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Title: Personal Care Establishments in the PM District - For the purpose of removing restrictions on the operation of a personal care establishment in the PM, Professional Mixed Office zoning district.

Sponsors: Fred Paone, Rhonda Pindell Charles

Indexes: Planning Commission, Rules and City Government Committee

Code sections:

Attachments: 1. O-18-17 Personal Care Establishments.pdf, 2. O-18-17 Staff Report.pdf, 3. O-18-17 Fiscal Impact.pdf, 4. O-18-17 StaffReport to PC.pdf, 5. O-18-17 PC Findings.pdf, 6. O-18-17 Finlayson Proposed Amendments.pdf, 7. O-18-17 SIGNED.pdf

Date	Ver.	Action By	Action	Result
6/19/2017	1	City Council	adopt on second reader	Pass
6/19/2017	1	City Council	amendment(s) approved	Pass
6/19/2017	1	City Council	amended	Pass
6/19/2017	1	City Council	adopt on third reader	Pass
6/13/2017	1	Rules & City Government Committee		
6/12/2017	1	City Council	declare the public hearing closed	
5/22/2017	1	City Council	declare the public hearing left open	
3/27/2017	1	City Council	adopt on first reader	Pass
3/27/2017	1	City Council	refer	
3/27/2017	1	City Council	refer	

Personal Care Establishments in the PM District - For the purpose of removing restrictions on the operation of a personal care establishment in the PM, Professional Mixed Office zoning district.

CITY COUNCIL OF THE City of Annapolis

Ordinance 18-17

Introduced by: Alderman Paone and Alderwoman Pindell Charles

Referred to
Planning Commission
Rules and City Government Committee

AN ORDINANCE concerning

Personal Care Establishments in the PM District

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

BY repealing and re-enacting with amendments the following portion of the Code of the City of Annapolis, 2016 Edition:
Section 21.48.020
Section 21.48.030

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

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

WHEREAS, Section 21.72.010 D states that a “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; and

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

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

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

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

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

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

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:

TITLE 21 - PLANNING AND ZONING

Chapter 21.48 - Use Tables

21.48.020 - Table of Uses-Commercial and Industrial 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 B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A
Adult book stores			S-Std	S-Std	S-Std					
Amusement establishments, indoor			P	P	P					
Animal hospitals, including veterinarian offices			S	S	P					
Antenna towers										P-Std, S-Std
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
Antique stores	P	P	P	P	P	P	P	P	P ¹	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P	P	P	P	P	P	P	P ¹	
Arts and crafts stores	P	P	P	P	P	P	P	P	P ^{1,2}	
Arts or cultural centers					P					
Arts and crafts studios	P	P	P	P	P					
Auction rooms			P	P	P					
Bake shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std ¹	
Bakeries										P

Banks and financial institutions	S-Std	P	P	P	P	P	P	P	P ^{1,2}	
Bars and taverns		S	S	S	S		S			
Bicycle sales, rental and repair stores	P	P	P	P	P	P	P	P		
Boat showrooms			P	P	P					
Building materials sales and storage			S	S	P					P
Cab stands including dispatch offices and related parking facilities					S					
Candy stores, where only candy prepackaged off the premises is sold	P	P	P	P	P	P	P-Std			
Candy stores including candy making	S-Std	S-Std	S-Std	S-Std		P-Std	P-Std		P-Std ¹	
Carpet and rug stores, retail sales only		P	P	P	P	P	P	P	P ¹	
Catering establishments, where no food, beverages and/or desserts are sold on the premises	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std			P-Std
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities		P	P	P	P	P	P	P		

Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		S-Std	S-Std	S-Std		P-Std				
Coffee shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	
Contractors', architects' and engineers' offices, shops and yards			S	S						P
Convenience stores	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std			P-Std ¹	
Day care centers, group					P				P-Std	
Day care centers, group, in conjunction with a principal religious institution		S-Std								
Delicatessen	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std ^{1,2}	
Department stores		P	P	P	P		P			
Drive-through facilities and walkups associated with permitted or special exception uses	P-Std ³	P-Std S-Std ³	P-Std S-Std ³	P-Std S-Std ³	P-Std S-Std ³	P-Std S-Std ³			P-Std	P-Std S-Std ³
Dry cleaning and laundry drop off and pick up stations	P	P	P	P	P		P	P		
Dry cleaning and laundry establishments		P	P	P	P				P ^{1,2}	P
Dwellings, multi-family					P-Std	P	S		S	
Dwellings, single-family attached							S		S	
Dwellings, single-family detached	P						S		P	

Dwellings, two-family							S		P	
Dwellings above the ground floor of nonresidential uses	P	P			P		P	P		
Dwellings for watchmen and their families, located on the premises where they are employed in that capacity			P	P						P
Electronic and scientific precision instruments manufacturing										P
Exterminating shops										P
Food manufacture, packaging and processing										P
Food service mart	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std ²	
Food stores	P	P	P	P	P		P		P - Std ¹	
Furniture stores		P	P	P	P		P	P	P ¹	
Garden supply, tool and seed stores	P-Std	P	P	P	P	P	P	P	P ¹	
Governmental uses										
Offices	P	P	P	P	P	P	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S	S	S	S	S	S	S
Public schools and colleges	P	P	P	P	P	P	P	P	P	P
Greenhouses and nurseries			P	P	P					P

Group homes	S	S	S	S			S			
Home improvement stores		P			P				P ¹	
Hotels		S	S	S	S		S			
Ice cream stores	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std ¹	
Inns		S	S	S	S		S			
Institutions for the care of the aged					P-Std					
Kennels			S	S						
Laboratories, including medical, dental, research and testing			P	P	P	P			P ¹	P
Launderettes, automatic, self-service	P	P	P	P	P	P	P	P	P ¹	
Light manufacturing										P
Liquor store		P	P	P	S		P	P		
Mailing service establishments				P						P
Massage parlors			S	S						
Motels		S	S	S	S		S			
Motor vehicle and automobile uses										
Automobile parts and accessory stores					P		P	P		
Car wash		S	S	S	S					
Motor vehicle storage, repair and service facilities		S	P	P	P					P
Motor vehicle sales			P	P	P					
Motor vehicle rental					P					

Service stations, including fuel sales		S	S	S	S					
Museums and art galleries		P	P	P	P	P	P	P	P	
Nautical shops, retail trade					P	P	P	P	P ¹	
Office and business service establishments		P	P	P	P	P	P	P	P ^{1,2}	
Offices, business and professional, and nonprofit, educational, cultural, or civic	P	P	P	P	P	P	P	P	P	
Offices, medical		P	P	P	P				P ^{1,2}	P
Parking lots, other than accessory	S	S	S	S	S		S			P
Parking garages							S			
Personal care establishments	P	P	P	P	P	P	P	P	P - Std ^{1,2}	<u>P</u> ¹
Pet grooming facility	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std ^{1,2}	
Photocopying and reproduction services, including blueprinting						P				
Personal fitness studios	P	P	P	P	P	P	P	P	P	P
Physical health facilities, including health clubs and gymnasiums		P	P	P	P	P			P ^{1,2}	
Planned developments, business and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std					P-Std

Printing and publishing establishments										P
Religious institutions, including churches, chapels, mosques, temples, and synagogues		S	S	S	P	P			P	
Research and development businesses						S				
Restaurant, fast food		S-Std	S-Std	S-Std	S-Std					
Restaurant, standard	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std	P-Std	S-Std		P-Std ^{1,2}	
Retail goods stores		P	P	P	P	P	P	P	P-Std ¹	
Schools, private, elementary, middle, or high					P					
Schools, commercial, trade, vocational, music, dance, or art	P	P	P	P	P	P	P	P		P
Sidewalk cafés	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std	P-Std
Specialty convenience retail goods stores	P	P	P	P	P	P	P	P	P-Std ^{1,2}	
Storage other than accessory to permitted uses			S	S						
Supermarkets	P-Std	S-Std	P-Std	S-Std	P-Std	S-Std	P-Std	S-Std	P-Std	P-Std ¹
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P	P		P				P	P
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std

Uses										
Theaters, indoor		S	S	S	P		S	S		
Theaters, indoor, located in shopping centers		P-Std	P-Std	P-Std	P					
Tobacco shops		P	P	P	P	P	P	P	P ¹	
Undertaking establishments and funeral parlors		P	P	P	P					
Veterinarian offices					P					
Warehousing, storage and distribution facilities, including moving and storage establishments			S	S	P					P

Notes:

Uses in the PM2 district are subject to the following provisions as indicated in the table:

1. This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.
2. This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed thirty-three percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in Section 21.64.420.
3. 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.
4. ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted."

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	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	
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 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	
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	
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 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