



City of Annapolis


DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

August 23, 2017

MEMORANDUM

To: Planning Commission
From: Pete Gutwald, AICP, Director of Planning and Zoning 
Re: Ordinance O-38-17/ZTA2017-009: Allowing Indoor Theaters in the Professional Office Zoning District
Encl: O-38-17, P Zones by Ward

Purpose

The purpose of Ordinance O-38-17 is to amend City Code Section 21.48.030 - Table of Uses—Office and Mixed Use Zoning Districts so that the use “Indoor Theater” is permitted in the Professional Office Zoning District. This change would allow an additional use in this zone; however, it is a use that is similar to other permitted uses, such as religious institutions and commercial, trade, vocational, music, dance, or art schools.

Background and Analysis

Currently, Indoor Theaters are permitted in the BCE District (Upper West Street) and are allowed via Special Exception in B2, B3, B3-CD, C2, and C2A. In the MX District (Inner West Street), they are permitted subject to standards. The standard reads, per Section 21.64.610, “[i]f surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and shall be screened from adjacent uses. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained to provide an effective screen.” This standard was established to protect the residentially-zoned properties adjacent to properties in the MX Zone.

The parking standard for this use, if approved for the P Zone, would be, “one space per six seats up to 400 seats, plus one space for each four seats above 400” (Section 21.66.130). As proposed, the bulk regulations for an Indoor Theater would be determined through site design plan review.

The Department of Planning and Zoning has reviewed the proposed ordinance and has analyzed the locations of properties in the City that are zoned Professional Office. The attached document shows the location of all of these properties.

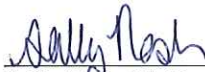
Recommendation

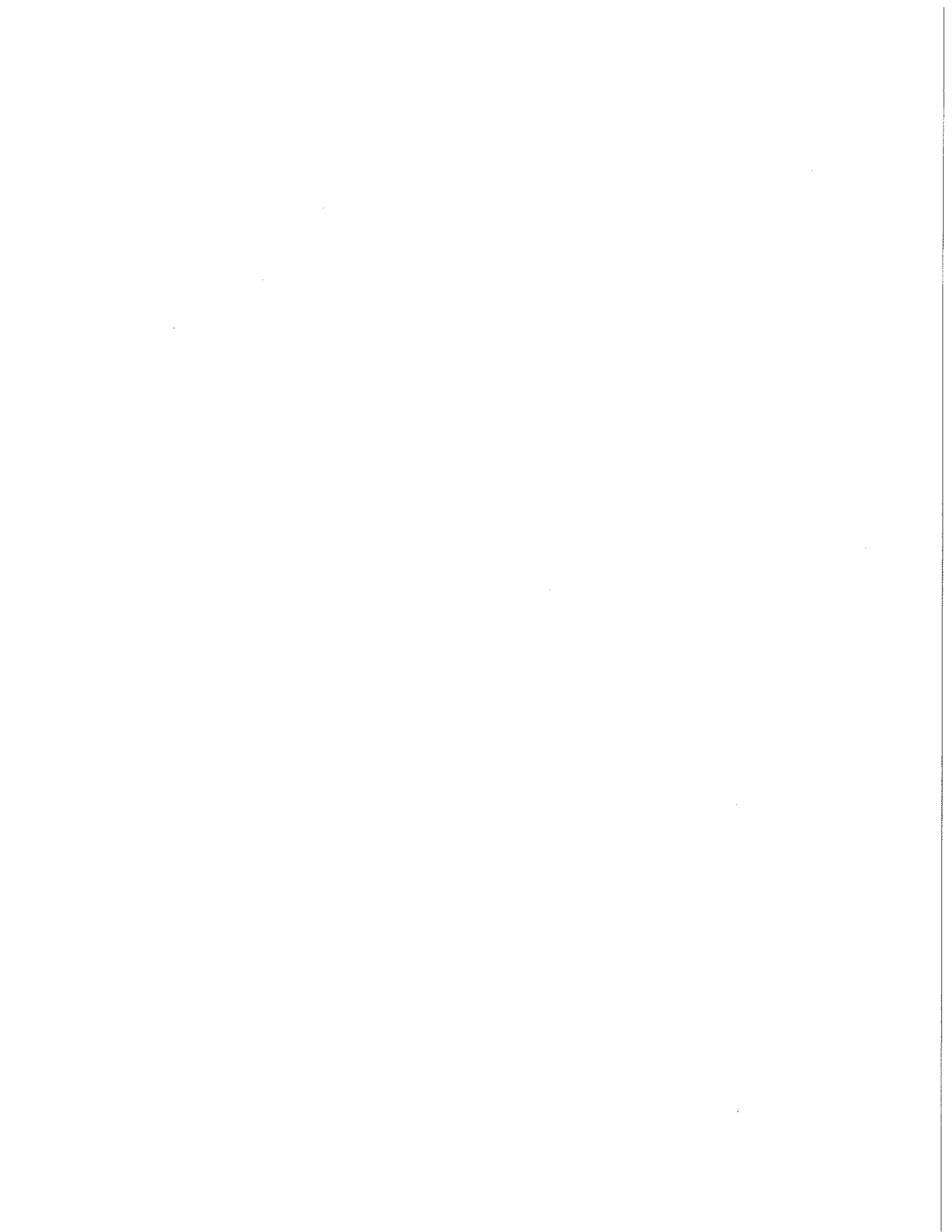
Because some of the properties zoned Professional Office abut residential property, the Department recommends that the same standard that is required in the MX Zoning District also be required in the P Zoning District. The amendment would change the currently proposed “Permitted” or “P” in the use table to a “P-Std”. The standard would be that of Section 21.64.610 (existing):

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

Staff recommends that the proposed O-38-17 be APPROVED with the amendment.

Report Prepared by


Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning



1 **..Title 21**

2 **Allowing Indoor Theaters in the Professional Office Zoning District**– For the purpose of adding
3 a theater use in the P Zoning District.

4 **..Body**

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

7
8 **Ordinance 38-17**

9
10 **Introduced by: Alderwoman Finlayson**

11
12 **Referred to**
13 **Planning Commission**
14 **Rules and City Government**

15
16 **A ORDINANCE** concerning

17
18 **Allowing Indoor Theaters in the Professional Office Zoning District**

19
20 **FOR** the purpose of adding a theater use in the P Zoning District.

21
22 **BY** repealing and reenacting the following portion of the Code of the City of Annapolis,
23 2016 Edition.
24 21.48.030

25
26 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
27 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

28
29 **TITLE 21 – PLANNING AND ZONING**

30 **Division III – Base District Regulations**

31 **Chapter 21.48 – USE TABLES**

32 **Section 21.48.030 - Table of Uses—Office and Mixed Use Zoning Districts.**

33
34 P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use;
35 Blank = Not Permitted

36
37 A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in
38 a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020
39 Important. The notes at the end of the table are as much a part of the law as the table itself.
40

1

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 on 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 noon- premises food or beverage preparation facilities	S	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	

Uses	District P	District MX	District PM	District C2P
Dry cleaning and laundry establishments		P		
Dwellings, multi-family	S	P-Std	S	S
Dwellings, multi-family, containing 12 or fewer units			P-Std	
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	
Group homes	S		S	S
Hotels with up to forty rooms, including restaurants and conferenceroom 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	P	

Uses	District P	District MX	District PM	District C2P
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 P	
Pet grooming facility	S-Std	P-Std	P-Std	
Photocopying and reproduction services, including blueprinting		P		
Personal fitness studios		P	P	
Physical health facilities, including health clubs and gymnasiums		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 cafés	P-Std	P-Std	P-Std	
Specialty convenience retail store		P	P-Std	

Uses	District P	District MX	District PM	District C2P
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	<u>P</u>	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 twenty-five percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses, alternatively, the entire ground level front façade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses. Retail use along the front façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;
 - b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen; and
 - c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.
2. Buildings in excess of forty-six feet, but less than sixty-five feet in height require special exception approval except as provided in note No. 1 above.
3. Uses and combinations of uses located on zoning lots of forty thousand square feet or more require special exception approval, unless such uses are approved as part of a planned development.
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.
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 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.

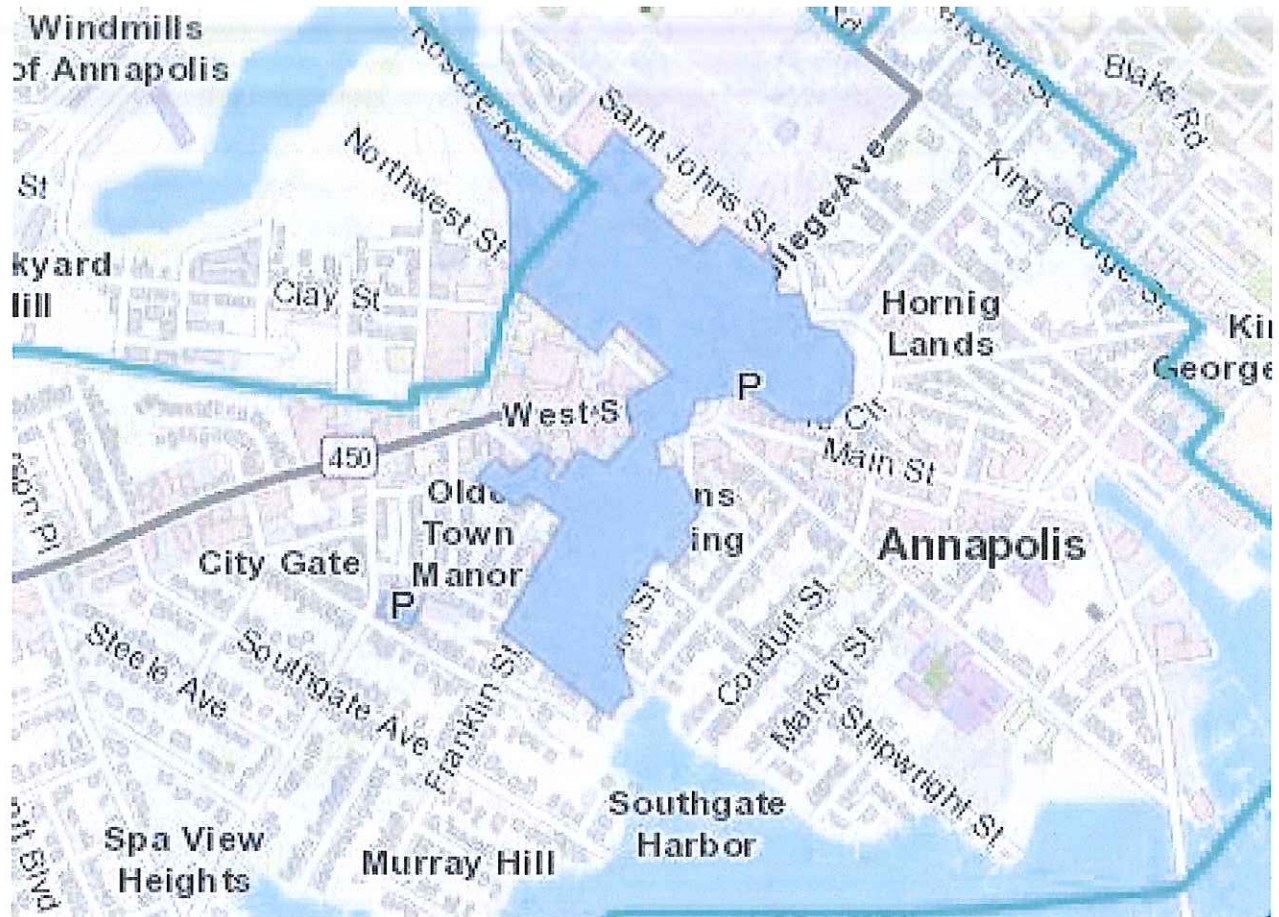
EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments.

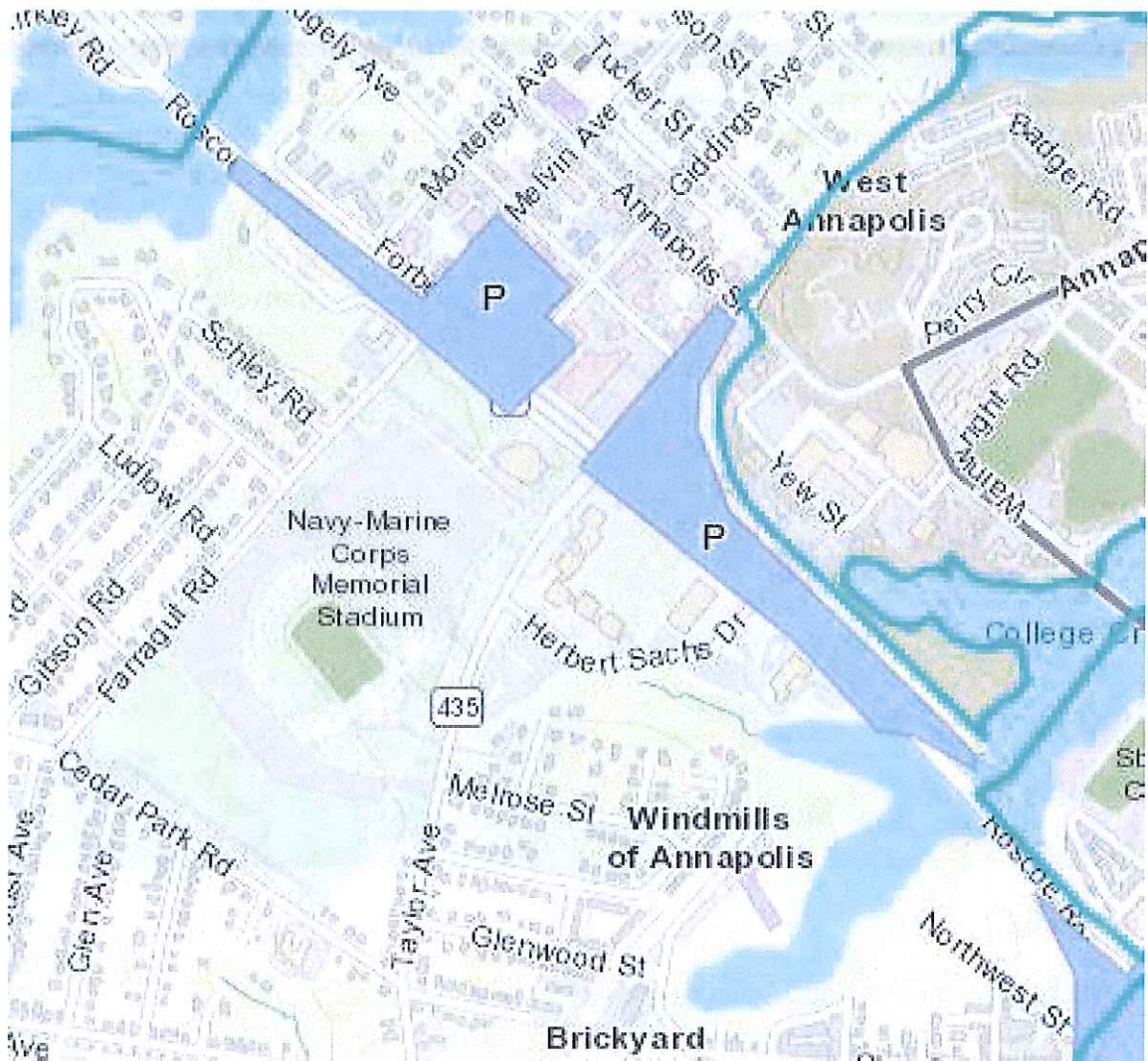
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Ward 1:

Legislative buildings and Acton's Landing

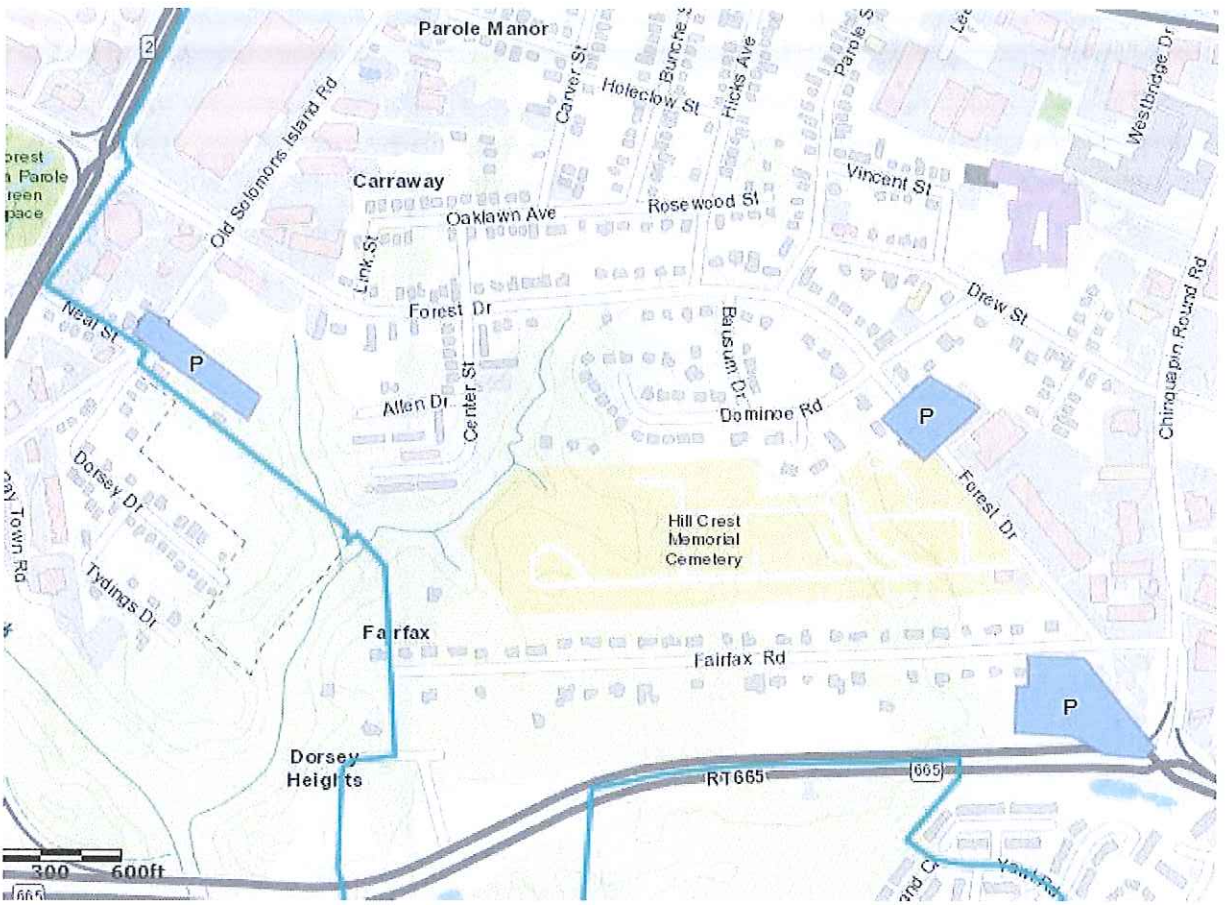
18 Murray Ave. - 26 Murray Ave.



Ward 2:

State barracks and State Archives Building

Rowe Blvd. North + Annapolis Professional Center

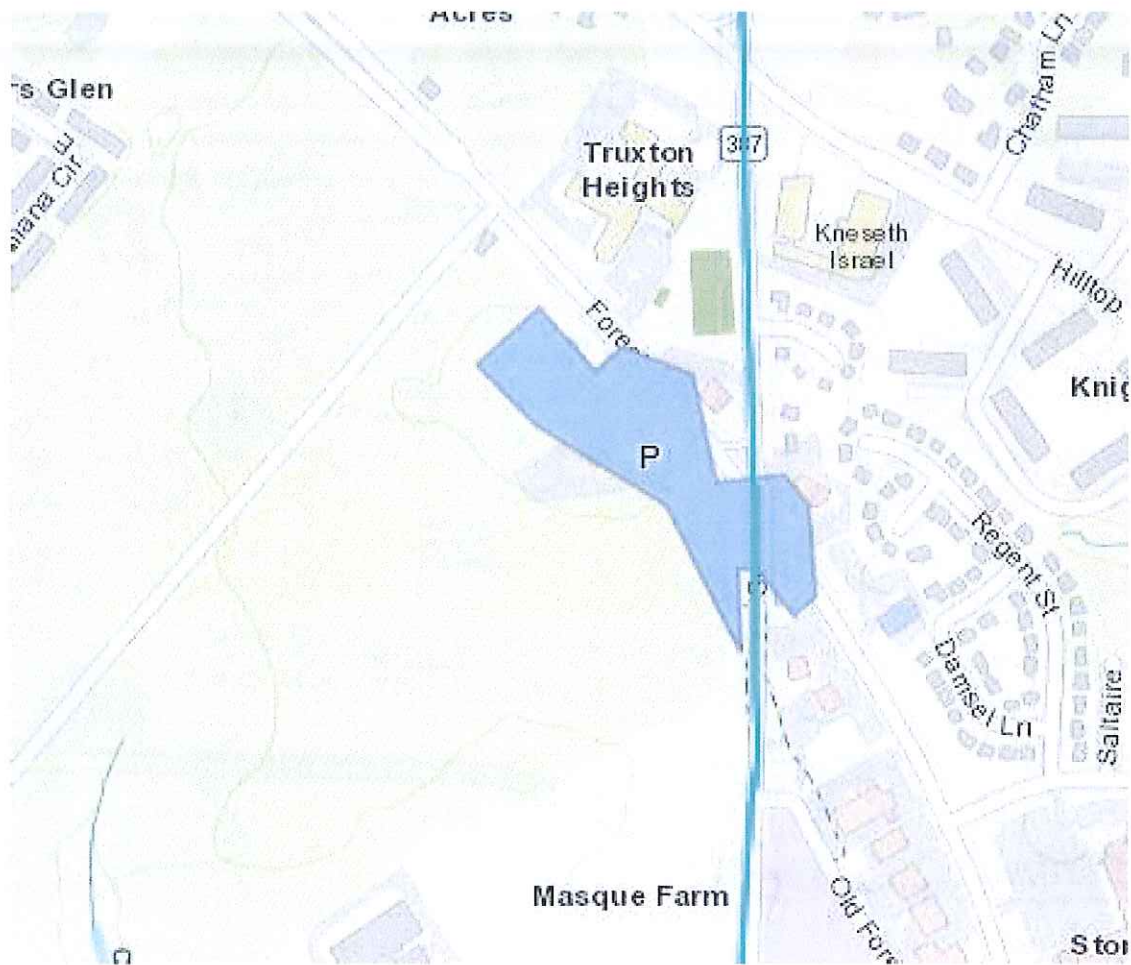


Ward 3:

83-85 Solomons Island Road

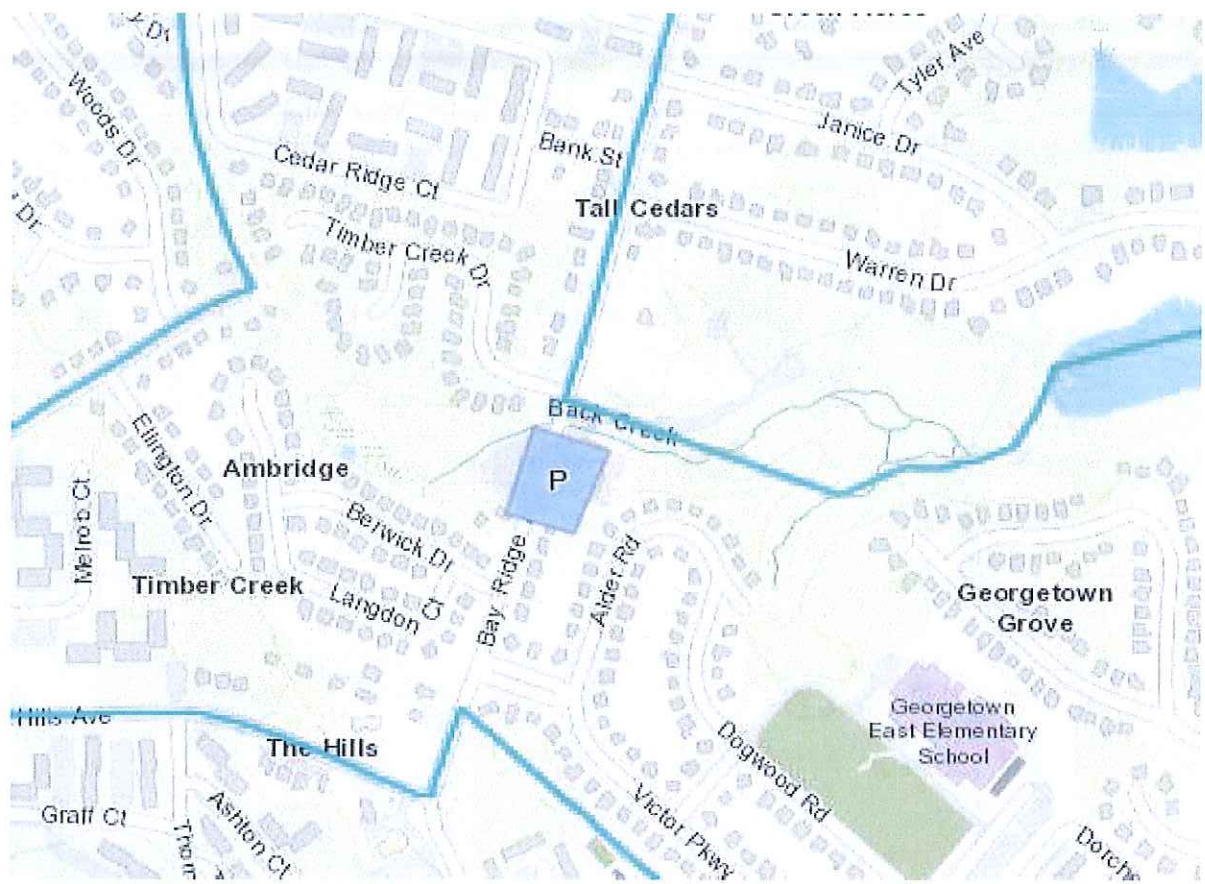
Forest Drive Mortuary

1835 Forest Drive



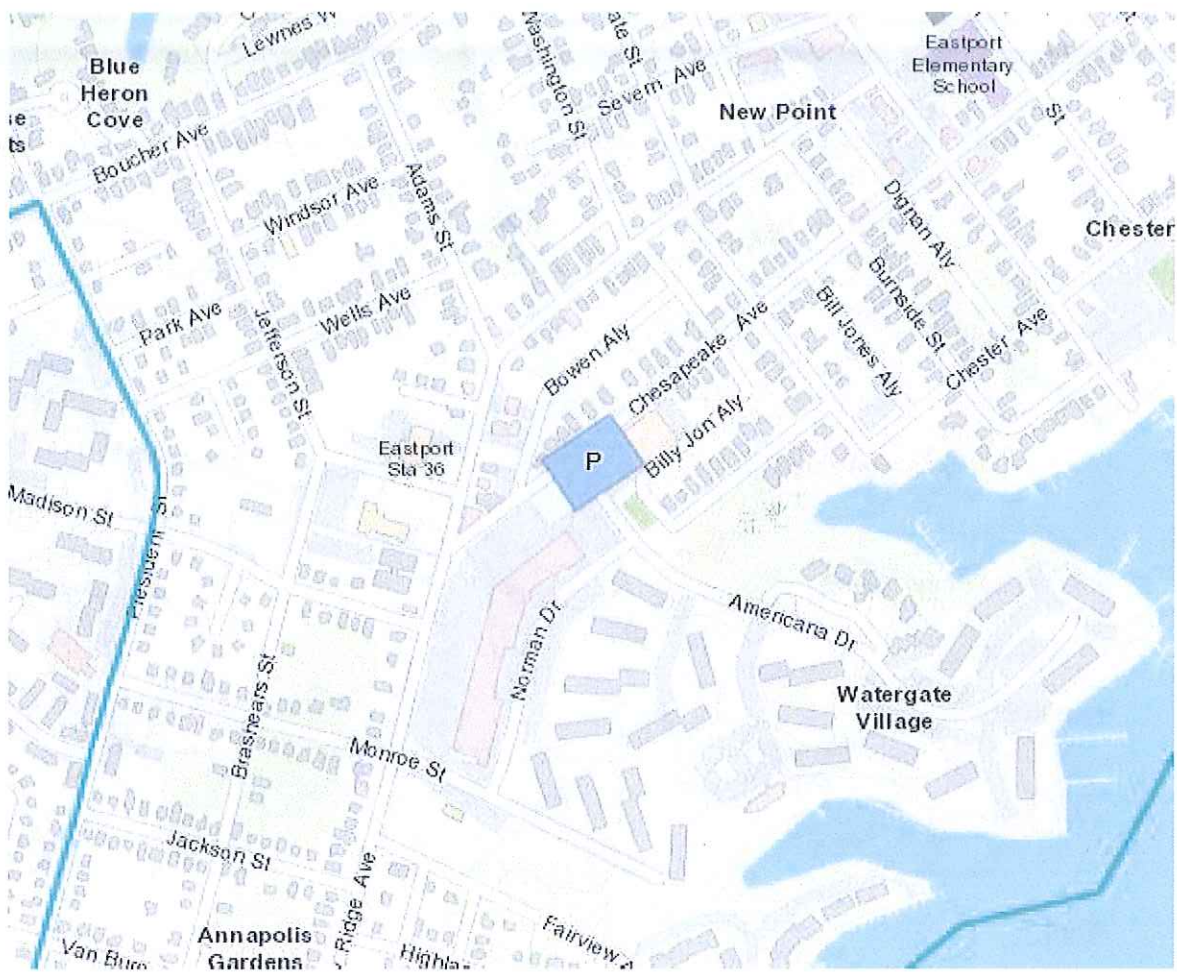
Ward 4/5:

Forest Drive/Spa Road Intersection



Ward 7:

1819 Bay Ridge Ave.



Ward 8:

Chesapeake Ave. Post Office