



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

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May 24, 2018

MEMORANDUM

To: Planning Commission
From: Pete Gutwald, AICP, Director of Planning and Zoning
Re: Ordinance O-19-18/ZTA2018-004: 2018 Zoning Code Updates and Amendments
Encl: O-19-18

Purpose

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

Analysis

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

1. Deleting Section 21.18.030(A)(3) - Permitted administrative adjustments. This amendment removes language about administrative adjustments that should have been deleted from the code in 2005. Since that date, it has not been possible to ask for an administrative adjustment for specific instances for a sign.
2. Deleting Section 21.70.030 - Sign permit. This amendment deletes Section 21.70.030(A) because it is redundant. Section 21.70.030(B) requires posting of property with a public notice sign, which is very burdensome for the applicant and is rarely utilized, as new signs are typically part of a sign program. On the few occasions when this provision has been utilized, staff has found this requirement to be excessive. Posting for signs remains a requirement in the Historic District, as outlined under Chapter 21.56.
3. Section 21.70.060 - Exempt signs. The Planning Commission has recently recommended approval of increasing the allowed size of a temporary sign. This additional amendment would increase the number of days a temporary sign may be displayed from sixty to ninety days. Staff has found that some community event organizers would like additional time to be able to display a temporary sign. This only applies to community, civic, or public interest signs.
4. Section 21.70.080 - Types of Signs Permitted in Non-Residential Sign Table 1: This amendment would allow freestanding signs in the P and PM zoning district. Much of the existing P and PM property has freestanding signs currently. This amendment would allow the sign type and reduce the amount of nonconformity.
5. Section 21.70.080 - Regulations for Signs in Non-Residential Zoning Districts Sign Table 2. This amendment changes the height of wall-mounted signs allowed in the B1, BR, PM, and MX zoning district from 13 feet to 15 feet. This allows placement of a sign to be slightly above the first floor of a building. This amendment also adds in text inadvertently deleted from the sign

table for wall-mounted signs in zoning districts WME, WMI, and WMM. The language that governs “Number of Signs Allowed,” “Maximum Height,” “Illumination Permitted,” and “Projection Permitted” is now included.

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

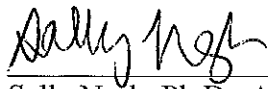
1. Chapter 21.20 - Zoning district boundary adjustments. This chapter was amended in 2017. Since that time, the Board of Appeals has processed one application and staff has found that some of the standards need to be clarified. The amendment proposes to remove “unnecessary hardship” from the Unique Conditions standard. Practical difficulty is a sufficient standard. The amendment would also remove the current Public Welfare and Safety standard, which staff found too nebulous for determining the impact of a hypothetical change to a property. In place of the Surrounding Properties standard, the amendment substitutes “Suitability,” which is intended to address whether the uses permitted under the proposed zoning classification are appropriate for the context where the boundary line adjustment is proposed.
2. Section 21.28.040 - Permitted variances. Currently, if a property owner with an existing structure on an existing lot wishes to change the use of that structure, he or she must fully comply with bulk regulations for the zoning district for the new use. If the lot area or width is insufficient for the new use, the applicant can apply for a variance if the lot width or area is within eighty percent of what is allowed in the bulk regulations. This ordinance proposes to eliminate the restriction on the existing lot width or area for the purpose of applying for a variance. Therefore, the applicant could apply for a variance even if the lot area or width was less than eighty percent of what is required in the bulk regulations.
3. Section 21.38.030 - Bulk regulations. Currently, except in the MX zoning district, if a project is going to be more than forty-five feet high and/or have a Floor Area Ratio of more than 2, it must go through the planned development process. This requirement is not necessary. All large projects are subject to site design review and most large projects are planned developments because of other factors.
4. Section 21.44.030(C)(2) - MX Mixed Use district. With the change described above, this section would be redundant.
5. Delete Section 21.60.070 (G) - Fences and walls. This section currently requires all fences to be installed with the finished side facing out. There are many instances where this is not a feasible or practical option for the property owner. The overall design and materials used for fences and walls are still required to be “in keeping with the character and purpose for which the fence or wall is intended, and shall be compatible with other similar structures in the neighborhood.”
6. Section 21.64.240 - Dwellings, multi-family. In the Business Corridor Enhancement (BCE) Zoning District, which can be found along Upper West Street and along Chinquapin Round Road, retail and/or office use is “required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor.” Generally, this is a standard that is important for encouraging mixed use in the City. However, there are certain instances, especially when the property does not have frontage along a major road, where this is not feasible.
7. Section 21.70.080. In Regulations for Signs in Non-Residential Zoning Districts Sign Table 2, freestanding signs can only be placed in lot where there is a minimum lot width of 100. This amendment would remove this restriction and allow freestanding signs on smaller lots. This

applies to freestanding signs in the following zoning districts: B1, WMC, B2, B3, B3-CD, BCE, I1, P, PM, WME, WMI, and WMM.

Recommendation

Based upon the information provided above, the Department recognizes that there are several sections in Title 21 that need updating based on current practice or practicality. The proposed ordinance offers several modifications to the Zoning Code, that are generally minor in nature. Staff recommends that the proposed O-19-18 be APPROVED.

Report Prepared by



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Chief of Comprehensive Planning

