

1 **..Title**  
2 **Personal Care Establishments in the PM District** – For the purpose of removing  
3 restrictions on the operation of a personal care establishment in the PM, Professional  
4 Mixed Office zoning district.

5 **..Body**

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

9  
10 **Ordinance 18-17**

11  
12 **Introduced by: Alderman Paone and Alderwoman Pindell Charles**

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

17  
18  
19 **AN ORDINANCE** concerning

20  
21 **Personal Care Establishments in the PM District**

22  
23 **FOR** the purpose of removing restrictions on the operation of a personal care  
24 establishment in the PM, Professional Mixed Office zoning district.

25  
26 **BY** repealing and re-enacting with amendments the following portion of the Code of  
27 the City of Annapolis, 2016 Edition:  
28 Section 21.48.030

29  
30 **WHEREAS**,the PM District allows a mixture of small scale office and retail uses; and

31  
32 **WHEREAS**,the PM district is designed to serve as a transitional zone reducing  
33 commercial/office impact on adjoining residential neighborhoods; and

34  
35 **WHEREAS**,Section 21.72.010 D states that a “personal care establishment” means an  
36 establishment providing services for the customary comfort, convenience  
37 or care of individuals. The term “personal care establishment” includes but  
38 is not limited to barbershops, beauty parlors, dressmaking/tailoring stores,  
39 drugstores, and photography studios; and

40  
41 **WHEREAS**,personal care establishments are a low-impact use compatible with the  
42 character of neighboring residential properties; and

43  
44 **WHEREAS**,personal care establishments in the PM District are subject to standards, as  
45 follows:

- 46
- This use may be provided only on a ground floor.

- 1 • New construction, expansion or substantial rehabilitation shall not
- 2 provide commercial or retail uses greater than fifty percent of a
- 3 structure's gross floor area.
- 4 • Where this use is established on lots less than five thousand four hundred
- 5 square feet in size, all trash and refuse shall be stored in self-enclosed
- 6 trash storage areas. Trash storage areas shall be screened in an
- 7 appropriate manner using a board-on-board enclosure; and
- 8

9 **WHEREAS**, the PM zoning was created in 1984 to serve as a transitional zoning  
 10 between commercial zoning and residential zoning with the goals of  
 11 allowing business development that was compatible with the adjacent  
 12 residential community characters; and

13  
 14 **WHEREAS**, the standards attached to a personal care establishment unnecessarily limit  
 15 the operation of a neighborhood serving commercial use; and

16  
 17 **WHEREAS**, a comparable use “Personal Fitness studio” which is defined as “an  
 18 establishment, as distinguished from a health club, that specializes in  
 19 small group and individual physical training, exercise, or health and  
 20 wellness counseling led by an instructor. The total floor area of the  
 21 establishment devoted to exercise space shall not exceed two thousand  
 22 square feet. The term "personal fitness studio" includes, but is not limited  
 23 to, aerobics, boxing or martial arts, step, yoga, pilates, strength training,  
 24 self-defense, and nutrition and weight control classes. Hours of operation  
 25 are between 6:00 a.m. and 10:00 p.m. was added to the zoning tables,  
 26 including the PM zoning district, in 2015 as a permitted use.

27  
 28  
 29 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**  
 30 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as  
 31 follows:

32  
 33 **TITLE 21 – PLANNING AND ZONING**

34 **Chapter 21.48 – Use Tables**

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

36  
 37 P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter  
 38 21.64); A = Accessory Use; Blank = Not Permitted

39  
 40 A use, including a special exception use, that is not normally permissible as a permitted  
 41 use or use subject to standards in a zoning district may be permitted in that district as a  
 42 planned development use pursuant to Section 21.24.020

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

Uses	District P	District MX	District PM	District C2P
Accessory Structures and uses	A	A <sup>6</sup>	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	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 <sup>5</sup>	
Dry cleaning and laundry drop off and pick up stations			P	
Dry cleaning and laundry establishments		P		

<b>Uses</b>	<b>District P</b>	<b>District MX</b>	<b>District PM</b>	<b>District C2P</b>
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 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	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	<del>P-Std</del> <u>P</u>	
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 <sup>4</sup> S-Std <sup>4</sup>	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		P-Std		
Tobacco shops		P		
Undertaking establishments and funeral parlors	S			
Wine bars		P-Std		

1 Notes:

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

- 3 1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the  
4 following:
- 5 a. Either twenty-five percent of the gross floor area shall be designed for retail uses, or residential  
6 uses, or a combination of retail and residential uses, alternatively, the entire ground level front  
7 façade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall  
8 not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a  
9 lobby and space required for access to upper floor uses. Retail use along the front façade shall  
10 have a minimum height of twelve feet and a minimum depth of twenty-five feet;
- 11 b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and  
12 new structures shall be located at the front of the zoning lot. If surface parking is located  
13 adjacent to single-family residential use, dense plantings shall be installed and maintained on the  
14 zoning lot to provide an effective screen; and
- 15 c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be  
16 mitigated by the applicant.
- 17 2. Buildings in excess of forty-six feet, but less than sixty-five feet in height require special  
18 exception approval except as provided in note No. 1 above.
- 19 3. Uses and combinations of uses located on zoning lots of forty thousand square feet or more  
20 require special exception approval, unless such uses are approved as part of a planned  
21 development.
- 22 4. If the principal use with which the drive-thru facility is associated is a special exception use, then  
23 the drive-thru facility requires special exception approval.
- 24 5. The following apply only to the uses specified: In the MX-1 area only, in planned developments  
25 with a minimum lot size of five acres, "Accessory Structures" such as clock towers attached to  
26 office and/or retail structures and "Theaters, Indoor" shall not exceed one hundred feet in height.  
27 See the Bulk Regulations Table in Section 21.50.260.

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

32  
33 **EXPLANATION**

34 CAPITAL LETTERS indicate matter added to existing law.

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

36 Underlining indicates amendments