned development. See Planned development.

“Stealth structure” means a structure used to enclose and screen antennas from view. Flag poles, bell towers, clock towers, and masts are examples of stealth structures.

“Story” means the space in a building between two adjacent floor levels or between a floor and the roof. A basement, as defined in this title, is not a story.

Story, half. See illustration. "Half story" means a story containing habitable living space not exceeding fifty percent 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).



“Street” means a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, thoroughway or however otherwise designated, but does not include driveways to individual buildings. For the purposes of dedication to the City for City maintenance, "street" does not include parking lots, or parking lot access roads.

“Streetscape improvements” means architectural or functional facilities or structures which occur on site but are not part of the building and which encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences.

“Structural alteration” means any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

“Structure” means anything constructed or erected with a fixed location on the ground or which is attached to something having a fixed location on or in the ground.

“Supermarket” means a retail establishment selling dry groceries, produce, household items, and limited food prepared on the premises which is immediately consumable, such as bakery or delicatessen items.

Tavern. See Bar and Tavern.

“Telecommunications facility” means any facility established for the purpose of providing wireless voice, data and image transmission within a designated service area. A telecommunications facility consists of one or more antennas and equipment attached to a support structure and related equipment. Equipment may be within a building, an equipment cabinet or within an equipment room within an existing building.

The term “telecommunications facility” does not include "antenna tower."

“Telephone transmission equipment building” means a building containing equipment used for switching and interconnection of public message communication circuits.

“Tent” means any structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvass, fabric or a similar light material.

Townhouse. See Dwelling, attached.

“Trailer” means any vehicle, house-car, camp-car or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping or commercial purposes.

Use, accessory. “Accessory use” means a building or use that:

- a. Is subordinate in purpose to, and serves, a principal building or principal use;
- b. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- c. Is located on the same zoning lot as the principal building or use served, with the single exception of accessory off-street parking facilities permitted to locate elsewhere than on the same zoning lot with the building or use served.

Uses accessory to a special exception are permitted only when a special exception has been granted.

Use, nonconforming. "Nonconforming use" means a principal or accessory use lawfully

established prior to the effective date of the Zoning Code, or an amendment to the Zoning Code, that does not conform to the use regulations of the Zoning Code in the zoning districts in which such use is located.

Use, permitted. "Permitted use" means a use which may be established lawfully in a particular district or districts, provided it conforms with all requirements and regulations of the district.

Use, planned development. "Planned development use" means a use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district, but that may be permitted as part of a planned development provided that the planned development as a whole meets the criteria for approval set forth in this Zoning Code. Use regulations for planned developments are listed in Section 21.24.020 of this Zoning Code.

Use, principal. "Principal use" means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be a permitted use, a special exception use, or a use subject to standards.

Use, special exception. "Special exception use" means a land use or activity that, due to its unique characteristics and potential impacts on surrounding properties, requires approval by the Board of Appeals for a specific location and site plan, based on standards established in this Zoning Code.

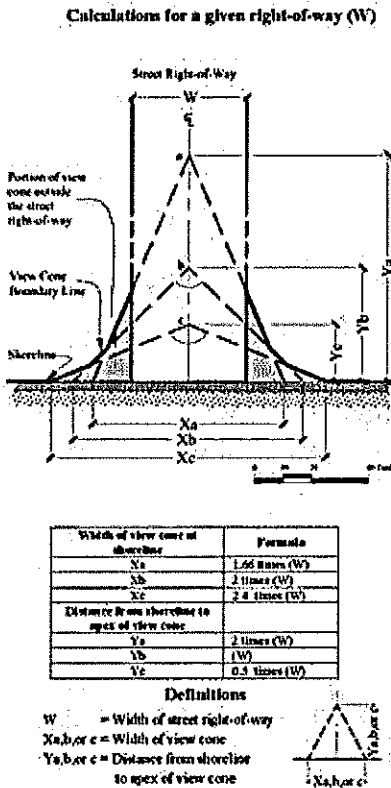
A use that existed as a conditional use, as defined under this code prior to the adoption of Ordinance O-39-97 on January 12, 1998, shall be deemed a legal special exception if lawfully existing on the effective date of any amendment to this title making that use a special exception use.

Used for. The term "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

"Valet parking" means an area where cars are parked and unparked by an attendant in the employ of or under contract to the owner of the parking area rather than by the owner or operator of the vehicle.

"View cone" means a space defined by a series of projected lines from the centerline of a street right-of-way that is to be kept free of obstructions so as to preserve a distant view.

See illustration for calculation of view cone:

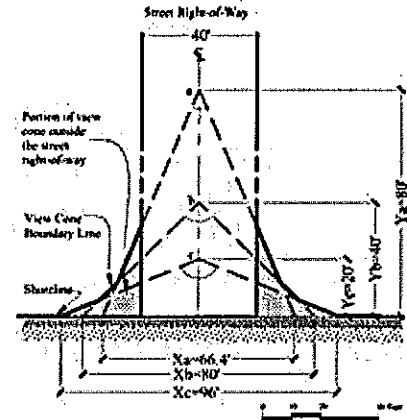


Example Calculations for a 40-foot street right-of-way

The view cone boundary is defined by the outer edges of three triangular view cones, which are labeled 'a', 'b', and 'c' in the diagram. The boundaries are drawn in plan (top down) view. The cones widen progressively approaching the water's edge (as the observer's view widens). The depths and widths of view cones 'a', 'b', and 'c' are calculated relative to the width of the adjacent street right-of-way.

Steps:

1. Determine width of street right-of-way (W).
2. Using graph paper, draw to scale the street right-of-way, marking the shoreline and the street centerline (CL).
3. Calculate the width (Xa) of view cone 'a' at the shoreline using the formula in the table. Draw a line on the graph paper showing this width, with the line centered on the street right-of-way centerline at the shoreline.
4. Calculate the depth (Ya) of view cone 'a' from the shoreline using the formula in the table. Mark this depth on the graph paper on the street centerline (point 'a' in the diagram).
5. Draw view cone 'a' by connecting the outer points of Xa (step 3) with point 'a' (step 4) to form a triangle.
6. Calculate and draw view cones 'b' and 'c' using the formulae in the table for Xb, Yb, Xc and Yc.
7. The view cone boundary may now be drawn along the line that runs along the outermost extent from the street right-of-way of the three view cones (see heavy bold line in the diagram). The area within the view cone boundary, the shaded area in the diagram) is subject to Section 21.60.080.



Width of view cone at shoreline	Formula	If Right-of-Way = 40'	
Xa	1.66 times (W)	1.66 times 40'	Xa=66.4'
Xb	2 times (W)	2 times 40'	Xb=80'
Xc	2.4 times (W)	2.4 times 40'	Xc=96'

Distance from shoreline to apex of view cone	Formula	If Right-of-Way = 40'	
Ya	2 times (W)	2 times 40'	Ya=80'
Yb	(W)	40'	Yb=40'
Yc	0.5 times (W)	0.5 times 40'	Yc=20'

Illustration for calculation of view cone

Wall-mounted sign. See Sign, wall-mounted.

“Water-dependent structure” means a structure or accessory building associated with maritime activities involving seafood industrial, in-water boat storage or marine fabrication use that, in the determination of the Planning and Zoning Director, requires location within one hundred feet of the bulkhead or mean high water line for efficiency of operation.

“Waterway” means a body of water subject to tidal action.

“Wine bar” means establishments primarily engaged in the retail sale of wine and to a lesser extent the sale of beer, light fare such as pastries, sandwiches and other food items are incidental to the sale of wine and beer.

Yard. See Illustration. "Yard" means open space on the same zoning lot with a building or structure, unoccupied and unobstructed from the ground upward, except as permitted in Section 21.60.080. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which the zoning lot is located.

Yard, buffer. See Bufferyard.

Yard, corner side. See illustration. "Corner side yard" means a side yard which adjoins a public street.

Yard, front. See illustration. "Front yard" means a yard extending along the full length of the front lot line between the side lot lines.

Yard, interior side. See illustration. "Interior side yard" means a side yard which is located immediately adjacent to another zoning lot or to an alley separating the side yard from another zoning lot.

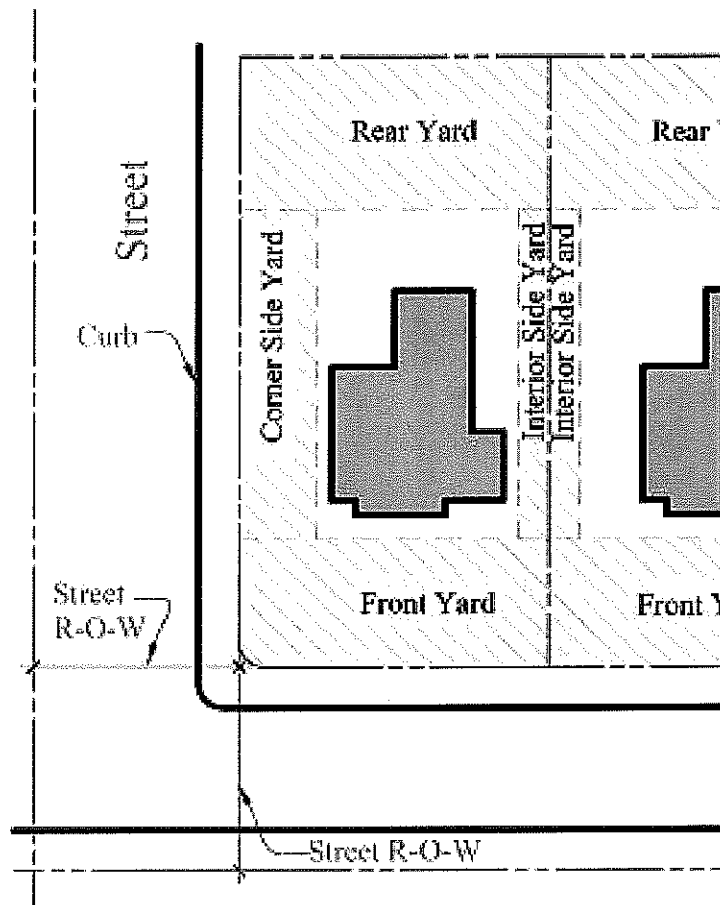
Yard, rear. See illustration. "Rear yard" means a yard extending along the full length of the rear lot line between the side lot lines.

Yard, side. See illustration. "Side yard" means a yard extending along a side lot line from the front yard to the rear yard.

Yard, transitional. "Transitional yard" means a yard, which serves as a buffer, that may be required on a zoning lot in a non-residential district which adjoins a zoning lot in a residential or non-residential district.

Yard, waterway. "Waterway yard" means a yard contiguous to a waterway.

Illustration for Yards



“Zoning district” means an area or areas within the City for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Chapter 22.02 – PURPOSE

Section 22.02.010 – Purpose.

- A. The purposes of testing for and certification of Adequate Public Facilities are to:
 - 1. Assure that development and redevelopment occurs in concert with the Capital Improvement Program and will enable the City to provide adequate public facilities in a timely manner and achieve the growth objectives of the Comprehensive Plan AS DEFINED IN TITLE 21.
 - 2. Assure that proposed development protects the public health and safety, promotes the general welfare of the community, and conserves the environment.
 - 3. Assure that proposed development fits harmoniously into the fabric of the community.

- 4. Encourage new development to occur in areas of the City where public facilities are being provided.
- B. Adequacy standards should be achievable within a six-year timeframe and the annual Capital Improvement Program should be based on a community facilities plan that insures that existing deficiencies are corrected within that timeframe.

Chapter 22.10 – GENERAL REVIEW CRITERIA

Section 22.10.010 – Development or redevelopment to be included.

In determining the adequacy or inadequacy of public facilities, departments responsible for the applicable facilities shall take into consideration the following:

- A. Residential, commercial, and mixed use development and approved development existing within the City, as applicable.
- B. Proposed projects, as applicable, for which a Certificate of Adequate Public Facilities has been issued under this title.
- C. The proposed project for which an application for a Certificate of Adequate Public Facilities has been applied.
- D. The Capital Improvement Program, including projected facilities, the Comprehensive Plan AS DEFINED IN TITLE 21, and any other land use conditions that the Director of Planning and Zoning may reasonably prescribe to be considered by the departments.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.

ADOPTED this 9th day of February, 2015.

Aye: Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett.

THE ANNAPOLIS CITY
COUNCIL

Michael Pantelides Date: 03-02-2015
Michael J. Pantelides, Mayor

ATTEST Regina Watkins-Eldridge Date: 3/2/15
Regina Watkins-Eldridge, MMC,
City Clerk