



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

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CHRISTOPHER N. JAKUBIAK, AICP
DIRECTOR

July 3, 2025

MEMORANDUM

To: Planning Commission

From: Eric Leshinsky, Chief of Comprehensive Planning

Via: Christopher Jakubiak, Director

Re: Ordinance O-30-25: Business Revitalization Zoning District Regulations

Attachments:

- **O-30-25 First Reader**
- **O-30-25 Fiscal Impact Report**
- **O-30-25 Staffing Impact Report**
- **Map of BR Zoning District**

SUMMARY

O-30-25 includes text amendments to the Business Revitalization (BR) zoning district which would encourage positive investment to the properties within this district. The text amendments are summarized below:

- The allowable floor area compared to the size of the lot increases from a 2.0 to 2.5 floor area ratio (FAR); and
- New construction must conform to the predominant street wall condition by recessing street-facing portions of the building taller than twenty feet.

ANALYSIS

Overview

The proposed legislation is focused on correcting a key height and bulk standard for the BR zoning district which encompasses a small set of properties near the intersection of Clay Street and West Washington Street in the Old Fourth Ward neighborhood. Currently the height limit

for the zoning district is three stories or 35 feet but the floor area ratio (FAR) is capped at 2.0. The FAR effectively limits the ability for a proposed building to reach its allowed height if that building utilizes the lot coverage that is allowed by Code. To correct this, the amendment proposes to raise the FAR to 2.5.

Impact of Legislation

The proposed legislation will impact a very limited area of the city, given the compactness of the BR zoning district. The district was established in 2005 in an effort to revitalize an area which had experienced substantial disinvestment. With a stated purpose “to encourage the reestablishment of community oriented businesses owned and operated by members of the surrounding residential community”, the district was designed to provide greater flexibility to proposed development at a key gateway to the historic Old Fourth Ward. However, the current provisions of the BR zoning have yielded few results. The proposed legislation addresses a specific aspect of the zoning district’s height and bulk standards—the floor area ratio (FAR)-- which has been identified as an unintended constraint that is limiting the potential of the district. By adjusting the FAR from 2.0 to 2.5, the zoning standards would effectively allow new buildings in this district to reach their permitted maximum height of thirty-five feet, and which would make projects more economically viable. Given the allowed uses in the zoning district, future development could provide new housing options as well as street-level community-serving retail opportunities.

The proposed legislation also adds a new design standard to the BR zoning district to further ensure that future development positively meshes with the existing architecture of the neighborhood. Given that the predominant height of existing buildings in the area is approximately twenty feet, the proposed legislation would require that portions of the building’s street-facing facade taller than twenty feet be recessed at least three feet. The recess would allow for balconies while preserving the street wall which shapes the public realm.

Conclusion

O-30-25 strategically amends one of the city’s smallest zoning districts to encourage positive change in an area that has long suffered from underinvestment.

CODE COMPLIANCE AND RECOMMENDATION

Based on the above analysis, the staff recommends approval of the proposed O-30-25.

Business Revitalization District Regulation Change

For the purpose of correcting a key bulk standard for the Business Revitalization (BR) zoning district by increasing the allowable floor area compared to the size of the lot from a 2.0 to 2.5 floor area ratio; require conformance with the general architectural design of the buildings around the property; and generally related to Business Revitalization District requirements.

City Council of the
City of Annapolis

Ordinance 30-25

Introduced by: Alderwoman O'Neill
Co-sponsored by:

Referred to: Planning Commission, Rules and City Government Committee

AN ORDINANCE concerning

Business Revitalization District Regulation Change

FOR the purpose of correcting a key bulk standard for the Business Revitalization (BR) zoning district by increasing the allowable floor area compared to the size of the lot from a 2.0 to 2.5 floor area ratio; require conformance with the general architectural design of the buildings around the property; and generally related to Business Revitalization District requirements.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2025 Edition: **21.42.070, 21.50.190**

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 III - Base District Regulations
Chapter 21.42 - Commercial and Industrial Districts

Section 21.42.070 – BR Business Revitalization District.

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
 Underlining indicates a change to the City Code.
 Underlining & black - copyediting or reformatting of existing Code section
 Underlining & red - new matter added to the code.

- 1 A. **Purpose.** The BR Business Revitalization district is designed to encourage the
2 reestablishment of community-oriented businesses owned and operated by members of
3 the surrounding residential community.
- 4 B. **Uses.** Uses that may be permitted in the BR district are set forth in the table of uses for
5 commercial and industrial districts in Chapter 21.48.
- 6 C. **Development Standards.**
- 7 1. Chapter 21.50 contains the bulk regulations table for the BR district.
- 8 2. Design Standards. Where development is subject to Site Design Plan Review, the
9 following design standards shall apply in addition to the general standards set
10 forth in Chapter 21.62.
- 11 a. The height of a building as measured on the rear portion of a sloping site
12 should not rise substantially above any residential structures adjacent to
13 the building.
- 14 b. The design of rear entrances to commercial buildings shall be casual,
15 utilitarian, appropriate to its surroundings and take into account the
16 interests of any nearby residential uses.
- 17 c. The design of each new building and its site shall be of an urban not a
18 suburban character.
- 19 d. The design of a new building must be consistent with the predominant
20 street wall condition of the district, which is defined by two-story
21 structures; any portion of the street-facing façade that is taller than 20 feet
22 must be recessed at least three feet; the recessed area may be used as
23 unenclosed balcony space.
- 24 D. **Additional Standards.**
- 25 1. **Administrative Adjustment to Off-Street Parking.** Pursuant to the
26 administrative adjustment procedures set forth in Chapter 21.18, the Planning and
27 Zoning Director may adjust the off-street parking requirements as follows upon a
28 demonstration that reasonable alternative parking facilities are available:
- 29 a. For development of new buildings on zoning lots of ten thousand square
30 feet or greater a waiver of up to seventy-five percent of the off-street
31 parking requirement may be granted.
- 32 b. For rehabilitation or expansion of existing buildings and the development
33 of new buildings on zoning lots less than ten thousand square feet, the off-
34 street parking requirement may be waived completely.
- 35 2. **Loading and Unloading.**
- 36 a. Off-street loading facilities are not required in the BR district.

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- b. 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.

Section 21.50.190 – Bulk Regulation Table BR District.

Permitted uses, special exception uses, and uses subject to specific standards	Floor Area Ratio (maximum)
All uses unless otherwise specified	2.0 <u>2.5</u>
Dwellings above the ground floor of nonresidential uses	2.0 <u>2.5</u>

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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FISCAL IMPACT NOTE

Ordinance: O-30-25

Title: Business Revitalization District Regulation Change

Date: June 13, 2025

This ordinance corrects a key bulk standard for the Business Revitalization zoning district by increasing the allowable floor area compared to the size of the lot from a 2.0 to 2.5 floor area. According to the staff report, it may be expected that the amendment will spur real estate reinvestment in the Business Revitalization district which may impact real estate assessments and therefore real estate taxes, however, we cannot estimate the fiscal impact as the changes are unknown at this time.

Prepared by Jake Trudeau, Budget Manager



STAFFING IMPACT REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Christopher Jakubiak, Director, Department of Planning and Zoning

Date: June 13, 2025

Subject: O-30-25

Purpose of legislation

The purpose of the legislation is to correct a key bulk standard for the BR, Business Revitalization zoning district. Currently the height limit for the zoning district is three stories (and 35 feet) but the floor area ratio (FAR) is capped at 2.0. Given the local context in which buildings generally cover most of their lots, this current FAR cap prevents property owners from building three story structures or even adding third floors to existing structures. To address this issue and support compatible development/redevelopment, the amendment would raise the FAR to 2.5. And as a means for helping to ensure new structures are compatible with the neighborhood architectural patterns, the legislation also includes an architectural design standard.

Impact of legislation on staff

Current staffing levels and capabilities in the Department of Planning and Zoning (the main City agency impacted by zoning legislation such as this) are fully sufficient to address any potential impacts of the proposed legislation.

The legislation is expected to have limited impact on staff operations and any impact will be in response to applicants filing for site and building plan approval. Should an application for property development be filed, the Department staff will guide the application through the normal sequence of pre-application meetings, official application submittals, preliminary reviews, public notifications, formal plan reviews, coordination with applicant's design team, production of staff reports, planning commission hearings (and if necessary, a Board of Appeals hearing), the review of architectural plans for building code and life safety compliance, and the building construction inspection process. As with all development plans, the Department of Public Works and the Fire Marshall would have substantive roles in the review of plans in coordination with the Department of Planning and Zoning.

