



Legislation Details (With Text)

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**On agenda:** 3/22/2021      **Final action:**

**Title:** Dwellings above nonresidential uses in the PM District - For the purpose of creating standards for dwellings permitted above the ground floor of nonresidential uses in the PM zoning district; and matters generally relating to regulation of such dwellings.

**Sponsors:** Fred Paone, Brooks Schandelmeier, Dajuan K. Gay, Elly Tierney

**Indexes:** Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-8-21 First Reader, 2. O-8-21 Staff Report

Date	Ver.	Action By	Action	Result
3/22/2021	1	City Council	adopt on first reader	Pass
3/22/2021	1	City Council	refer	
3/22/2021	1	City Council	refer	

**Dwellings above nonresidential uses in the PM District** - For the purpose of creating standards for dwellings permitted above the ground floor of nonresidential uses in the PM zoning district; and matters generally relating to regulation of such dwellings.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 8-21**

**Introduced by: Alderman Paone**  
**Co-sponsored by: Alderman Schandelmeier, Alderman Gay, Alderwoman Tierney**

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

**AN ORDINANCE** concerning

**Dwellings above nonresidential uses in the PM District**

**FOR** the purpose of allowing dwellings above the ground floor of nonresidential uses in the PM zoning district; and matters generally relating to regulation of such dwellings.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition  
21.48.030

21.50.250

**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**

**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
Dwellings above the ground floor of nonresidential uses		P	P	

REVISOR’S NOTE: In this section, the use “Dwellings above the ground floor of nonresidential uses” is added as a permitted use in “District PM”.

No other changes are made.

Footnotes:

<sup>1</sup> 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.

<sup>2</sup> 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.

Table 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.

**Chapter 21.50 - Bulk Regulations Tables**  
**Section 21.50.250 - Bulk Regulations Table PM 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	Density (minimum sq. ft. lot area per dwelling unit)	Lot Dimensions (minimum) Area (sq. ft. or acres)	Lot Dimensions (minimum) Width (ft)	Yards (minimum) Front (ft)	Yards (minimum) Interior Side (ft)	Yards (minimum) Corner Side (ft)	Yards (minimum) Rear (ft)	Floor Area Ratio (maximum)	Height (maximum, stories and feet)
Business establishment			65	See table notes	See table notes	See table notes	30	0.75	1. Buildings with dormerless roofs with straight rafters pitched more than 20 degrees shall have a maximum cornice line of 28 feet in height and a ridgeline of 38 feet in height. 3
DWELLINGS, ABOVE THE GROUND FLOOR OF NONRESIDENTIAL USES	1,800 PER DWELLING UNIT			PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS	PER THE BUSINESS ESTABLISHMENTS

REVISOR’S NOTE: In this section, the use “Dwellings above the ground floor of nonresidential uses” is added; and the “Lot dimensions (minimum) width” for the use “Business establishment” is stricken.

No other changes are made.

Table Notes:

- 1 If the lot is to be subdivided, a minimum lot width of twenty-five feet per dwelling unit shall be provided.
- 2 As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- 3 Pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code, the Planning and Zoning Director may permit an extension of the maximum ridgeline to forty-five feet upon findings that this would achieve a roof slope more compatible with adjacent structures and character. In no case shall the structure be more than three stories in height.

**Front yard requirements**

1. The required front yard is the greater of twenty feet or the average setback of all structures located on parcels on the same block which lie within three hundred feet of either side of the property. If four or more lots are available for computation, the largest and smallest setbacks may be excluded (but not one or the other).
2. Buildings fifty feet or more in width:
  - a. At least thirty-three percent of the building façade shall be set back thirty-five feet from the front property line or fifteen feet from the average setback line, whichever is greater.
  - b. When located on more than one lot of record, the building façade shall reflect the scale and massing of the property as would occur if the lots were developed individually.
3. Pursuant to the administrative adjustment procedures set forth in Chapter 21.18 of this Zoning Code, the Planning and Zoning Director may allow the front yard setback to be established by drawing a straight line between existing buildings on both sides of the new building.

**Interior side yard requirements:**

1. Buildings two stories or less: ten-foot side yard. Buildings over two stories: fifteen-foot side yard.
2. For buildings fifty feet or more in width:
  - a. Shall provide an additional one foot of side yard for each three feet the building width exceeds fifty feet, and
  - b. At least thirty-three percent of the side building façade shall be set back an additional ten feet from the side property line.

**Corner side yard requirements:**

1. The required corner side yard is the greater of:
  - a. Buildings two stories or less: ten feet; buildings over two stories: fifteen feet, or
  - b. For buildings fifty feet or more in width: a minimum twenty-five percent of the lot width.
2. For buildings fifty feet or more in width:
  - a. At least thirty-three percent of the corner side building façade shall be set back an additional ten feet from the corner side property line, and
  - b. When located on more than one lot of record, the building façade shall reflect the scale and massing of the property as would occur if the lots were developed individually.

**Transitional Yard Requirements:**

In addition to required yards, in the following cases transitional yards are required as set forth in the following table:

1. When a PM zoned parcel lies adjacent to a parcel which is zoned predominantly for residential use (sixty percent or more of the adjacent parcel is zoned for residential use), and
2. On parcels which are split zoned. In this case fifty percent of the transitional yard requirement may be provided within the residentially zoned portion of the parcel.

Situation	Required transitional yard	Additional requirements
Front yard coincides with an adjacent residential district.	Same front yard as is required in the adjacent residential district.	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.
Interior side lot line coincides with either a side or rear lot line in an adjacent residential district.	15-foot side yard	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.
Corner side yard coincides with an adjacent residential district.	15-foot corner side yard	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.
Rear yard coincides with either the side or rear lot line in an adjacent residential district.	30-foot rear yard	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Revisor's Notes contained in this Ordinance are not law and may not be considered to have been enacted as a part of this Ordinance.

**SECTION III: 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**

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.