



Legislation Text

File #: O-19-18, Version: 1

..Title

2018 Zoning Code Updates and Amendments - For the purpose of updating and amending the zoning code by eliminating the restriction on existing lot width or area for variance applications; removing the “finished side out” fence installation requirement; removing the retail and/or office requirement for multi-family residential projects in the BCE zoning district; removing the sign permit application requirement outside of the Historic District; extending the time-period for displaying exempt temporary community, civic, or public interest signs from sixty to ninety days; permitting free-standing signs in certain zoning districts; removing the minimum lot width requirement for freestanding signs in certain zoning districts; removing obsolete language; and matters generally relating to updating and amending the zoning code.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 19-18

**Introduced by: Mayor Buckley, Alderman Rodriguez, Alderwoman Tierney,
Alderman Paone**

Referred to

Planning Commission
Rules and City Government Committee

AN ORDINANCE concerning

2018 Zoning Code Updates and Amendments

FOR the purpose of updating and amending the zoning code by eliminating the restriction on existing lot width or area for variance applications; removing the “finished side out” fence installation requirement; removing the retail and/or office requirement for multi-family residential projects in the BCE zoning district; removing the sign permit application requirement outside of the Historic District; extending the time-period for displaying exempt temporary community, civic, or public interest signs from sixty to ninety days; permitting free-standing signs in certain zoning districts; removing the minimum lot width requirement for freestanding signs in certain zoning districts; removing obsolete language; and matters generally relating to updating and amending the zoning code.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2018 Edition
Section 21.18.030
Section 21.20.030
Section 21.28.040
Section 21.38.030

~~Section 21.44.030~~

Section 21.60.070

Section 21.64.240

~~Section 21.70.060~~

BY repealing and re-enacting without amendments the following portion of the Code of the City of Annapolis, 2018 Edition

~~Section 21.38.030~~

~~Section 21.44.030~~

Section 21.70.030

~~Section 21.70.060~~

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:

Chapter 21.18 - Administrative Adjustments

Section 21.18.030 - Permitted administrative adjustments.

A. Administrative adjustments from the regulations of this Zoning Code may be granted by the Planning and Zoning Director only in accordance with the criteria established in this Chapter, and may be granted only for the following:

1. Setbacks. To permit any yard or setback of up to twenty percent less than a yard or a setback required by the applicable regulations.
2. Parking. To increase by not more than twenty percent the maximum distance that required parking spaces are permitted to be located from the use served.
3. Lot Coverage. To increase by not more than twenty percent the lot coverage restrictions, except that administrative adjustments of lot coverage restrictions shall not be permitted in the Critical Area Overlay District.
4. ~~Signs. To adjust the limitations for signs in the specific instances set forth in Section 21.70.110~~
<https://library.municode.com/md/annapolis/codes/code_of_ordinances?
5. Fences and Walls. To permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit specified in Section 21.60.070
<https://library.municode.com/md/annapolis/codes/code_of_ordinances?
- 5.6. Specific Zoning District Provisions. The zoning district provisions applicable to specific zoning districts, as provided in Division III, may authorize other permitted administrative adjustments. In Chapter 21.54, Critical Area Overlay, these adjustments are referred to as administrative variances.

B. The Director of Planning and Zoning may not approve administrative adjustments in the R1, Single-Family Residence District when the minimum lot width and area requirements for the affected property are not met.

Chapter 21.20 - Zoning district boundary adjustments

21.20.030 - Review criteria and findings.

The Board of Appeals may grant a zoning district boundary adjustment based upon the following findings:

- A. Unique Conditions. Owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in ~~unnecessary hardship or~~ practical difficulty as specified in the zoning law.
- B. Public Welfare and Safety. The granting of the district boundary adjustment will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. ~~Suitability. The suitability of the property in question to the uses permitted under the proposed zoning classification.~~
- C. Surrounding Properties. ~~The proposed adjustment~~ If a specific use is proposed, the applicant shall demonstrate that the proposed use will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values with the neighborhood. If a specific use is not proposed, the applicant shall demonstrate the suitability of the property in question to the uses permitted under the proposed zoning classification.
- ~~C~~.D. Property Size. The granting of a zoning district boundary adjustment shall be limited to parcels of one acre or less in size.
- ~~D~~.E. Location. The zoning district boundary adjustment is for a property located in Ward 8.

Chapter 21.28 - Variances

Section 21.28.040 - Permitted variances.

Variances from the regulations of this Zoning Code may be granted by the Board of Appeals only in accordance with the standards established in this chapter.

- A. To permit any yard or setback less than a yard or a setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use not otherwise allowed solely because of the insufficient area or width of the lot or lots for a building or structure erected prior to August 10, 1970. However, for buildings or structures erected after August 10, 1970, the respective area and width of the lot or lots shall not be less than eighty percent of the required area and width. ~~Lot area and lot width variances for existing legally established religious institutions may exceed eighty percent of the applicable lot area and width requirements.~~
- C. To permit an increase of not more than twenty percent in the maximum gross floor area of any use.
- D. To vary the lot coverage restrictions in the R1-A and the R1-B single-family residence districts.
- E. To allow in the case of single-family detached dwellings in any residential zoning district, a building height of three stories, provided that the height does not exceed that of the underlying zoning or height districts.
- F. To increase by not more than twenty percent the maximum distance that required parking spaces are permitted to be located from the use served.
- G. To vary the provisions of the critical area program subject to the requirements and standards of Section 21.54.160.
- H. To vary the limitations for signs in the specific instances set forth in Section 21.70.110.

Chapter 21.38 - REGULATIONS APPLICABLE TO ALL DISTRICTS

Section 21.38.030 - Bulk regulations.

- A. Bulk Regulations. Bulk regulation requirements for lots shall be as specified in the bulk regulations tables for each zoning district in this division.
- B. Minimum Lot Size and Width. No use shall be established or maintained after the date of adoption of

this Zoning Code on a lot recorded after the date of adoption of this Zoning Code which is of less area or less width than prescribed in this Zoning Code for the use in the zoning district in which it is to be located.

- C. Building Conversions. No building shall be converted to conflict with, or further conflict with, the lot size requirements of the district in which the building is located.
- D. Historic District. In the historic district, height measurement and limits requirements apply in addition to those listed in the bulk regulations tables.
- E. Planned Development Required For Buildings Over Forty-Five Feet and/or Floor Area Ratio Over Two. Unless otherwise specified in the development standards for an individual zoning district, no new building or existing building which is later altered, shall have a height in excess of forty-five feet or contribute to a floor area ratio on its zoning lot greater than two unless the building is approved as a planned development in accordance with Chapter 21.24. As used in this section, "floor area ratio" shall be calculated by dividing the total floor area of the building or buildings on any zoning lot (including the area of any above-grade off-street parking or loading facilities included in the building or buildings) by the area of the zoning lot and without regard to "net site area" or "gross development area" as those terms are used in connection with planned developments and Chapter 21.24.
- F. Established Front Yard. See illustration.
 - 1. Purpose. The purpose of the established front yard regulation is to preserve community character in specified zoning districts by ensuring that the front yards of new buildings in these districts conform to the yards that have been established by existing buildings.
 - 2. Regulation. The following regulation only applies when indicated on the bulk regulations table for the zoning district:

Notwithstanding the front yard requirements of the underlying zoning district, where a new building is to be built and there is an established front yard, as defined in this Zoning Code, the minimum front yard for the new building shall be the established front yard.
 - 3. Computation of Established Front Yard.
 - a. In computing the front yard for a new building only the established front yards of the building or buildings adjoining the proposed new building need be considered, excepting, however, in cases described in Subsection (F)(3)(c) of this section.
 - b. In the case where a building is to be built and the established front yards on both sides of the new building are different, the front yard of the new building shall be the mid-point of a straight line connecting the nearest front corners of the adjoining existing buildings.
 - c. In cases where it can be demonstrated that conformance with the average of the established front yards of all buildings on one side of a block or street would provide greater consistency with the purpose of this section, this average yard may be used to establish the front yard for the new building. In computing the average of the established front yards, except in the case of four or fewer buildings, the largest and smallest yards shall be excluded.

REVISOR'S NOTE: No changes are made to
Illustration for Section 21.38.030.F.
Established Front Yard

F. G. Accessory Buildings.

1. Accessory Buildings Attached to Principal Buildings. Accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.
2. Percentage of Required Yard. No detached accessory building or buildings shall occupy more than fifty percent of the area of a required yard.
3. Height. No detached accessory building or structure shall exceed the height of the principal building or structure.
4. Separation Between Buildings. Detached accessory buildings or structures shall be located no closer than three feet to any other accessory or principal building.
5. Reversed Corner Lots.
 - a. On a reversed corner lot in a residential district, and within fifteen feet of any adjacent property to the rear in a residential district, no accessory building or portion of an accessory building located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to two-thirds of the least depth which would be required under this title for the front yard on the adjacent property to the rear.
 - b. No accessory buildings shall be located within five feet of any part of a rear lot line which coincides with the side lot line or portion of the side lot line of property in a residence district.
 - c. No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, or upon the required side yard of a reversed corner lot which is adjacent to the street.

G. H. Setback along Roscoe Rowe Boulevard. To protect the scenic approach to Annapolis, all buildings, structures and uses established along Roscoe Rowe Boulevard shall observe a setback of not less than seventy-five feet from the right-of-way line of the boulevard.

<<https://library.municode.com/>> <<https://library.municode.com/>> <<https://library.municode.com/>>
<<https://library.municode.com/>> <<https://library.municode.com/>> <<https://library.municode.com/>>
<<https://library.municode.com/>> <<https://library.municode.com/>>

Chapter 21.44 - Office and Mixed Use Zoning Districts
Section 21.44.030 - MX Mixed Use district.

- A. Purpose. The Mixed Use district is designed to encourage a mixture of residential, office and retail uses within the inner West Street corridor compatible with each other and with surrounding areas.
- B. Uses. Uses that may be permitted in the MX district are set forth in the table of uses for Office and Mixed Use Zoning Districts in Chapter 21.48.
- C. Development Standards.
 1. Chapter 21.50 contains the bulk regulations table for the MX district.
 2. Notwithstanding the regulations set forth in Section 21.38.030(E), approval as a planned development is not required for a building in the MX district solely because it has a height greater than forty-five feet or an FAR in excess of two.
 3. Design Standards. Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. Character. The design of each new building and its site shall be of an urban not a suburban character.

- b. Building Location. Buildings shall be located close to the street with parking located to the rear of the zoning lot.
- c. Height. The height of a building as measured on the rear portion of a sloping site should not rise substantially above any residential structures adjacent to the building.
- d. Ground Floor of Commercial Buildings. The ground floor of a commercial building façade shall:
 - i. Be differentiated from the upper floors to establish a distinct base for the building;
 - ii. Be at least twelve feet in height; and
 - iii. Be glazed on at least sixty percent of the façade.
- e. Rear Entrances. The design of rear entrances to commercial buildings shall be utilitarian, appropriate to the surroundings and take into account the interests of any nearby residential uses.

D. Additional Standards.

- 1. Parking Requirements for Changes of Use. Notwithstanding the requirements of 21.66.030(G), when the existing use of a building or structure is changed to a new use, parking and loading facilities are mandatory regardless of the date when the building or structure was erected.
- 2. Administrative Adjustment to Off-Street Parking. Pursuant to the administrative adjustment procedures set forth in Chapter 21.18, the Planning and Zoning Director may adjust the off-street parking requirements as follows upon a demonstration that reasonable alternative parking facilities are available:
 - a. For development of new buildings on zoning lots of ten thousand square feet or greater a waiver of up to seventy-five percent of the off-street parking requirement may be granted.
 - b. For rehabilitation or expansion of existing buildings and the development of new buildings on zoning lots less than ten thousand square feet, the off-street parking requirement may be waived completely.
- 3. Loading and Unloading. Vehicles used for loading and unloading purposes shall park only within a designated off-street loading space at any time; or in a designated on-street loading zone, between the hours of six a.m. and eleven a.m., unless the zone is posted for other hours.
- 4. Demolitions. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures pursuant to Chapter 21.14, Demolition Permits.

E. Any building or buildings not in existence on November 28, 2005, which building or buildings are subsequently developed, shall provide retail commercial uses on the first floor of any façade abutting West Street, provided however that:

- 1. If after six months of the issuance of the final use and occupancy permit pursuant to Chapter 21.12 the owner of the building is able to demonstrate an inability to lease to a retail commercial tenant after diligently pursuing such a tenant, the space may be leased to another use permitted in the MX zone.
- 2. Development on parcels of six thousand five hundred square feet or less may have this requirement waived upon a demonstration that the development is for a single occupant.
- 3. Retail commercial uses on the first floor are not required for parcels greater than 39,000 square-feet if the development on, or subdivision of, such parcel includes only single-family attached dwellings and common open space. Ground floor retail commercial uses are not required for town house or single-family residential dwelling units having entrances abutting West Street nor shall such use be prohibited by any applicable law, rule or regulation.

F. The Department of Planning and Zoning shall be responsible for approving or denying applications for demolition of buildings or structures with the MX district. A sign provided by the department of planning

and zoning, indicating that demolition approval is being sought and stating the expected date of decision, shall be posted and maintained on the property in a location readily visible to the public, and shall be removed by the applicant within seven days following the decision to permit demolition to occur. In order to approve a demolition request, the department of planning and zoning must first make all of the following findings based upon evidence of record:

1. Loss of the structure would not be adverse to the district or the public interest by virtue of the structure's uniqueness or its contribution to the significance of the district;
 2. Demolition would not have an adverse effect on the character and surrounding environment of the district;
 3. Demolition is not for the purposes of assembling properties for the construction of a large-scale structure, if such assemblage is determined to be incompatible with the purposes and intent of the MX district;
 4. The replacement structure is designed and sited in a fashion that reflects the compatibility objectives of this chapter.
- G. Notwithstanding the provisions of this ordinance, the following shall be governed by the law as it existed in the MX, Mixed-Use zoning district prior to (effective date of ordinance):
1. A building in existence as of November 28, 2005;
 2. A project for which an application for special exception approval has been filed on or before November 28, 2005; and
 3. A proposed building or buildings for which an application for site design plan approval has been filed on or before November 28, 2005.

Chapter 21.60 - Supplemental Use and Development Standards

Section 21.60.070 - Fences and walls.

Fences and walls as defined by this Title may be erected, placed, maintained, altered or replaced pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code. The following additional standards apply:

- A. If located within the historic district as defined in this Title, all proposed new fences and walls, and all proposed alterations to existing fences and walls, require the review and approval of the Historic Preservation Commission. The Historic Preservation Commission has the authority to grant a waiver or exemption, if necessary, in order to comply with the Historic Preservation Commission Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.
- B. Fences and walls may be installed up to, but not over the property line. It is the responsibility of the property owner to assure that the proposed fence or wall is not installed on property of others. All property line disputes are between abutting property owners, and they shall not seek or have any remedy against the City.
- C. Within required bufferyards adjacent to public streets, to the extent practical in order to achieve proper screening, fences and walls shall be located towards the interior edge of the landscape buffer, rather than at the edge of the public right-of-way.
- D. Except as permitted by this Title, fences and walls shall not obstruct view cones or sight visibility

triangles.

- E. Fences and walls shall not be located to unduly obstruct light and air from neighboring properties or public ways.
- F. The overall design and materials used for fences and walls shall 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.
- G. All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall. Where there are practical difficulties, such as the particular physical surroundings, shape, or topographical conditions of the specific property or other existing conditions where strict compliance with the standard is unreasonable, the Director of Planning and Zoning may waive this requirement.
- H. Except in connection with penal and correctional institutions and public utility and service uses, no fence or wall shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

H I. Standard Maximum Height.

- 1.
 - a. On properties within the R2-NC, R3-NC and R3-NC2 Residential Neighborhood Conservation Districts, the maximum height of a fence or wall shall be six feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed four feet.
 - b. The height limits in Subsection (I)(1) of this section shall also apply to properties within the WME and WMM Maritime Districts as well as the OCD Overlay District, only when a fence or wall is located along a lot line or public street that is contiguous with an adjacent property in the R2-NC District.
- 2. Fences and walls shall not be considered as being located along a public street if they otherwise meet the same minimum front and corner-side yard setbacks that would be required for the principal structure on the subject property in the zoning district in which the fence or wall is located.

I J. Allowance for Additional Height.

- 1. Up to two additional feet of height is allowed for decorative gates which do not exceed twenty-five feet in width for vehicular gates, or eight feet in width for pedestrian gates.
- 2. In accordance with the procedures for Administrative Adjustments set forth in Chapter 21.18, the Planning and Zoning Director may permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit established by this section.
- 3. In addition to the review criteria in Section 21.18.040, the Director of Planning and Zoning shall make additional written findings based on the following:
 - a. The subject fence or wall will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public rights-of-way, or safety concerns.

- b. Within the intent and purpose of this Zoning Code, the proposed additional fence or wall height, if granted, is the minimum adjustment necessary to afford relief.

~~J.~~ K. Notwithstanding the height limitations in this section, temporary fences and walls, incidental to construction on or development of the premises on which the temporary fences and walls are located, shall be permitted during the time construction or development is actively underway.

~~K.~~ L. Lawfully existing fences and walls that do not conform to the bulk or other development or design standards for the district in which the fence or wall is located may be continued, if properly repaired and maintained as provided in Chapter 21.68, Nonconforming Uses and Structures. Nonconforming fences and walls which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Title.

Chapter 21.64 - Standards for Uses Subject to Standards
Section 21.64.240 - Dwellings, multi-family.

A. BCE District.

1. Retail and/or Office Use Required. Retail and/or office use shall be required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor if there is direct access and frontage along a principal arterial, minor arterial, or collector road. If there is no access and frontage along such a road, retail and/or office use is not required.

2. Multiple Structures on a Zoning Lot. Consistent with Section 21.60.030, a multi-family residential use may contain more than one principal residential building, including a building containing a mix of residential and other BCE district uses, on a zoning lot.

~~2.~~ 3. Parking and Loading.

- a. Structured parking may be permitted as a component of a multi-family development.
- b. Sufficient street-level parking shall be provided to accommodate commercial uses and office visitors.
- c. Parking spaces wherever reasonably possible shall be located in the rear or interior courtyard or plaza areas; if structured parking is provided then it shall be screened by buildings or landscaped wherever reasonably possible.
- d. Notwithstanding the provisions of Chapter 21.66, off-street loading facilities for a multi-family development and other BCE uses developed in conjunction therewith may be provided in the front yard of the lot.

~~3.~~ 4. Streetscape and Planting.

- a. The streetscape shall be of an urban character with street trees, street lighting, controlled pedestrian crossings, dedicated bicycle facilities, benches and other streetscape elements.
- b. Public courts and plazas shall be open to the street or connect to pedestrian walkways. Such areas shall be well planted and shall be paved for pedestrian circulation.
- c. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks, pathways, crossings and other marked pedestrian ways.
- d. Sidewalks along streets designated as major or minor arterial in the Comprehensive Plan shall be a minimum of fifteen feet wide; sidewalks along all other streets shall be a minimum of twelve feet wide.

- e. Buffer areas adjacent to public streets shall have street trees a minimum of thirty-five feet on-center and a maximum of forty-five feet on-center along with planting beds buffering pedestrians from vehicular traffic.
- f. Pedestrian features such as benches, lighting and pavers shall be designed in a consistent manner.
- g. Interior courtyards, boulevards and plaza areas shall be adequately landscaped, and include adequate sitting areas.
- h. A Planting Soils Improvement Plan shall be reviewed and approved prior to the issuance of grading permits, sufficient to provide for the long term health of all plantings and to meet the principles and recommendations for soils for urban tree plantings outlined in "Architectural Graphic Standards 10th Edition," pages 178 through 182, published by John Wiley & Sons, 1998.

4. 5. Lighting. An exterior lighting plan, including a fixture schedule, shall be provided, that shall insure that site lighting is designed at appropriate levels to achieve public safety without creating excessive glare or high intensity. High pressure sodium (yellow-orange) shall be prohibited for exterior use, and for the interior use in parking areas where the lighting is visible from the outside. A reduction in lighting intensity may be required after installation if a determination is made that the lighting is too bright or creates excessive glare.

5. 6. Building and Architecture.

- a. Buildings shall be designed with a diversity of architectural styles that enhance the visual identity and integrity of this important gateway to the City of Annapolis;
- b. Street facing façades shall provide several pedestrian access points;
- c. Buildings, rather than parking, shall be generally oriented towards adjacent public streets creating an active, urban-type frontage;
- d. Mixed-use buildings fronting on an arterial street shall provide opportunities for ground-floor retail or other commercial space with residential, hotel or office uses above;
- e. Buildings with ground-floor retail shall have all retail entrances facing the public or private streets or interior courtyards or plazas of the site;
- f. The ground floor shall be differentiated from the upper floors to establish a distinct base for the building;
- g. The exterior façades of the building shall be articulated in a human scale;
- h. The mass of large scale building shall, where possible, be divided into smaller elements or parts to minimize any negative impact on adjacent streets;
- i. Buildings shall be constructed of quality, durable materials appropriate to the vernacular architecture of Annapolis, including brick, stone, wood and/or concrete;
- j. The visibility of all parking facilities from any street or residential zoning district shall be minimized whenever possible;
- k. Visible façades of parking facilities shall be designed to be compatible with the architectural character of surrounding structures;
- l. The applicant shall explore the possibility of utilizing green roof technology, unless proven not commercially feasible, as determined by Planning and Zoning Director.

6. 7. Traffic Impact. A traffic impact study is required, pursuant to Section 21.62.090.

7. 8. Common Open Space. Permanent usable common open space equal to a minimum of ten percent of the lot area shall be identified and dedicated for passive recreational activities or limited active recreation, subject to the following requirements:

- a. The area required for parking lot landscaping or buffers shall not be included in the common open space calculation.
- b. The area of each parcel of common open space shall be of such minimum dimensions as to be functionally usable.
- c. Common open space areas shall be convenient to the dwelling units they are intended to serve.
- d. Up to fifty percent of the common open space may include community meeting rooms and indoor recreational facilities, such as club houses and exercise facilities.
- e. Any area dedicated for open space purposes shall be described in appropriate subdivision dedications, covenants and/or deed restrictions approved by the City Attorney which demonstrate that:
 - i. The use of the common open space shall continue for the life of the project for the purpose specified;
 - ii. Appropriate provisions shall be made for the maintenance of the common open space areas; and
 - iii. Common open space areas shall not be used for a commercial enterprise admitting the public for a fee.
- f. The type of ownership of land dedicated for common open space purposes shall be selected by the owner, developer or subdivider, subject to the approval of the Planning and Zoning Director. Type of ownership may include, but is not limited to the following:
 - i. The City, subject to the acceptance of the City Council;
 - ii. Homeowner, condominium or cooperative associations;
 - iii. Shared, undivided interest by all property owners;
 - iv. The project owner.
- g. The owner of the common open space shall be responsible for its continuing upkeep and proper maintenance.

8. 9. Subdivision Plat.

- a. Notwithstanding any other provisions of the City Code to the contrary, a subdivision plat in accordance with the requirements of Title 20 shall be approved by the Planning Commission.
- b. Notwithstanding the provisions of Section 20.08.030, an administrative exemption to the subdivision plat shall not be allowed.
- c. In approving the subdivision plat, the Planning Commission shall determine that the design and development of the project is consistent with all applicable goals and policies of the Comprehensive Plan and any legislatively adopted sector studies or other legislatively adopted planning studies for the area in which the project is located.
- d. Modifications to Standards. In acting upon the subdivision plat, the Planning Commission shall have the authority to modify any of the foregoing standards or other BCE development standards, provided the Planning Commission shall find based on the evidence presented in each case that the proposed modification to the standard complies with all of the following criteria:
 - i. The objectives underlying the standards can be met without strict adherence to them;
 - ii. Because of peculiarities in the parcel of land to be developed or the facilities proposed, it would be unreasonable to require strict adherence to the standards;

- iii. The modification is in the public interest and is necessary in order to further the purposes of the BCE district; and
- iv. The modification is consistent with all applicable goals and policies of the Comprehensive Plan or other legislatively adopted planning studies for the area in which the project is located.

9. 10. Modifications to Approved Site Development Plan. All substantive changes or modifications to the approved site development plan shall require review and approval by the Planning Commission in accordance with the criteria for modifications to standards in previous Subsection (A)(9)(d) of this section for subdivision plat approval.

B. C1 District.

1. In addition to proposed new uses, the following uses require special exception approval:
 - a. Any change or expansion of the bulk or any structural modifications, including extensions, enlargements or alterations which increase or decrease the floor area of a particular use, except as provided in Subsection (B)(2) below, or
 - b. The expansion or extension of a special exception for part of a building or structure, the remainder of which is utilized for a use permitted in the district.
2. The gross floor area of a dwelling unit on an individual lot of record may be expanded with administrative approval by up to twenty percent of the total floor area, provided the proposed addition complies with all other requirements of the district and provided that no previous expansion has been granted pursuant to this section.

C. MX District.

1. On lots of forty thousand square feet or greater, permanent usable common open space equal to ten percent of the lot area shall be identified and dedicated for passive recreational activities or limited active recreation. In the case of attached units, each unit shall have an individual rear yard which may be included in calculating the required common open space. The area required for parking lot planting or buffers shall not be included in the open space calculation.
2. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks.
3. 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.
4. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen.

Chapter 21.70 - Sign Regulations

Section 21.70.030 ~~Reserved~~- Sign permit.

- A. The Department of Planning and Zoning will review the sign permit application for consistency with the Zoning Code.
- B. Posting of Property. Except as provided below, notice must be posted on the property that is the subject of an application for a new sign in accordance with the requirements in Section 21.10.020(A).
- C. Notice of applications for sign permits shall be in accordance with the following requirements:

1. All sign applications located in the Historic District, the Office and Commercial Design District or the Eastport Gateway Conservation Overlay Districts shall be posted for public notice.
2. In all other districts, where the sign area applied for is less than twenty-five percent of the maximum sign area allowed for the type of sign under this chapter, posting of the sign application for public notice is not required.
3. Posting of a sign for public notice shall not be required where a sign program has been approved in conjunction with the approval of a Site Design Plan under Section 21.70.080.

Section 21.70.060 - Exempt signs.

The signs in this section are exempt from this chapter and do not require a permit provided they meet both the standards applicable to all signs in the previous section and the following standards:

- A. No sign may project beyond the property line into a public way.
- B. Illumination is Not Permitted.
 1. Nameplate and Identification Signs.
 - a. A single nameplate for a dwelling unit, not exceeding one square foot in area, indicating the name or address of the occupant or a permitted occupation.
 - b. On a corner lot, two nameplates for a dwelling unit, one facing each street, are permitted.
 - c. Address numerals.
 2. For Sale and "To Rent" Signs.
 - a. One sign per zoning lot except that on a corner zoning lot two signs, one facing each street, are permitted.
 - b. Size.
 - i. In commercial and industrial districts signs may be up to twelve square feet in area.
 - ii. In all other districts signs may be up to nine square feet in area.
 - c. No sign may be placed closer than eight feet to any other zoning lot.
 - d. No sign shall project higher than twelve feet above curb level.
 3. Signs Accessory to Parking Areas.
 - a. Signs designating parking area entrances or exits limited to one sign for each exit or entrance and to a maximum size of two square feet each.
 - b. One sign per parking area, designating the conditions of use or identity of the parking area and limited to a maximum size of nine square feet.
 - c. On a corner lot two signs, one facing each street, are permitted.
 - d. No sign shall project higher than seven feet above curb level.
 4. Temporary signs as follows:
 - a. Signs, banners, flags and other advertising devices may be placed on a site or building to announce the opening of a new business or a special promotion with written approval from the Director of Planning and Zoning. Such signs shall be limited to two events per year for a period of up to thirty days each event.
 - b. Temporary signs up to thirty-two square feet for community or civic projects or special events for events of public interest such as carnivals, community gatherings, fairs, political events and other events of a similar nature. Temporary signs shall be displayed for a period not in excess of sixty ~~ninety~~ days and shall be removed within seven days after the conclusion of the event.
 - c. Construction site sign up to thirty-two square feet identifying the architect, engineer,

- and/or contractor.
- d. Garage or yard sale signs.
 - e. Christmas tree, greens sales, and produce sales signs. One sign per street frontage up to six square feet is permitted.
5. Window Displays. Signs erected or installed in the interior of a structure which form an integral part of a bona fide window display which is related to merchandise or services available within the structure or which are related to matters of public welfare or public interest.
6. Public Signs.
- a. Permanent memorial signs and tablets lawfully displayed on public property or in cemeteries.
 - b. Legal notices.
 - c. Traffic and parking signs that bear no advertising.

Section 21.70.080

**Revisor's Note: No changes are made to Sign Table 1
Types of Signs Permitted in Non-Residential
Zoning Districts**

**Revisor's Note: No changes are made to Sign Table 2
Regulations for Signs in Non-Residential
Zoning District**

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:

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

Underlining indicates matter added to existing law.