

Implementation of Annapolis Ahead Comprehensive Plan, 2040

For the purpose of implementing the adopted Comprehensive Plan; in Planned Development Chapter 21.24, revising the purpose statements and approving criteria for planned development by linking them to the Comprehensive Plan's goals and community benefits, increasing the share of a planned development that may be devoted to a mix of land uses, allowing for increases in the number of housing units in certain planned developments; revising the definition of common open space and expanding the required percentage of such space in planned developments; in Residential Districts Chapter 21.40, more strictly defining how to compute the size of a house in the R2-NC district; in Terms and Definition Chapter 21.72, updating the definitions of "Floor area" and "Half Story"; in Heights and Bulk Limits Chapter 21.56, updating what appurtenances and types of structure are allowed to project above certain maximum height limits; in Parking and Loading Regulation Chapter 21.66, clarifying the off-street parking exception in the C2 and C2A district so its applicable to all buildings sizes not just those under 20,000 square feet in size; in Certificate of Approval—Commission Decision Chapter 21.56, replacing references to the Department of Public Works with the Department of Planning and Zoning; and generally related to comprehensive plan updates in Title 21.

..Body

City Council of the
City of Annapolis

Ordinance 14-25

Introduced by: Mayor Buckley

**Co-sponsored by: Alderman Arnett, Alderwoman Finlayson, Alderman Schandelmeier,
Alderman Gay**

Referred to: Planning Commission, and Rules and City Government Committee

AN ORDINANCE concerning

Implementation of Annapolis Ahead Comprehensive Plan, 2040

FOR For the purpose of implementing the adopted Comprehensive Plan; in Planned Development Chapter 21.24, revising the purpose statements and approving criteria for planned development by linking them to the Comprehensive Plan's goals and community benefits, increasing the share of a planned development that may be devoted to a mix of land uses, allowing for increases in the number of housing units in certain planned developments; revising the definition of common open space and expanding the required percentage of such space in planned developments; in Residential Districts Chapter 21.40, more strictly defining how to compute the size of a house in the R2-NC district; in

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1 Terms and Definition Chapter 21.72, updating the definitions of "Floor area" and "Half
2 Story"; in Heights and Bulk Limits Chapter 21.56, updating what appurtenances and
3 types of structure are allowed to project above certain maximum height limits; in Parking
4 and Loading Regulation Chapter 21.66, clarifying the off-street parking exception in the
5 C2 and C2A district so its applicable to all buildings sizes not just those under 20,000
6 square feet in size; in Certificate of Approval—Commission Decision Chapter 21.56,
7 replacing references to the Department of Public Works with the Department of Planning
8 and Zoning; and generally related to comprehensive plan updates in Title 21.
9

10 **BY** repealing and reenacting with amendments the following portions of the Code of the City
11 of Annapolis, 2025 Edition:

12 21.24.010

13 21.24.020

14 21.24.050

15 21.24.060

16 21.24.090

17 21.40.060

18 21.56.060

19 21.56.070

20 21.56.150

21 21.56.160

22 21.56.170

23 21.66.130

24 21.72.010
25

26 **WHEREAS**, The Mayor and City Council of the City of Annapolis unanimously adopted a
27 new comprehensive plan, titled "Annapolis Ahead Comprehensive Plan, 2040,"
28 by Resolution 4-24 on July 8, 2024; and
29

30 **WHEREAS**, The Annapolis City Code, Title 21, the Zoning Code, authorizes the Mayor and
31 City Council to amend the text of the Zoning Code; and
32

33 **WHEREAS**, Land Use Article § 3-101 of the Maryland Code as Annotated requires the City
34 to enact, adopt, amend and execute its comprehensive plan, while § 3-303 of the
35 same article states the City must ensure implementation of the elements of the
36 comprehensive plan through:

- 37 1. zoning laws;
- 38 2. planned development ordinances and regulations;
- 39 3. subdivision ordinances and regulations; and
- 40 4. other land use ordinances and regulations.

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WHEREAS, The City Council finds the amendments set forth in this ordinance to be consistent with Annapolis Ahead Comprehensive Plan, 2040 and necessary to promote the thoughtful redevelopment and/or renovation of outmoded and obsolescent properties while conserving the City's historic and aesthetic character;

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:

City Code Title 21 - PLANNING AND ZONING
Division II - Administration and Enforcement
Chapter 21.24 - Planned Development

Section 21.24.010 - Purposes, authorities and types.

A. **Purposes.** The purposes of planned developments are as follows:

1. To allow greater flexibility in order to encourage more creative design for the development of land than is generally possible under conventional zoning district regulations.
2. ~~To promote orderly and thorough planning and review procedures that will result in quality design and counteract the negative effects of monotonous design.~~
To promote orderly and thorough planning and review procedures that will result in community design that exceeds what is possible under conventional site planning and which counteracts the negative effects of monotonous design.
3. To allow the grouping of buildings and a mix of land uses, especially housing, with an integrated design and a physical plan coordinated with surrounding land uses.
4. To promote development in a manner that protects significant natural resources, coordinates the placement of structures with existing natural features, and integrates natural open spaces into the design of a development project.
5. To promote a ~~design~~ development that takes into account the natural characteristics of ~~the sites~~ sites in the placement of structures.
6. To promote development ~~that is consistent~~ which substantially advances the goals of the Comprehensive Plan, particularly the following:

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- a. Promoting the supply of affordable housing, especially multi-family housing types (missing middle housing), which can be developed at a lower cost per unit than single family housing;
- b. Promoting a mix of land use types within development projects (mixed use);
- c. Promoting the installation and use of infrastructure such as sidewalks, trails, bikeways, and transit (active transportation);
- d. Promoting physical connections to area waterways through such things as dedicated routes and recreational enhancements to waterfront land (public water access); and
- e. Promoting the linking of open spaces for environmental and recreational benefits (greenways).

B. Types of Planned Developments, Where Permitted.

1. ~~There are three types of planned developments: residential planned developments, business planned developments, and special mixed planned developments.~~

There are three types of planned developments:

- a. residential planned developments,
- b. business planned developments, and
- c. special mixed planned developments.

2. Planned developments may be permitted only where listed in the use tables for specific zoning districts in Chapter 21.48 ~~of this Zoning Code.~~

C. **Authority to Approve.** The Planning Commission is authorized to decide applications for planned developments, upon establishing written findings as provided in § 21.24.090.

Section 21.24.020 - Use regulations for planned developments.

A. Residential Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a residential planned development may consist of the following uses:
 - a. Uses that are allowed as permitted uses, uses subject to standards or special exception uses in any residential district, are allowed as permitted uses if included within and approved as part of a residential planned development.

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- b. Up to ~~ten percent~~ 10% of the ground area or gross floor area of a residential planned development may consist of uses that are allowed as permitted uses or as uses subject to standards in the B1 District.
2. No more than ~~thirty percent~~ 30% of the ground area or of the gross floor area of the development may be devoted to ~~planned development uses~~ uses not otherwise permitted in the underlying zone.

B. Business Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a business planned development may consist of the following uses:
 - a. All uses allowed as a permitted use, use subject to standards, or special exception use in the zoning district in which the business planned development is located, are allowed as permitted uses if included within and approved as part of a business planned development.
 - b. For business planned developments located in the B1, B2, B3, B3-CD, BCE, BR, P, PM, PM2, and MX districts, a business planned development may include all uses allowed in any residential district as a permitted use, use subject to standards, or as a special exception.
2. No more than ~~fifteen percent~~ 50% of the ground area or of the gross floor area of the development may be devoted to ~~planned development uses~~ uses not otherwise permitted in the underlying zone.

C. Special Mixed Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a special mixed planned development may consist of all uses allowed as a permitted use, use subject to standards, or as a special exception in any zoning district, which uses are allowed as permitted uses if included within and approved as part of a special mixed planned development.
2. No more than ~~thirty percent~~ 75% of the ground area or of the gross floor area of the development may be devoted to ~~planned development uses~~ uses not otherwise permitted in the underlying zone.

Section 21.24.050 - Bulk and density standards.

- A. **Bulk Standards.** The Planning Commission may adjust bulk standards, other than height, that are otherwise applicable in the zoning district, with the following exception: a ~~twenty percent~~ 20% increase in the height limit or other bulk standards shall be allowed for ~~low income~~ housing developed pursuant to Section 42 of the Federal Internal

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Revenue Code, and that meets the criteria of the Federal Low Income Housing Tax Credit Program.

B. **Maximum Allowable Density Standards.** The following density standards shall apply to planned developments:

~~1. In a residential planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located. Gross development area shall be the area of the zoning lot as a whole. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted. If the gross development area of the property includes property within the Resource Conservation Area of the Critical Area Overlay, density shall be determined, as per Section 20.24.130(G) and (H).~~

1. In a residential planned development, the maximum number of dwelling units may not exceed **150% of** the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located.

a. Gross development area shall be the area of the zoning lot as a whole.

b. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted.

c. If the gross development area of the property includes property within the Resource Conservation Area of the Critical Area Overlay, density shall be determined, as per **§ 20.24.130(G) and (H).**

2. **Except as provided in 21.24.050(3), in** a business or special mixed planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross residential development area by the minimum lot area per dwelling unit required by the R4 district.

3. In a special mixed planned development, on property meeting both of the following locational criteria, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by 850 square feet.

a. The property fronts directly on at least one of the following streets: Forest Drive, Bay Ridge Road east of Hillsmere Drive, West Street, Rowe Boulevard, Chinquapin Round Road, Spa Road, Old Solomons Island Road, or Solomons Island Road.

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b. The property is designated for mixed use on the map of future land use in Chapter 4, Land Use, of the comprehensive plan.

Section 21.24.060 - Common open space.

Planned developments shall provide for common open space as follows:

- A1. Common open space may include parks, plazas, playgrounds, medians of parkways, ~~medians, landscaped green space,~~ community gardens, accessible green roof spaces, schools, community centers or other similar areas in public ownership or covered by an open space easement or controlled by a homeowners association.
- B2. The minimum area of common open space provided shall be equivalent to ~~twenty percent~~ 20% of the total ground area in residential planned developments and ~~five percent~~ 10% of the total ground area in business and special mixed planned developments.
- C3. Planned development applications shall include provisions for the ownership, conservation, and maintenance of the common open space.

Section 21.24.090 - Planned development review criteria and findings.

In determining whether to approve or deny planned development applications, the Planning Commission shall make written findings based on the following:

- A1. The planned development is consistent with each of the purposes of this chapter set forth in § 21.24.010. ~~The planned development is compatible with the character of the surrounding neighborhood and consistent with the Comprehensive Plan and the purposes of planned developments.~~
- B2. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, efficient, and designed to minimize any adverse impact upon the surrounding area.
- C. ~~The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.~~
3. By virtue of the planned development, the following community benefits shall be advanced:
 - a. High quality architectural and landscape design that fosters civic beauty and physical connectivity with surrounding developments;
 - b. Safety and mobility improvements for walking, bicycle, and transit;

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~~Bicycle and transit;~~

c. Revitalization of outmoded, obsolescent or physically deteriorated real estate;

d. Creation of opportunities for public art; and

e. The modernization of stormwater management.

~~D4.~~ The planned development complies with the planned development use standards and bulk and density standards.

~~E5.~~ The planned development complies with the Site Design Plan Review criteria provided in ~~Section~~§ 21.22.080.

~~F6.~~ The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve ~~the planned development and adequately interconnect with existing public facilities.~~

~~G7.~~ The planned development complies with Chapter 21.71 - Forest Conservation, ~~of the Annapolis City Code.~~

8. The planned development is consistent with the adopted City of Annapolis comprehensive plan. For business and special mixed use planned developments, the planned development is specifically consistent with each of the six performance standards for mixed use development set forth in Chapter 4: Land Use of the comprehensive plan.

City Code Title 21 - PLANNING AND ZONING

Division III - Base District Regulations

Chapter 21.40 - Residential Districts

Section 21.40.060 - R2-NC Single-Family Residence Neighborhood Conservation district

C. Development Standards.

2. Site Design Review

- a. Except as provided in ~~Subsection~~§ 21.40.060(C)(2)(b) ~~of this section~~, new construction including new buildings, enlargements to building size or bulk, or structural alterations to existing structures which have an impact upon any exterior façade of a structure or building are subject to review and approval, with emphasis placed on façades visible from the

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public view, by the Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, - Site Design Plan Review.

- b. ~~New structures, enlargement to a structure, and structural alterations to building size or bulk of existing structures which results in the structure or building being in excess of three thousand two hundred fifty square feet of floor area are subject to public hearing, review and approval by the Planning Commission. The three thousand two hundred fifty square foot figure does not include square footage in basements that are fifty percent or more underground, uninhabitable attic space or accessory structures. Those structures or buildings that are already in excess of three thousand two hundred fifty square feet or have site design review approval as of November 14, 2005, may be rebuilt to the same square footage as long as the design is reviewed and approved by the Planning Commission.~~

Any new structures, expansions of existing structures, or alterations that increase the size or bulk of a building to more than 3,250 square feet of floor area **as defined in § 21.72.010** will require a public hearing, review, and approval by the Planning Commission.

- i. The 3,250 square foot figure **shall include all floor area except that area in** basements that are 50% or more underground, **and in detached** accessory structures.
- ii. Those structures or buildings that are already in excess of 3,250 square feet or have site design review approval as of November 14, 2005, may be rebuilt to the same square footage as long as the design is reviewed and approved by the Planning Commission.

City Code Title 21 - PLANNING AND ZONING

Division IV - Overlay District Regulations

Chapter 21.56 - Historic District

Article I - Approval of Exterior Changes

Section 21.56.060 - Application review.

E. Special Considerations.

2. In the circumstances described above in Subsection (E)(1) of this section, unless the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, cultural, archaeological, or architectural

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significance of the landmark, site or structure, the Commission shall reject the application, filing a copy of its rejection with the Department of ~~Public Works~~Planning and Zoning.

Section 21.56.070 - Certificate of approval—Commission decision.

- A. The Commission shall file with the Department of ~~Public Works~~Planning and Zoning a certificate of approval certifying its approval or modification of each application and plans submitted to it for review. If an application is rejected, the Commission shall notify the Department of Public Works.
- B. Work shall not be commenced on any project until such a certificate of approval has been filed, and the Department of ~~Public Works~~Planning and Zoning shall not issue a building permit for such change or construction unless it has received such a certificate of approval.

City Code Title 21 - PLANNING AND ZONING

Division IV - Overlay District

Chapter 21.56 - Historic District

Article II - Height and Bulk Limits

Section 21.56.150 - Purpose.

The purpose of this article is to provide for light and the circulation of air, to prevent the congestion of population, to implement the purpose set forth in ~~Section § 21.56.010 of this chapter~~, and to better preserve the existing historical and architectural character of the historic district by limiting the height and bulk of buildings in the historic district.

Section 21.56.160 - Applicability.

The special height and bulk limits apply only to land within the historic district and are intended to be supplementary and in addition to the more general factors of compatibility set forth in ~~Section 21.56.100~~ § 21.56.010 of Article I of this chapter.

Section 21.56.170 - Height Measurement

- ~~B. Antennas and mechanical equipment up to thirty inches high shall not be counted in computing height, and penthouses, other structures and mechanical equipment thirty inches in height shall be used in computing height; chimneys are excluded.~~

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B. Allowable Projections Above Height Limits.

1. Except as provided in § 21.56.170(B)(2):

a. Antennas and mechanical equipment up to 30 inches high shall not be counted in computing height;

b. Penthouses, other structures, and mechanical equipment 30 inches and over in height shall be used in computing height;

c. Chimneys are excluded.

2. On properties with frontage on Dock Street between Craig Street and the eastern most terminus of Dock Street, mechanical penthouses, and other roof top appurtenances and accessory structures may extend up to 10 feet beyond the applicable allowed height limit and elevator shaft overruns may extend an additional five feet, provided:

a. The roof is green (living) roof designed and engineered for stormwater management, energy efficiency and planted with vegetation;

b. The aggregate footprint of any such structures shall comprise no more than 25% of the area of the roof; or

c. Any such structure shall be positioned on the roof, to minimize, to the extent possible, the degree to which is it viewable from all public rights-of-way and shall be screened on all four sides, with such screening being an integral architectural element of the building and the required green (living) roof.

3. On properties with frontage on Dock Street between Craig Street and the eastern most terminus of Dock Street, rooftop handrails, not exceeding four feet in height, are allowed to project above the building height limit on a green (living) roof provided they are set back in from the edge of the roof at least one foot for every one foot in handrail height.

**City Code Title 21 - PLANNING AND ZONING
Division V - Regulations of General Applicability
Chapter 21.66 - Parking and Loading Regulation**

Section 21.66.130 - Table of off-street parking requirements.

Important—The notes at the end of the table are as much a part of the law as the table itself.

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Table Notes:

4. *C2 and C2A Districts.* Off-street parking facilities are not required in the C2 or C2A districts ~~except that uses containing twenty thousand feet or more of floor area must provide twenty parking spaces, plus one space for each additional five hundred square feet of floor area.~~

City Code Title 21 - PLANNING AND ZONING
Division VI - General Terms and Rules of Measurement
Chapter 21.72 - Terms and Definitions

Section 21.72.010 - Terms.

"Floor area" means the sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the exterior walls or sloped roofs where, in lieu of a wall, a sloped roof forms an exterior boundary of the building (such as in an attic), or from the centerline of walls separating two buildings.

"Story, half". ~~See illustration.~~ "Half story" means a story containing floor area ~~habitable living space~~ not exceeding ~~fifty percent~~ 50% of the floor area next below. ~~Habitable living space is space that meets the ceiling requirements for habitable rooms, hallways, corridors, bathrooms, toilet rooms, and laundry rooms, as set forth in the City of Annapolis Building Code (see Chapter 17.12).~~

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect upon passage.

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