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**DIVISION V REGULATIONS OF GENERAL APPLICABILITY**

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## Chapter 21.60 Supplemental Use and Development Standards

### Sections

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21.60.090	Objects in required yards

### **21.60.010 Purpose**

This chapter lists use and development standards that are supplemental to the requirements set forth in Divisions III and IV of this zoning code.

### **21.60.020 Uses without buildings**

Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for the lot shall be provided and maintained unless otherwise stipulated in this Zoning Code; except, that side yards are not required on lots used for garden purposes without buildings or structures or on lots used for public recreation areas.

### **21.60.030 One principal building per CG1**

Not more than one principal detached residential building shall be located on a zoning lot, and a principal detached residential building shall not be located on the same zoning lot with any other principal building, except in the case of the following:

- A. Special exceptions,
- B. Planned developments
- C. Multi-family dwellings in the BCE district, pursuant to Section 21.64.220.

### **21.60.040 Yard and lot area maintenance and conformity**

- A. The maintenance of yards and other open space and minimum lot area legally required for a building is a continuing obligation of the owner of the building or of the property on which it is located, as long as the building is in existence.
- B. No legally required yards, other open space, or minimum lot area allocated to any building, by virtue of change of ownership or for any other reason, shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

**21.60.050 Division of improved zoning lots**

No improved zoning lot shall be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each division or sale conform with all the applicable bulk regulations of the zoning district in which the property is located.

**21.60.060 Location of required open space**

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group.

**21.60.070 Fences, walls, and plantings**

A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code.

**21.60.080 View cones**

A. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Division VI for definition and calculation of the view cone.

**B. Fences, walls, and plantings in view  es[CG2]**

1. No fences, walls or plantings with a height greater than 48 inches are allowed in a view cone, except:
  - a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are transparent above 48 inches. A fence, wall, hand-rail, or guard is considered transparent if its opacity is 20 percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by 100.
  - b. Trees maintained with a single clear trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than 15 feet apart so as not to form a visual barrier.
2. All plantings, exclusive of trees referenced in subsection 1.b above, located in a view cone must be pruned or maintained to a height of 48 inches or less.
3. The height of a fence, wall or planting or any combination of these is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, wall or planting or any combination thereof shall the height exceed the limits established in subsections 1.b and 1.c.

**21.60.090 Objects in required yards**

The following are not obstructions when located in the required yards:

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### A. All yards:

1. Open terraces, porches, and decks not over four feet above the average level of the adjoining ground, but not including a permanent roof-over terrace or porch [CG3]. Handrails and guardrails around terraces, porches, and decks within a view cone shall be transparent, pursuant to Section 21.60.080.
2. Awnings and canopies,
3. Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley,
4. Grade-level walks and driveways,
5. Chimneys projecting 18 inches or less into a yard,
6. Recreational and laundry-drying equipment,
7. Arbors and trellises,
8. Flagpoles, and
9. Fences, walls and plantings for which required permits have been issued in accordance with Chapter 17.34 of the City Code, except as prohibited under Section 21.60.080.

### B. Front yards:

1. One-story bay windows projecting three feet or less into a yard,
2. Overhanging eaves and gutters projecting three feet or less into the yard,
3. Fuel, air and water pumps in conjunction with motor vehicle service stations; provided, that they are set back at least 15 feet from the front lot line, and
4. Canopies in conjunction with motor vehicle service stations subject to the site design plan review requirements of Chapter 21.22;

### C. Rear yards:

1. Balconies,
2. Open porches,
3. One-story bay windows projecting three feet or less into the yard, and
4. Overhanging eaves and gutters projecting three feet or less into the yard;

### D. Side yards:

1. Overhanging eaves and gutters projecting 18 inches or less into the yard, and

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2. Fuel, air and water pumps in conjunction with automobile service stations; provided, that they are set back at least 15 feet from the side lot line.

## Chapter 21.62 Site Design Standards

### Sections

21.62.010	Applicability
21.62.020	General design standards
21.62.030	Other site design standards
21.62.040	Planting
21.62.050	Street Trees
21.62.060	Scenic, Historic, Archaeological and Landmark Sites and Views
21.62.070	Transitional Provisions for Development Adjoining Residential Districts
21.62.080	Surface Water Drainage
21.62.090	Traffic Impacts
21.62.100	Driveway Connections to Public Streets and Rights-of-Way
21.62.110	Vehicular Circulation
21.62.120	Parking and loading
21.62.130	Pedestrian and Bicycle Circulation
21.62.140	Lighting
21.62.150	Utility Services
21.62.160	Waste Disposal
21.62.170	Noise
21.62.180	Storage, Loading, and Service Areas
21.62.190	Additional site design standards

### 21.62.010 Applicability

- A. The standards in this chapter shall apply to sites that are the subject of an application for site design plan approval. The standards are intended to provide a framework within which the applicant is free to exercise creativity, invention and innovation in order to meet the purpose of site design plan review as set forth in Section 21.22.010. The standards do not require or favor unduly any particular architectural style.
- B. Additional design standards may apply in specific zoning districts as set forth in Division III.
- C. Additional design standards may apply to uses that are subject to standards, as set forth in Chapter 21.64.
- D. In the event of a conflict between the standards set forth in this section and any other applicable standards, the more restrictive standard shall apply.

### 21.62.020 General design standards

#### A. Relation of Buildings and Structures to the Surrounding Environment

- 1. Proposed structures shall be related harmoniously to themselves, to the terrain, to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures, and to the historic character of the City of Annapolis. The achievement of a harmonious relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

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2. Building bulk and scale shall relate to adjacent and surrounding buildings. Appropriate natural or artificial screening may be required to minimize any adverse impacts.
3. Special consideration shall be given to the siting and design of those structures or portions thereof that may be viewed from any public street or adjacent properties.

### B. Relation of Structures to Adjacent Development

The construction of new buildings should look appropriate and compatible as part of their surroundings. In general, new development should be human in scale, with building facade articulation (doors, windows and surface treatment and detailing) open spaces, and access systems designed to relate to and to welcome people on foot. Buildings also must be sensitive to the character of the neighborhood in which they are located. The following standards shall apply to any development or redevelopment for a particular area:

1. **Height.** Except where otherwise restricted by this Zoning Code, the variation between the height of the new building and the height of adjacent buildings should not be so great as to substantially impair the architectural character and integrity of adjoining buildings.
2. **Width and Facade.** A new or altered building should reflect the characteristic rhythm of surrounding facades. The mass of the facade of a new building should be divided into elements with size and proportions similar to those of adjoining and nearby structures, including where appropriate those structures across the street, and should be consistent with the development and redevelopment goals of the area.
3. **Proportion.** A new or altered building should respect the characteristic proportion of existing facades of adjoining and nearby buildings and be consistent with the development or redevelopment goals of the area.
4. **Mass.** The mass of buildings should complement the size and proportions of the predominant features on the block on which it is located.
5. **Relationship to Street.** A new or altered facade should have a relationship to the street compatible with those of adjoining and nearby buildings.
6. **Roof Forms.** The type of roof used should be compatible with the roofs formed on adjacent and nearby buildings.
7. **Composition.** The composition of a new or altered facade should be complementary to the composition of facades of adjoining and nearby buildings.
8. **Rhythm.** Rhythms which carry throughout a block should be incorporated into a new facade.
9. **Proportion of Openings.** The size and proportions of window and door openings, as well as the ratio of window area to solid wall area for the facade as a whole, should be similar to adjoining and nearby facades in historic or preservation areas.
10. **Facade Materials.** A new or altered facade should be composed of materials that complement adjacent and nearby facades.

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11. **Color.** Color treatment for new or altered buildings should complement color treatments of adjoining and nearby buildings.
12. **Corner and Through Lots.** The two facades of a building situated on a corner lot or through lot shall relate to the scale of the buildings on their respective streets. Corner buildings should complete the street form.
13. **Site signage.** Site signage shall meet the requirements and design guidelines set forth in Chapter 21.70.

### 21.62.030 Design of Open Areas

#### A. Existing features

Disturbance of existing vegetation, topography and soils should be minimized. Efforts shall be made to preserve street trees, mature trees, trees of a diameter of four inches or above measured four feet above ground level, and trees of unique varieties. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. All planting and maintenance shall adhere to the requirements of Chapter 14.12.

#### B. Buffer areas

All sites shall be designed appropriately to provide buffer areas to provide shade and reduce heat, noise, air pollution, and to screen adverse visual impacts. Designated buffer areas shall not be utilized for structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, and signage, except that access roads or required utilities may dissect a perimeter buffer or other minimal disturbance may be allowed if the integrity of the natural buffer is preserved. Buffers with existing mature trees and other vegetation shall remain in their natural state where practical and shall not be graded.

#### C. Bufferyards 4]

1. Bufferyards have the following purposes:
  - a. Minimize potential nuisances such as dirt, litter, noise, glare, signs, and unsightly buildings or parking areas;
  - b. Provide spacing to reduce adverse impacts of noise, odor, or danger of fires; and
  - c. Enhance the visual character of the streetscape along street frontages for developing and redeveloping properties.
2. Requirements for bufferyards are set forth in the zoning district bulk regulations tables, Chapter 21.50.

**D. Open Space**

1. Areas of usable open space should be provided on sites in order to afford visual relief. This open space area should be planted though the surface treatment and need not be entirely living ground cover.
2. Consideration shall be given to dedicating open space land to the City in furtherance of the goals and purposes of the Comprehensive Plan, Critical Areas Plan, and the Parks and Recreation Plan. The Annapolis Conservancy Board has been established to promote these goals and purposes, see Chapter 2.50 of the Annapolis City Code[CG5].



**21.62.040 Planting**

- A. Planting should be provided within the site in order to integrate a building into the overall site design, soften the mass of the building and separate the building from the parking area. Building area planting should be located in order to be visible from adjacent streets.
- B. Existing trees, tree stands and natural vegetation shall be integrated into the site planting plan to the maximum extent possible.
- C. Areas of lawn should be minimized.
- D. **Parking lot planting.** See under Parking in Section 21.62.120.

**21.62.050 Street Trees[CG6]**



- A. In determining the location for the installation of street trees in the public right-of-way, consideration should be given to the location of underground utilities, the relationship of tree planting to parking, the width of the sidewalk, and other street considerations.
- B. When installed, trees should be set back from the curb. Plantings should be placed to the front of on-street parking spaces to not interfere with the opening or closing of car doors.
- C. Trees should not be installed in locations which will obstruct views or otherwise produce dangerous traffic conditions.
- D. Trees should be located at least 25 feet from intersections, 15 feet from driveways and 15 feet from hydrants.
- E. Tree plantings shall be consistent with the *City of Annapolis Street Tree Master Plan, 1997*.

**21.62.060 Scenic, Historic, Archaeological and, Landmark Sites and Views**

Scenic, historical, archaeological and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected to the maximum extent as practicable through site design, building location, and parking layout. Special consideration shall be given to the impact of projects on views of the Annapolis historic district from the following points:

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1. From Eastport and the city dock;
2. From Truxtun Park; and
3. From the Severn River Scenic Overlook

### **21.62.070 Transitional Provisions for Development Adjoining Residential Districts**

Where a development adjoins a residential district, special consideration shall be given to transitional devices as landscaped pathways, increased setbacks, screening, the relationship of the height of buildings on adjoining lots, the distance between buildings on adjoining lots and plantings in transitional yards as may be required by the district regulations. Transitional devices shall be incorporated as appropriate on the lot with the higher intensity of land use, to integrate the new development with existing development on the lot with the lower intensity of land use.

### **21.62.080 Surface Water Drainage**

A proposed development shall be designed to provide for proper surface water management through a system of controlled drainage that, wherever practicable, preserves existing natural drainage patterns and wetlands, enhances groundwater recharge areas, and that protects other properties and existing natural and artificial drainage features from the adverse effects of flooding, erosion and the depositing of silt, gravel or stone. A stormwater management plan is required to be submitted to the Director of Public Works for review and approval under Chapter 17.10 of the Annapolis City Code.

### **21.62.090 Traffic Impacts**

- A. A development proposal generally shall minimize adverse traffic impacts on the road network serving the area.
- B. Determination of traffic impact and required mitigation shall be made through a suitable traffic impact study of the proposed use on the road network and affected intersections. The scope of the traffic impact study shall be determined by the Planning and Zoning Director. [CC7].

### **21.62.100 Driveway Connections to Public Streets and Rights-of-Way**

- A. **Location and design.** All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and to afford maximum safety to traffic on the public streets. All entrances and exits shall be located and designed to:
  1. Conform with sight visibility triangle requirements at street intersections.
  2. Achieve maximum practicable distance from street intersections and from existing and proposed access connections from adjacent properties.
  3. Minimize left-hand turns, other turning movements, and prohibit backing movements onto a public right-of-way.
  4. Discourage the routing of commercial vehicular traffic to and through streets serving primarily residential uses.

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- 5. Minimize multiple access points on major collector and arterial streets. Where feasible, joint access among adjacent properties shall be provided.
- B. **Width.** Driveways onto public rights-of-way may not exceed 25 feet in width, not including curb cuts.

**21.62.110 Vehicular Circulation**

- A. The location, width and layout of interior drives shall be appropriate for the proposed circulation.
- B. Adequate access shall be provided for police, fire, refuse and emergency vehicles.

**21.62.120  Parking and Loading [CG8]**

**A. General design considerations**

The principles in this subsection shall govern the design of all off-street parking areas.

- 1. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and for the safety of pedestrians and vehicles.
- 2. To the maximum extent practicable, sites shall be designed to:
  - a. Locate parking areas in a manner that does not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures, and landscape elements.
  - b. Minimize lot frontage of parking areas on streets and shield parking areas from public view.
  - c. Avoid the location of parking areas within 100 feet of the waterfront.

**B. Types of facilities**

Accessory parking spaces may be open or enclosed.

**C. Provisions for the physically handicapped**

Parking for the physically handicapped shall be provided pursuant to the provisions of the Americans with Disabilities Act and the Maryland Building Code for Handicapped.

**D. Access**

Access to off-street parking spaces shall meet the following requirements:

- 1. Off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- 2. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide.

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**E. Surface material**

Parking area surface material should be appropriate for the use.

1. A dustless all-weather surface material should be used in most situations.
2. Subject to standards established by the Department of Public Works, gravel may be used as a surface material in residential zoning districts.
3. Nontraditional surface materials, such as pervious pavers, may be used in support of low impact development[CG9].
4. The surface treatment of parking lots should differentiate vehicular from pedestrian travelways.

**F. Parking space and aisle dimensions**

1. Parking spaces shall have the following minimum dimensions, exclusive of access drives or aisles, ramps, columns or office or work areas:
  - a. Width: 8.5 feet.
  - b. Length: 18 feet, or 23 feet in the case of parallel parking.
  - c. Vertical clearance: 6.5 feet, measured at right angles to the axis of the vehicle.
2. Minimum aisle widths are as follows, with the angle measured between the centerline of the parking space and the centerline of the aisle:

<u>Parking Angle</u>	<u>Width</u>
90 degree	24 feet
60 degree	18 feet
45 degree	15 feet
Parallel	12 feet

**G. Buffers and planting**

1. Parking lot planting shall be in accordance with *Parking and Landscaping: A Manual of Landscape Standards for Parking Lots*, Department of Planning and Zoning, Revised 1986.
2. Parking lots shall have landscaped buffers in accordance with the following schedule:

<b>Situation</b>	<b>Required minimum landscaped buffer from property line to edge of pavement</b>
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**Property line buffers**

Parking lots adjacent to residential property lines (except for the C1, and C1A districts):

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15 or fewer spaces:	15 feet
16 or more spaces:	20 feet
Parking lots in residential zoning districts with irregular, confining or other unusual site characteristics:	10 feet
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Parking lots in non-residential zoning districts (except for the C2 and C2A districts):	
Adjacent to sites in non-residential zoning districts:	10 feet
Parking lots with irregular, confining or other unusual site characteristics:	5 feet
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Parking lots in the C1, C1A, C2, and C2A districts:	
15 or fewer spaces:	No requirement
16 or more spaces:	10 feet

**Road and right-of-way buffers**

Parking lots 60 feet or less in width adjacent to roads and rights-of-way:	
Right-of-way 60 feet or less:	15 feet
Right-of-way over 60 feet:	20 feet
Parking lots with irregular, confining or other unusual site characteristics:	10 feet
Parking lots over 60 feet in width adjacent to roads and rights-of-way:	Minimum buffer shall be increased by five feet for each 60 feet of parking lot area.

3. Parking lots containing more than 15 parking spaces or 6,000 square feet shall devote at least seven percent of the total area of the parking lot to internal planting dispersed throughout the parking lot.
4. The Department of Planning and Zoning may require the screening of parking areas to prevent negative impacts from parking on adjacent property.

**H. Design of Loading Facilities**

**1. Size**

- a. Loading spaces shall be a minimum of 12 feet in width by 55 feet in length, exclusive of aisle and maneuvering space, with vertical clearance of at least 15 feet.
- b. Through the Site Design Plan review process, loading spaces less than 55 feet in length may be approved based on the loading needs for the proposed use as documented by the applicant.

**2. Screening**

- a. Loading facilities shall be subject to screen plantings or other reasonable screening methods determined to be required to prevent any adverse effect on nearby property.

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- b. Loading facilities that abut a residential district or an intervening alley separating a residence district from a non-residential district shall be effectively screened from the adjoining district.

### 21.62.130 Pedestrian and Bicycle Circulation

- A. Safe and convenient pedestrian and bicycle circulation, including appropriate sidewalks, shall be provided on the site and its approaches.
- B. To the maximum extent practicable, pedestrian and bicycle circulation shall be separated from motor vehicle circulation.
- C. A pedestrian and bicycle circulation plan, when required, shall be designed to minimize adverse effects of vehicular traffic upon pedestrian and bicycle routes and to enhance the integration of these physical components of the circulation system.
- D. Where bicycle parking is provided it shall be located in a clearly designated, safe and convenient location. Bicycle racks must be capable of locking the bicycle and of supporting the bicycle in an upright position[CG10].
- E. Where a public pedestrian walkway is required pursuant to the specific requirements for a zoning district, it shall be constructed in accordance with the following standard[CG11]:

**Add walkway diagram graphic (former Section 21.54.090)**

### 21.62.140 Lighting

- A. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.
- B. Parking lot lighting may not exceed three foot-candles measured at the lot line.

### 21.62.150 Utility Services

If feasible, electric, telephone and other wire-served connections shall be placed underground and subject to state public utilities regulations. Any utility installations remaining aboveground shall be located in order to have a harmonious relation to neighboring properties and to the site.

### 21.62.160 Waste Disposal

There shall be adequate provision for the disposal of all solid, liquid and gaseous wastes and for the avoidance of odors and other air pollutants that may be generated at the site. All applicable federal, state, county and local pollution control standards shall be observed.

### 21.62.170 Noise

Control of all outside noise expected to be generated by the site, shall be in accordance with all applicable federal, state and local regulations.

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**21.62.180 Storage, Loading, and Service Areas**

Outside storage areas, machinery service areas, truck loading areas, utility buildings and structures and similar accessory uses and structures shall be subject to setbacks, screen plantings or other reasonable screening methods determined to be required to prevent any adverse effect upon the environment or nearby property.

**21.62.190 Additional site design standards**

- A. In addition to the enumerated standards in Chapter 21.62, a project may also be subject to additional design standards established for a particular geographic area or for a particular use pursuant to other sections of this Zoning Code.
- B. The Planning Commission, after public hearing, may adopt additional design standards that are supplementary to, but not in conflict with, the standards specified in this chapter [CC12].



## **Chapter 21.64 Standards for Uses Subject to Standards**

### **Sections**

- 21.64.010 Purpose and application of standards
- 21.64.020 Adult bookstore
- 21.64.030 Antenna towers
- 21.64.040 Antennas and amateur radio stations
- 21.64.050 Antique stores
- 21.64.060 Apartment hotels
- 21.64.070 Arts and crafts stores
- 21.64.080 Arts and crafts studios
- 21.64.090 Bake shops
- 21.64.100 Banks and and financial institutions
- 21.64.110 Bed and breakfast homes
- 21.64.120 Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record
- 21.64.130 Candy stores including candy making
- 21.64.140 Catering establishments
- 21.64.150 Christmas tree and greens sales
- 21.64.160 Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities
- 21.64.170 Coffee shops
- 21.64.180 Convenience stores
- 21.64.190 Day care, family
- 21.64.200 Day care centers, group
- 21.64.210 Day care centers, group, in conjunction with public school facilities or with a principal religious institution
- 21.64.220 Delicatessens
- 21.64.230 Drive-through facilities associated with permitted or special exception uses
- 21.64.240 Dwellings, multi-family
- 21.64.250 Dwellings, multi-family containing six or fewer dwelling units
- 21.64.260 Dwellings, multi-family, containing 12 or fewer units
- 21.64.270 Dwellings, single-family attached
- 21.64.280 Dwellings, two-family attached
- 21.64.290 Dwellings, two-family detached
- 21.64.300 Food and beverage-related uses
- 21.64.310 Food service marts
- 21.64.320 Garden supply, tool and seed stores
- 21.64.330 Home occupations
- 21.64.340 Hotels with up to 40 rooms, including restaurants and conference room facilities
- 21.64.350 Ice cream stores
- 21.64.360 Inns
- 21.64.370 Institutions for the care of the aged
- 21.64.380 Living quarters, detached, for persons employed on the premises
- 21.64.390 Markets, open air
- 21.64.400 Maritime retail
- 21.64.410 Medical appliance stores
- 21.64.420 Mooring slip or dock, private
- 21.64.430 Neighborhood convenience shopping uses in the PM2 District
- 21.64.440 Offices, business and professional, and nonprofit, educational, cultural, or civic

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21.64.450	Office or studio of a professional person
21.64.460	On-land boat storage
21.64.470	Parking garages
21.64.480	Parking Lots
21.64.490	Parking structures as accessory to permitted maritime uses on a separate zoning lot
21.64.500	Personal care establishments
21.64.510	Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations
21.64.520	Planned developments
21.64.530	Professional offices
21.64.540	Restaurants, fast food
21.64.550	Restaurants, standard
21.64.560	Retail sales of non maritime-related goods
21.64.570	Sidewalk cafes
21.64.580	Specialty convenience retail stores
21.64.590	Supermarkets
21.64.600	Telecommunications facilities
21.64.610	Temporary uses
21.64.620	Theaters, indoor
21.64.630	Theaters, indoor, located in shopping centers
21.64.640	Transient boater services

### 21.64.010 Purpose and application of standards

- A. This chapter lists the standards that apply to uses listed as subject to standards in the use tables Chapter 21.48 of this Zoning Code.
- B. In the case of a use requiring special exception approval, the standards for the use set forth in this Chapter must be met in addition to the general standards for approving a special exception[CG13].



### 21.64.020 Adult bookstores

Video sales may be permitted as an accessory use to the special exception.

### 21.64.030 Antenna vers[CG14]

- A. **Permitted by right.** Antenna towers are permitted as a matter of right subject to the following standards:
  - 1. **Review.** Site design plan review is required.
  - 2. **Type.** Monopole-type towers are the only towers permitted.
  - 3. **Height.** The height of the tower, including antennas, shall be no taller than necessary to meet the applicant's service needs, up to a maximum height of 65 feet. Elevation drawings of the tower must be submitted with the application.
  - 4. **Need.**

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- a. An applicant for a tower must demonstrate need for the tower. A needs study must be submitted including:
  - i. A map of area to be served and explanation of inadequate service area.
  - ii. Explanation of why communications service cannot be provided by locating on existing buildings or structures.
  - iii. Explanation of the proposed height of the tower.
- b. The City may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.

**5. Setback.** Towers must be set back from all property lines a distance of one half foot for each foot of tower height.

**6. Co-location.** Towers shall be designed and made available on a commercial basis for co-location by no less than three other telecommunications service providers, unless the Planning and Zoning Director determines that co-location:

- a. Is infeasible,
- b. Will result in a tower that is taller than the minimum necessary to provide service, or
- c. Is not essential to the public interest.

**B. Special Exception**

- 1. The Board of Appeals may permit a special exception for antenna towers for the following:
  - a. Towers with a maximum height above 65 feet.
  - b. Towers with a setback less than one half foot for each foot of tower height.
- 2. An application for a special exception must include information sufficient to understand the application including a thorough explanation of why the tower is needed and cannot be provided or developed under the permitted use provisions in this section.
- 3. The Board may request a demonstration of visual impact such as a balloon or crane test.
- 4. The Board of Appeals may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.

**21.64.040 Antennas and amateur radio  tions [CG15]**

A. Antennas and amateur radio stations are permitted as accessory uses subject to the numerical limitations and standards in the table in this section.

Type	Number per building or lot, plus standards if any
<b>Antennas</b>	
Enclosed within a building	Unlimited

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<b>Type</b>	<b>Number per building or lot, plus standards if any</b>
On a roof, located behind and no taller than the roof parapet walls	Unlimited
No taller than 18 inches and necessary for 911 or emergency communications	Unlimited
Residential-type UHF/VHF, radio, and compact satellite dish antennas, measuring less than 20 inches in diameter.	Two
Dish antennas up to four feet in diameter and eight feet in height.	One, located on the principal building or on the ground. If located on a building, the antenna must be located on the roof and be set back from the edge of the roof a distance equal to at least its height above the roof. Antennas may not be placed in a front yard. Screening is required when a ground mounted antenna is visible from a public way or surrounding property when viewed from ground level.
Whip antennas up to 2.5 inches in diameter with a mounted dimension no longer than 12 feet in any direction.	One
<b>Towers</b>	
Amateur radio stations licensed by the Federal Communications Commission (Ham radio).	One. Any tower must be located a distance of one foot from a property line for each foot of tower height.

**B. Special Exception**

1. The Board of Appeals may permit a special exception for antennas and amateur radio stations with numerical limitations and standards different from those set forth in the table in this section.
2. An application for a special exception must include information sufficient to understand the application including a thorough explanation of why the antenna or amateur radio station tower is needed and cannot be provided or developed under the accessory use provisions in this section.
3. The Board of Appeals may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.

**21.64.050 Antique stores**

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than fifty percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 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.

**21.64.060 Apartment hotels**

- A. In apartment hotels containing 40 or more dwelling units the following uses are permitted: restaurants, drugstores, retail food shops, valet shops, beauty shops, barbershops, gift shops and physical health facilities (including massage, steam bath, gym).

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- B. The uses in subsection A. shall be accessible only through the lobby, with no advertising or display visible from outside the building.

**21.64.070 Arts and crafts stores**

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than fifty percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 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.

**21.64.080 Arts and crafts studios**

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 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.

**21.64.090 Bake shops**

See Food and beverage-related uses.

**21.64.100 Banks and and financial institutions**

This use is not permitted in any part of the B1 district on or adjacent to Annapolis Street.

**21.64.110 Bed and breakfast homes**

- A. **C1, C1A, R2-Neighborhood Conservation, R3-Neighborhood Conservation 2, and Office and Commercial Design Overlay districts:**
  - 1. Number and location of bed and breakfast homes:
    - a. **C1, C1A, R2-Neighborhood Conservation, and Office and Commercial Design Overlay districts:**
      - i. For each side of a block between two intersecting streets there shall be no more than two bed and breakfast homes
      - ii. No two bed and breakfast homes shall be located on adjacent properties with the exception of any bed and breakfast homes holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994,

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- iii. No bed and breakfast home shall be located in an attached dwelling with the exception of any bed and breakfast homes holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994.

**b. R3-Neighborhood Conservation 2 district:**

- i. There shall be no more than one bed and breakfast home for every block on any street located in the district and no two bed and breakfast homes shall be located on adjacent properties.
  - ii. No bed and breakfast home shall be located in an attached or multi-family dwelling.
  - iii. The individual recorded owner of the property shall be the operator of the bed and breakfast and reside on the premises. No resident managers shall be allowed to operate a bed and breakfast.
  - iv. The number of guests shall not exceed the maximum allowed by the life safety code.
  - v. There shall be only one kitchen within the entire dwelling. No cooking facilities are permitted in guest rooms.
  - vi. No food or beverage service may be provided for transient guests other than breakfast provided in the areas of the dwelling commonly used by the resident family for the consumption of food.
  - vii. Bed and breakfast homes shall not have a separate apartment within the entire dwelling or on the subject property such as a carriage house, garage, etc.
  - viii. Bed and breakfast homes shall have interior stairs to serve all habitable living spaces within the entire dwelling including basements and attics, except that this provision does not apply in the C1 or C1A districts to any bed and breakfast homes holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994.
  - ix. The owner(s) of record of the property shall obtain a rental license from the Department of Public Works.
  - x. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests available for inspection by the licensing agency.
- 2. The use shall be subject to all applicable city code regulations including but not limited to building, fire, and health regulations.
  - 3. In the R2-Neighborhood Conservation district no bed and breakfast license is required for special events including multi-day graduation events and multi-day boating event and other similar events as determined by the Planning and Zoning Director.

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4. In the C1 and C1A districts, in the case of a license for a bed and breakfast home holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994 nothing in this Zoning Code shall preclude the renewal or transfer of that license.
5. Special provisions for the R2-Neighborhood Conservation and R3- Neighborhood Conservation 2 districts
  - a. The bed and breakfast use shall be subordinate and incidental to the principal residential use of the property and located within an existing structure.
  - b. Bedroom rental units may not occupy more than 60 percent of the living space of the single-family dwelling.
  - c. The applicant for a bed and breakfast license shall post a public notice on the property indicating that a bed and breakfast license for the property is being sought. This sign shall contain such information as may be required by the Planning and Zoning Director shall be posted for a period of not less than ten days.
  - d. Parking
    - i. Required off-street parking may be provided within an existing garage, driveway or parking area.
    - ii. Where feasible, parking areas shall be provided at the rear or side of the property, but in no case may parking be provided in an established front yard.
    - iii. When located next to a residence, parking shall be screened and maintained with dense planting or other appropriate screening to buffer the parking from abutting properties subject to the provisions of Chapter 21.62.

### **B. R3-Neighborhood Conservation**

This use is permitted in principal structures existing on October 10, 1988 [CG16]subject to the standards in this section. A structure may be enlarged by a maximum of 50 percent of the overall floor area existing on October 10, 1988 to maintain classification as an existing structure. Enlargements in excess of fifty percent shall be considered new construction.

1. An owner shall live on the premises,
2. The facility shall be part of the dwelling unit and have no more than one nonresident employee,
3. No separate kitchens shall be provided,
4. No food or beverage service may be provided for transient guests other than breakfast provided in the areas of the dwelling commonly used by the resident family for the consumption of food,
5. Notwithstanding the definition of bed and breakfast home in Division VI, a maximum of six guest rooms are allowed with no maximum duration-of-stay restrictions.

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6. Adequate access and egress shall be provided.
7. Parking.
  - a. Where feasible, parking areas shall be provided at the rear of the site. Parking may not be located in an established front yard.
  - b. All parking areas shall be screened in accordance with the standards set forth in Chapter 21.62. When located next to single-family residential use, dense plantings to provide an effective 50 percent screen shall be installed and maintained.

### **21.64.120 Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record**

Where this use is established after the fifth anniversary of the structure's original occupancy permit, the use may be permitted as a matter of right subject to the standards for bed and breakfast homes in the R2-Neighborhood Conservation district

### **21.64.130 Candy stores including candy making**

See Food and beverage-related uses.

### **21.64.140 Catering establishments**

See Food and beverage-related uses.

### **21.64.150 Christmas tree and greens sales**

- A. Sales are allowed only on a seasonal basis.
- B. No permanent structures shall be erected in conjunction with the sales.
- C. Portable tables and umbrellas may be utilized for the sales.
- D. Site design review under Chapter 21.62 is required.
- E. Where it can be demonstrated that there is no negative impact on the availability of parking for such other uses as may occupy the site, an adjustment to the parking requirement may be granted at the discretion of the Planning and Zoning Director in order to utilize those parking spaces for the temporary use.
- F. No use may be made of buffers for sales.
- G. The Department of Planning and Zoning may establish requirements for hours of operation, refuse removal and deliveries.
- H. Refuse containers shall be provided and the cleanliness of the site and adjacent areas, as defined by the Department of Planning and Zoning, shall be maintained.

**21.64.160 Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities**

See Food and beverage-related uses.

**21.64.170 Coffee shops**

- A. Delicatessens are subject to the general standards for Food and beverage-related uses.
- B. In the BCE district outdoor dining may be permitted.

**21.64.180 Convenience res[CG17]**

- A. Convenience stores shall comply with the standards for Food and beverage-related uses.
- B. In the B1, B2, B3, B3-CD districts, and the BCE district without a special exception, the use is limited to 4,000 square feet gross floor area and 200 square feet of area devoted to food preparation.

**21.64.190 Day care, family**

- A. Operators of family day care homes must be residents of the principal building on the zoning lot, and not more than one nonresident of the zoning lot may be employed in the family day care home at any given time;
- B. No off-street parking provided for a family day care shall be located in a required front yard. In the instance of a family day care home in the R1, R1-A, R1-B, R2, and R2-Neighborhood Conservation districts involving a nonresident employee, one additional off-street parking place shall be provided;
- C. No family day care shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than that usually experienced in the district on residentially used zoning lots where no family day care home exists;

**21.64.200 Day care centers, up[CG18]**

- A. There shall be provided 37.5 square feet of usable outdoor recreation area for each child that may use the space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation area shall be limited to:
  - 1. Those areas that are not covered by buildings, structures or required off-street parking spaces,
  - 2. That area outside the limits of the required front yard and all transitional yards,
  - 3. Only that area which is developable for active outdoor recreation purposes, and

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- 4. An area which occupies no more than eighty percent of the combined total areas of the required rear and side yards.
- B. The use shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regulations regarding group day care centers.
- C. All such uses shall be located so as to permit the safe pick-up and delivery of all persons on the site.

**21.64.210 Day care centers, group, in conjunction with public school facilities or with a principal religious institution**

- A. The use is subject to review and approval by the Department of Planning and Zoning.
- B. A minimum usable outdoor recreation area of 50 square feet per child shall be provided. Such area shall be located to ensure a safe and secure play area and be sufficiently buffered from adjacent residential areas.
- C. A safe on-site drop-off and pick-up area shall be provided.
- D. Adequate on-site parking sufficient to accommodate the users of the facility shall be provided, with signage to reserve spaces for the day care center.
- E. The center shall comply with all the licensing requirements under Article 88A of the Annotated Code of Maryland.

**21.64.220 Delicatessens**

Delicatessens are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Delicatessens may not have bars, dancing, live entertainment, or drive-in windows.
- B. The service of alcoholic beverages shall be limited to beer and wine only, served on premises with meals, or sold prepackaged for off-premises consumption.
- C. In the WMI-district, delicatessens are only permitted as an accessory use, and are limited to 1,000 square feet gross floor area.
- D. In the WME-district, delicatessens are only permitted as an accessory use on lots greater than 10,000 square feet in area, and are limited to 1,000 square feet gross floor area.

**21.64.230 Drive-through facilities associated with permitted or special exception uses**

Drive-through facilities are permitted only in association with banks and financial institutions.

**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.

**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.

**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.

**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 15 feet wide; sidewalks along all other streets shall be a minimum of 12 feet wide.
- e. Buffer areas adjacent to public streets shall have street trees a minimum of 35 feet on-center and a maximum of 45 feet on-center along with planting beds buffering pedestrians from vehicular traffic.

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- 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 10<sup>th</sup> Edition”, pages 178 through 182, published by John Wiley & Sons, 1998.

### **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.

### **6. Building and Architecture**

For the purpose of achieving a high quality level of design while also providing flexibility for creative design solutions, the following building and architectural standards shall apply:

- 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 facades 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 facades 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;

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- j. The visibility of all parking facilities from any street or residential zoning district shall be minimized whenever possible.
- k. Visible facades 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.

### **7. Traffic impact**

A traffic impact study is required, pursuant to Section 21.62.090.

### **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 50 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;

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- 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.

### 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 in compliance 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 in compliance 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.

### 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 9.d. for subdivision plat approval.

#### B. C1 rict[CG19]

- 1. In addition to proposed new uses, the following uses require special exception approval:

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- 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, 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 by up to 20 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 40,000 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.

### 21.64.250 Dwellings, multi-family containing six or fewer dwelling units

This use is permitted in principal structures existing on October 10, 1988 subject to the standards in this section. A structure may be enlarged by a maximum of 50 percent of the overall floor area existing on October 10, 1988 [CG20] to maintain classification as an existing structure. Enlargements in excess of 50 percent shall be considered new construction.

- A. Permanent usable common open space, as required, shall be identified and dedicated for passive recreational activities [CG21].
- B. 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.
- C. Pedestrian traffic through and around the project shall be separated from driveways and parking areas.
- D. Parking.
  1. Where feasible, parking areas shall be provided at the rear of the site. Parking may not be located in an established front yard.

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2. Parking areas shall be screened in accordance with the standards set forth in Chapter 21.62. When located next to single-family residential use, dense plantings to provide an effective 50 percent screen shall be installed and maintained.

**21.64.260 Dwellings, multi-family, containing 12 or fewer units**

This use is permitted when it is provided above the first floor in conjunction with office or commercial uses and is subject to the following standards:

- A. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas shall be screened in an appropriate manner using a board on board enclosure.
- B. Permanent common open space shall be provided for multifamily uses. The permanent common open space shall be used for either:
  1. Passive recreational amenities such as outdoor eating; and/or
  2. Recreational space for limited active recreational activities.
- C. Pedestrian traffic through and around the project shall be separated from driveways and parking lots through the use of sidewalks.
- D. Parking areas shall be provided at the rear of the site and structures shall be located at the front of the site.

**21.64.270 Dwellings, single-family attached**

- A. In the MX district this use is subject to the same standards as apply to multi-family dwellings in the MX district.
- B. In the C1 district this use is subject to the same standards as apply to multi-family dwellings in the C1 district.

**21.64.280 Dwellings, two-family attached**

In the C1 district this use is subject to the same standards as apply to multi-family dwellings in the C1 district.

**21.64.290 Dwellings, two-family detached**

In the C1 district this use is subject to the same standards as apply to multi-family dwellings in the C1 district.

**21.64.300 Food and beverage-related uses**

**A. Applicability**

The standards in this section apply to the following uses:

1. Bake shops,

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2. Candy stores including candy making,
3. Catering establishments,
4. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
5. Coffee shops,
6. Convenience stores,
7. Delicatessens,
8. Fast food restaurants
9. Food service marts,
10. Ice cream stores,
11. Markets, open air,
12. Standard restaurants, and
13. Supermarkets.

### **B. Site Plan**

A site design plan for the use is required pursuant to Chapter 21.22.

### **C. Noise**

Noise emanating from the use shall not be of such a volume to disturb the quiet and enjoyment of property in any nearby residential zoning districts.

### **D. Loitering**

Loitering is not permitted around the exterior of the use.

### **E. Kitchens and food preparation areas**

Kitchens and food preparation areas shall be designed, maintained and operated in a manner to minimize noise and odors, and to eliminate grease flows into city sewers in strict adherence to the city's plumbing code. An outdoor spigot shall be installed if required.

### **F. Related plans**

The use shall comply with the City's Comprehensive Plan and any sector plans applicable to the area where the use will be located.

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### **G. Trash**

1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located.
2. Except where trash is placed in accordance with paragraph F.1 of this section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick-up time and shall be removed within one-half hour after trash pick-up.
3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.

### **H. C2 and C2A districts.**

In the C2 and C2A districts, the following standards apply:

1. No food service establishment shall be allowed in a building which fronts on, or whose side yard is contiguous with, residential use on the following streets:
  - i. Prince George Street;
  - ii. Randall, between Dock Street and King George;
  - iii. Cornhill Street;
  - iv. Fleet Street;
  - v. Green Street;
  - vi. Upper Duke of Gloucester Street from Church Circle to a point on Duke of Gloucester Street 215 feet from the centerline of Church Circle;
  - vii. Newman Street;
  - viii. St. Mary's Street; and
  - ix. Maryland Avenue between Prince George and King George Streets.
2. The provisions of subsection 1. above shall not apply to restaurant/ food service and bars existing as of June 13, 1994.
3. Revenues from alcohol sales shall not exceed 50 percent of total revenues. This limitation shall not apply to restaurants existing prior to June 13, 1994. All restaurants, established after June 13, 1994, shall report annually the ratio of food revenues to total revenues.
4. Restaurants serving alcoholic beverages may not remain open beyond 12:00 midnight. The limitation contained in this section shall not apply to (i) any restaurant licensed to remain open beyond 12:00 midnight as of June 13, 1994 and (ii) any restaurant that shall become licensed to remain open beyond 12:00 midnight as a result of a special exception permit

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granted after June 13, 1994 provided said special exception permit was applied for before September 27, 1993.

### 5. Expansion

- a. All proposed expansions of restaurants are subject to the special exception process of this Zoning Code, however restaurants existing as of June 13, 1994 shall not be required to provide the report described in subsection H.3. of this section for its expansion.
- b. The expansion of a restaurant established after June 13, 1994 is subject to subsection H.4 of this section. The 12:00 midnight limitation of subsection H.4 shall not apply to the expansion of:
  - i. Restaurants licensed to remain open beyond midnight as of June 13, 1994; and
  - ii. Any restaurant that shall become licensed to remain open beyond 12:00 midnight as a result of a special exception permit granted after June 13, 1994 provided special exception was applied for before September 27, 1993.

### 21.64.310 Food service marts

Food service marts are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Bars, dancing or live entertainment are not permitted.
- B. The service of alcoholic beverages is limited to beer and wine only and sold prepackaged for off-premises consumption.
- C. The service of food items for immediate consumption, off the premises, may occur accessory to the principal use.
- D. In the WMI district, this use is only permitted as an accessory use and is limited to 1,000 square feet gross floor area.
- E. In the WME district, this use is only permitted as an accessory use on lots greater than 10,000 square feet in area, and is limited to 1,000 square feet gross floor area.

### 21.64.320 Garden supply, tool and seed stores

All business must be conducted indoors.

### 21.64.330 Home occupations

- A. **Area.** The total floor area utilized for the occupation, including both indoor and outdoor areas, shall not exceed 25 percent of the total floor area of the dwelling unit.
- B. **Operators.** Operators of a home occupation must use the principal building on the zoning lot as their primary residence.

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- C. **Employees.** Not more than one nonresident of the zoning lot may be employed in a home occupation.
- D. **Permitted occupations.** Home occupations may include the uses listed below:
1. Arts and crafts studios,
  2. Beauty parlors limited to one chair, this use is permitted in the R3-Revitalization and the R4-Revitalization districts only,
  3. Business and professional offices,
  4. Computer services,
  5. Dressmaking, tailoring and similar uses,
  6. Photography studios,
  7. Repair services for bicycles, cameras, clocks, computers, jewelry, or small appliances,
  8. Tutoring, including music and dance, and
  9. Other similar uses consistent with the provisions of this section.
- E. **Prohibited occupations.** The following uses are not permitted as home occupations:
1. Beauty parlors including hairdressing, except as otherwise permitted in this section,
  2. Food preparation services including catering,
  3. Furniture refinishing,
  4. Rental services,
  5. Manufacturing and processing operations other than the production of arts and crafts,
  6. Motor vehicle sales, repair or painting; and
  7. Other uses inconsistent with the provisions of this section.
- F. **On premise sales.** Home occupations shall not sell goods on the premises in the same form as that in which the goods are purchased by the operators; and only articles or services produced on the premises shall be displayed or sold.
- G. **Appearance and character.** A home occupation shall not alter the residential appearance and character of the dwelling, accessory building, or zoning lot.
- H. **Exterior evidence.** There shall be no exterior evidence, other than a sign, to indicate that the lot is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage of merchandise or of service vehicles, noise, dust, vibration, glare, fumes, odors or extensive parking area.

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- I. **Parking.** No off-street parking provided for a home occupation shall be located in a required front yard

### **21.64.340 Hotels with up to 40 rooms, including restaurants and conference room facilities**

- A. Parking shall be provided either on the zoning lot, or off of the zoning lot; provided a valet parking drop-off station is located on the zoning lot or a combination of both.
- B. If surface parking is located on the zoning lot, it shall be located at the side and/or the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained to provide an effective screen on the zoning lot.
- C. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks.
- D. Food service shall be subject to the standards for Food and beverage-related uses.

### **21.64.350 Ice cream stores**

- A. Ice cream stores are subject to the general standards for Food and beverage-related uses.
- B. Ice cream stores are limited to 2,000 square feet of gross floor area.
- C. The sale of non-ice cream food items for consumption off the premises, other than beverages, is not permitted.

### **21.64.360 Inns**

The purpose of the inn special exception where subject to standards is to promote the preservation of large parcels of residentially zoned land by allowing appropriately located property to be developed as an inn through the special exception process. It is intended that these inns shall be located in existing structures on a parcel of land of sufficient size that the impacts of the use will be minimized. Because this section will allow the commercial use of residentially zoned property, special exception approval is subject to additional specific findings contained in this section. Development of an inn must ensure compatibility with the character of the surrounding area, in addition to other applicable standards. The following are the minimum standards which must be met before a property may be considered for a special exception as an inn.

- A. **Existing structure.** The inn shall be located in a single family dwelling on a lot of record, provided both exist as of January 13, 1997. No new dwelling or lot may be created for purpose of this use and no dwellings may be demolished for the purpose of this use.
- B. **Road Access.** The lot shall have access to a collector or arterial street without going through an established residential community or neighborhood.
- C. **Signs.** Signs shall be compatible with the character of the underlying zone.
- D. Site design plan review is required.

## DRAFT

- E. All alterations and additions to the existing dwelling shall preserve the character and design of the existing dwelling.
- F. **Accessory structures.** In addition to the requirements of the underlying zone, the bulk of accessory structures shall be regulated as follows:
  - 1. The height of accessory structures shall not exceed the height of the principal structure.
  - 2. Accessory structures within two feet of any property line except rear property lines adjacent to an alley shall have a cornice height not to exceed eight feet and a ridge height of 16 feet. Where there are physical constraints or in order to achieve compatible design a two foot tolerance to the cornice height and a four foot tolerance to the ridge height may be permitted.
  - 3. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of 16 feet and a ridge height of compatible design.
- G. **Parking**
  - 1. Parking facilities are subject to the provisions of Chapter 21.66.
  - 2. Parking area shall be designed so as to minimize any impact on adjacent properties.
  - 3. Parking is not permitted in an established front yard.
  - 4. Where feasible, the parking area shall be provided at the rear of the site.
  - 5. When located next to a single-family residential use, dense planting to provide an effective 50 percent screen shall be installed and maintained.

### **21.64.370 Institutions for the care of the aged**

- A. The scope and type of services and facilities required will be as determined appropriate for the specific institution and subject to a determination by the authority approving the use that the amenities and services will meet needs of the residents, pursuant to the definitional requirements for this use established in Division VI [CC 22].
- B. All facilities and services provided by the institution shall meet the definition of accessibility prescribed by the Americans with Disabilities Act (ADA) and all residential or living units of the facility shall meet the ADA definition of adaptability.

### **21.64.380 Living quarters, detached, for persons employed on the premises**

Living quarters may be occupied only by those persons employed and their immediate family.

### **21.64.390 Markets, open air**

See Food and beverage-related uses.

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### 21.64.400 Maritime retail

This use is limited to 25 percent of the gross floor area of development on the lot.

### 21.64.410 Medical appliance stores

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 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.

### 21.64.420 Mooring slip or dock, private

One slip per 25 feet of waterfront owned is permitted, but not less than one slip as in the case of a lot with less than 25 feet of waterfront[CG23].



### 21.64.430 Neighborhood convenience shopping uses in the PM2 District

- A. **Applicability.** The standards in this section apply to the following uses:
  - 1. Food stores,
  - 2. Personal care establishments,
  - 3. Retail goods stores, and
  - 4. Specialty convenience retail goods stores.
- B. A site design plan for the use is required.
- C. Appropriate sound suppression techniques shall be employed to ensure that the level of noise emanating from within any establishment will not disturb the quiet and enjoyment of property in any nearby residential zoning districts.
- D. Loitering is not permitted around the exterior of any use.
- E. Kitchens shall be designed, maintained and operated in a manner to minimize noise and odors.
- F. Within an establishment live entertainment is not allowed and any recorded music shall be limited to background variety only.
- G. Hours of deliveries shall be limited, to the extent feasible, based upon proximity of the development to residential land uses and if commercial vehicles require the use of primarily residential roadways to access the commercial development.
- H. Drive-through windows are only permitted upon the preparation and approval of a traffic-impact study and the mitigation of identified impacts.

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### I. Trash

1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located.
2. Except where trash is placed in accordance with paragraph 1 of this Section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick-up time and shall be removed within one-half hour after trash pick-up.
3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.

### 21.64.440 Offices, business and professional, and nonprofit, educational, cultural, or civic

- A. **B1 district.** In the B1 district, business and professional offices are permitted only above the ground floor of other permitted uses. Offices of nonprofit educational, cultural or civic organizations are permitted on the ground floor.
- B. **P district.** In the P district, this use is permitted by right on lots of 5,400 square feet or more. On lots less than 5,400 square feet the use may be permitted by special exception.
- C. **PM district.** In the PM district, when this use is established on lots less than 5,400 square feet, the following standards apply:
  1. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas shall be screened in an appropriate manner using a board on board enclosure.
  2. Pedestrian traffic through and around the project shall be separated from driveways and parking lots through the use of sidewalks.
  3. Parking areas shall be provided at the rear of the site and structures shall be located at the front of site.

### 21.64.450 Office or studio of a professional person

- A. The use shall be conducted in a building suited to residential use or conforming in appearance to a building suited to residential use,
- B. Sales, storage, or display of goods or advertising material are not permitted.

### 21.64.460 On-land boat storage

Where dry rack storage facilities are provided under this use, they are subject to the following standards:

- A. Facilities may not be located in a required waterway yard;
- B. Facilities are limited in height to 36 feet; and

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- C. Facilities must be screened from view of a public right-of-way.

**21.64.470 Parking garages**

- A. Underground parking garages are a permitted use.
- B. Garages up to three levels of above-grade parking are a permitted use subject to the following standards:
  - 1. The visibility of all parking facilities from any street or residential zoning district shall be minimized whenever possible. Visible facades of parking facilities shall be designed to be compatible with the architectural character of surrounding structures.
  - 2. Measures shall be taken to restore the vertical edge of the streetscape, as required by the Department of Planning and Zoning.
  - 3. Parking garages in excess of three levels of above-grade parking may be permitted by special exception. The standards for garages up to three levels of above-grade parking must be met in addition to the standards for approving a special ption[CG24].

**21.64.480 Parking lots**

**A. MX district**

- 1. Temporary surface parking lots not to exceed six months duration are a permitted use.
- 2. Surface parking other than permitted in subsection A.1. above are subject to the following standards:
  - a. A planting plan is required;
  - b. Measures shall be taken to screen the view of cars in parking lots;
  - c. A ten foot wide buffer strip at all street edges of the zoning lot shall be reserved for walls or plantings, or a combination thereof in order to screen the zoning lot; and
  - d. Plantings and any constructed edge shall be compatible in material, design and scale to the prevailing character of the street.

**B. PM district**

- 1. A planting plan is required. In cases where parking lots abut a residential zoning district additional planting or screening may be required. [CG25].
- 2. All lots shall be signed in an appropriate manner to guide traffic into, around and out of the lot.

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**21.64.490 Parking structures as accessory to permitted maritime uses on a separate zoning lot**

- A. No parking structure shall exceed 28 feet in height, measured at the highest point above existing grade level,
- B. Parking structures should be minimally visible from any street, waterway or residential zoning district. Facades of parking structures must be designed to be compatible with the architectural character of surrounding structures.
- C. All structures shall be densely planted or otherwise landscaped to provide an effective 50 percent screen.

**21.64.500 Personal care establishments**

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 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.

**21.64.510 Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations**

This use does not include businesses sponsored by those institutions, except businesses accessory or incidental to and located in the same building as the institution proper.

**21.64.520 Planned developments**

Planned developments are permitted subject to approval by the Planning Commission or by the Board of Appeals pursuant to regulations and procedures set forth in Chapter 21.24.

**21.64.530 Professional offices**

- A. This use is permitted only in combination with one of the following:
  - 1. A working boatyard of at least 20,000 square feet and a 30-ton boat lift,
  - 2. Seafood processing of 9,000 square feet,
  - 3. On-land boat storage of at least 25,000 square feet, or
  - 4. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
- B. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.

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- C. In structures constructed after August 24, 1987 the use is also subject to the following:
  - 1. The use may not exceed 25 percent of the total gross floor area of development on the lot.
  - 2. The use is not permitted in buildings or structures within 100 feet of the waterfront or mean high waterline.

### **21.64.540 Restaurants, fast food**

Fast food restaurants are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Fast-food restaurants may have sit-down seating and delivery service, but may not provide dancing, live entertainment, the service of alcoholic beverages, or a bar.
- B. Outdoor dining may be permitted.
- C. Drive-through service may be permitted, except in the MX district.

### **21.64.550 Restaurants, standard**

Standard restaurants are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Drive-through service is not permitted.
- B. Catering or delivery service may be permitted as an accessory use.
- C. **B1, B2, B3, B3-CD, and PM districts.** In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
  - 1. Where the use is permitted subject to standards:
    - a. No more than 50 seats are permitted,
    - b. Alcohol is permitted with the service of food,
    - c. Hours of operation are limited to midnight seven days a week,
    - d. Outdoor dining may be permitted, and
    - e. No bar, dancing, or live entertainment is permitted, except in the PM district wherer indoor, live, non-amplified acoustical musical entertainment may be permitted.
  - 2. In the B1 district, more than 50 seats may be permitted by special exception.
  - 3. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:
    - a. More than 50 seats, and

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- b. Bar, dancing, and live entertainment.
- D. **BCE and BR districts.** In the BCE and BR districts the following may be permitted:
- 1. More than 50 seats,
  - 2. Outdoor dining, and
  - 3. Bar, dancing, and live entertainment.
- E. **MX district.** In the MX district:
- 1. The following are permitted by right:
    - a. More than 50 seats,
    - b. Alcohol with the service of food,
    - c. Outdoor dining, and
    - d. Accessory bars.
  - 2. Dancing and live entertainment may be permitted by special exception.
- F. **WMC district.** In the WMC district the following standards apply:
- 1. The use may only be provided in combination with a principal permitted use.
  - 2. The use may occupy no more than 30 percent of the total gross floor area on the lot.
  - 3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020.
- G. **WMM district.** In the WMM district the following standards apply:
- 1. This use is permitted only in combination with one of the following:
    - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift,
    - b. Seafood processing of at least 9,000 square feet,
    - c. On-land boat storage of at least 25,000 square feet, or
    - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
  - 2. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
  - 3. In structures constructed after August 24, 1987 the use is also subject to the following:
    - a. The use may not exceed 25 percent of the total gross floor area of development on the lot.

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- b. The use is not permitted in buildings or structures within 100 feet of the waterfront or mean high waterline.

### **H. WME district.** In the WME district the following standards apply:

1. This use may be permitted only in combination with one of the following:
  - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift, or
  - b. Seafood processing of at least 9,000 square feet.
2. The lot on which the use is proposed must be at least 20,000 square feet.
3. The use may occupy no more than 2,000 square feet of gross floor area on the lot.

## **21.64.560 Retail sales of non maritime-related goods**

### **A. WMC District**

1. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
2. In structures constructed after August 24, 1987 this use may not exceed 25 percent of the total gross floor area of development on the lot.
3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020.J.

### **B. WMM District**

1. This use is permitted only in combination with one of the following:
  - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift,
  - b. Seafood processing of 9,000 square feet,
  - c. On-land boat storage of at least 25,000 square feet, or
  - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
2. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
3. In structures constructed after August 24, 1987 the use is also subject to the following:
  - a. The use may not exceed 25 percent of the total gross floor area of development on the lot.
  - b. The use is not permitted in buildings or structures within 100 feet of the waterfront or mean high waterline.

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**21.64.570 Sidewalk cafes**

- A. Standard restaurants are subject to the general standards for Food and beverage-related uses.
- B. Sidewalk cafes are also regulated under Chapter 7.42 of this Code.

**21.64.580 Specialty convenience retail stores**

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 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.

**21.64.590 Supermarkets**

- A. Supermarkets are subject to the general standards for Food and beverage-related uses.
- B. In the BCE district, supermarkets may not exceed 25,000 square feet.

**21.64.600 Telecommunications ilities[CG26]**

- A. Telecommunications facilities are permitted accessory to the following buildings and structures:
  - 1. With government or government-related buildings or structures in any zoning district.
  - 2. With non-government structures in any zoning district such as radio and television transmission towers, monopoles, light poles, water tanks, and overhead transmission line support structures.
  - 3. With the following types of private buildings:
    - a. All buildings in non-residential zoning districts,
    - b. Non-residential buildings in residential districts, and
    - c. Multi-family buildings containing at least 12 multi-family units.
    - d. Nonconforming non-residential buildings in residential districts may have telecommunications facilities as an accessory use provided they have received Determination of Nonconforming Use Status pursuant to Section 21.68.050.
- B. Telecommunications facilities are subject to the following standards:
  - 1. **Review.** Site design plan review is required.
  - 2. **Location**

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- a. Facilities may be roof-mounted or flush-mounted.
  - b. Flush mounted antennas are subject to the following:
    - i. Minimum location height: 30 feet above ground level.
    - ii. No part of an antenna may extend above the building or structure against which it is mounted.
  - c. Roof mounted antennas are subject to the following:
    - i. Minimum building height on which the facility may be mounted:
      - 1) Residential districts: 35 feet.
      - 2) Non-residential zoning districts: 30 feet.
      - 3) Government buildings in any district: 25 feet.
    - ii. The facility must be set back from roof edge a distance equal to the total mounted height above the base.
3. **Antenna types and dimensions.** The following types of antenna are permitted:
- a. Whip antennas up to 15 feet in length and three inches in diameter.
  - b. Panel antennas up to six feet in height and two feet in width.
  - c. Dish antennas up to six feet in diameter.
4. **Design.**
- a. Uses must be located to minimize to the greatest practicable extent views of the facility from the surrounding area.
  - b. The Department of Planning and Zoning may require screening, camouflaging, painting, or use of stealth structures to achieve this objective.
  - c. Facilities in the historic district must have a certificate of approval from the Historic Preservation Commission, see Chapter 21.56.
5. **Equipment buildings and cabinets.** Equipment buildings and cabinets are subject to the following:
- a. Maximum floor area: 200 square feet.
  - b. Maximum height: 12 feet.
  - c. Equipment buildings and cabinets are subject to the setback requirements for principal uses.

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- d. Equipment buildings shall be designed to blend in with the surrounding environment with attention paid to building facing, plantings, and screening.
  6. **Lighting.** No lights are permitted unless required by the City or by a federal or state agency with jurisdiction.
  7. **Radiofrequency emissions and interference.** An application for site design plan approval for a telecommunications facility shall include a statement indicating:
    - a. Compliance with the Federal Communication Commission's regulations concerning human exposure to radiofrequency magnetic fields.
    - b. That the facility will not interfere with any local, state, or federal emergency response system.
  8. **Removal.** Any use approved under this section must be removed when it is no longer in use for a period exceeding one year.
- C. Special Exception
1. The Board of Appeals may permit a special exception for telecommunications facilities for the following:
    - a. Equipment buildings and cabinets with floor area, height, and setbacks different from those set forth in section 21.64.600.B.5
    - b. Roof mounted facilities with a minimum building height less than those set forth in Section 21.64.600.B.2.c.
    - c. Roof mounted facilities with a setback less than a distance equal to the total mounted height above the base.
  2. An application for a special exception must include information sufficient to understand the application including a thorough explanation of why the antenna or amateur radio stations tower is needed and cannot be provided or developed under the accessory use provisions in this section.
  3. The Board of Appeals may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.

### 21.64.610 Temporary s[CG27]

The following temporary uses are permitted in the zoning districts indicated:

#### A. All zoning districts

1. Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of the construction. No yards are required provided that there shall not be undue interference with the use and enjoyment of neighboring property[CG28].

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2. Use of governmental property, including the erection of a tent or other temporary structure, for a carnival, circus or other activity.
3. Use of non-governmental property for up to five days by a nonprofit, educational, cultural, or civic organization for a carnival, street fair, circus or similar activity including the erection of a tent or other temporary structure. The operator must obtain all permits required by law.
4. Model homes and real estate tract offices for rental or sale of buildings in a project. A real estate office shall be removed upon the initial sales of all units in a project.
5. Yard sales and garage sales, up to 10 days in a calendar year.
6. Use of a trailer as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time construction or development is actively underway.

### **B. Waterfront maritime districts**

Temporary festivals in conjunction with maritime uses up to 30 days duration.

#### **21.64.620 Theaters, indoor**

- A. If surface parking is located on the zoning lot it shall be located at the rear of the zoning lot and shall be screened from adjacent uses. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained to provide an effective screen;
- B. *Notwithstanding any other provision of Chapter 21.94, indoor theaters shall be permitted one marquee sign not larger than fifteen percent of the area of the facade on which it is located, but in no event shall the marquee exceed one hundred twenty square feet in area. No other signs shall be permitted; REVIEW IN RELATION TO SIGN REGULATIONS*  
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#### **21.64.630 Theaters, indoor, located in shopping centers**

Adequate parking must be provided for the theater and for other uses in the shopping center.

#### **21.64.640 Transient boater services**

- A. This use is only permitted when such services are provided in conjunction with in-water boat storage and at least one of the following other maritime uses: seafood industrial, boat repair and maintenance or marine fabrication.
- B. In no case shall such accessory services be located within the 100-foot maritime use setback.

## Chapter 21.66 Parking and Loading Regulations

### Sections:

21.66.010	Parking and loading facilities required
21.66.020	Exemptions
21.66.030	Number of required parking spaces
21.66.040	Alternative parking standards
21.66.050	Location of parking spaces
21.66.060	Off-site parking facilities
21.66.070	Valet parking
21.66.080	Loading facilities where required
21.66.090	Number of required loading spaces
21.66.100	Location of loading facilities
21.66.110	Design of parking and loading facilities
21.66.120	Special parking and loading requirements applicable to certain districts or uses
21.66.130	Table of Off-Street Parking Requirements

### 21.66.010 Parking and loading facilities required

- A. **Facilities required.** Except as set forth below under exemptions, accessory off-street parking and loading facilities shall be provided as required by this Chapter for all buildings, structures and uses of land established after the effective date of this Zoning Code.
- B. **Facilities to be maintained.** Accessory off-street parking and loading facilities located on the same lot as the building or use served may not be reduced below, or if already less than, may not be further reduced below, the requirements for a similar new building or use.
- C. **Use of required off-street parking spaces.** Required accessory off-street parking facilities shall be solely for the parking of passenger automobiles of patrons, occupants or employees of the use.
- D. **Parking and loading facilities plot plan.** For any application for a building permit, or for a use and occupancy certificate where no building permit is required, the Department of Planning and Zoning may require a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this Chapter.

### 21.66.020 Exemptions

The following uses are exempt from the parking requirements of this chapter:

- A. **Three Spaces or Less.** When the Table of Off-Street Parking Requirements requires three or less spaces on a single zoning lot in any non-residential district, the parking spaces need not be provided; however, where two or more uses are located on a single zoning lot, only one of those uses is eligible for the exemption.
- B. **Narrow Residential Lots.** On lots of record that are 33 feet or less in width, which are to be improved with a single-family dwelling, and for which no alley has been dedicated to the rear, accessory off-street parking facilities are not required

**21.66.030 Number of required parking spaces**

**A. Standards**

Off-street parking spaces accessory to uses allowed in zoning districts shall be provided in accordance with the standards set forth in the Table of Off-Street Parking Requirements at the end of this Chapter.

**B. Vehicles owned by or used in a business**

The required spaces in the Table of Off-Street Parking Requirements shall be provided in addition to any area used for parking of vehicles owned by or used in a business[CG29].

**C. Drive-in businesses**

Vehicle stacking spaces shall be provided in accordance with the standards set forth in the Table of Off-Street Parking Requirements at the end of this Chapter.

**D. Spaces for physically handicapped**

Spaces for the physically handicapped shall be provided pursuant to the provisions of the Americans with Disabilities Act and the Maryland Building Code for Handicapped[CG30].

**E. Bicycles**

Parking spaces for bicycles shall be provided. For non-residential uses, as a guide, one space per 10 to 20 automobile spaces should be provided.[CG31]

**F. Collective facilities**

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces meets the sum of the separate requirements.

**G. Shared parking**

Parking spaces may serve more than one use provided documentation is provided to the satisfaction of the Planning and Zoning Director that:

1. The parking facility has sufficient capacity to meet the parking requirements of all the uses at any one time.
2. Only the number of parking spaces approved for shared use will be so used.
3. All other applicable requirements of this Chapter will be met.

**H. Changes of use**

1. Except as specified below under subsection 2., when the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for the new use.

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2. Unless otherwise provided for under the specific provisions for a particular zoning district in Division III, if a building or structure was erected prior to August 10, 1970, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this chapter.

### **I. Additions and expansions of nonresidential property**

When the intensity of use of nonresidential property is increased, additional parking facilities need be provided only for the increase in intensity of use. Intensity of use means increases in measures such as gross floor area, seating capacity, addition of dwelling units, or other units of measurement specified in this Zoning Code for required parking facilities.

### **J. Expansion or alteration of residential buildings**

When a residential building, with the exception of a single-family dwelling, is expanded or altered, required parking facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the building.

### **K. Reconstructed or reestablished uses**

A nonconforming structure or use that has been damaged or destroyed by fire, explosion, or other causes and which is restored, repaired, or rebuilt shall provide parking or loading facilities equivalent to any maintained at the time of the damage or destruction. However, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this Chapter for equivalent new uses or construction.

## **21.66.040 Alternative parking ndards[CG32]**

- A. Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed in the Table of Off-Street Parking Requirements or parking requirements which are different from the requirements listed in the Table may be determined in each case by the Department of Planning and Zoning.
- B. An applicant for a site design plan for a use not included in the Table of Off-Street Parking Requirements, or for a use for which the applicant proposes a parking standard different from the Table, shall submit a parking needs study as part of the site development application. The parking needs study shall include:
  1. An estimate of the parking needs for the use;
  2. A thorough explanation of the basis of the estimate; and
  3. The data used in calculating the estimate, including parking generation studies, previous experience with similar uses, or other information.
- C. In making its determination on the proposed parking standard the Department of Planning and Zoning shall consider all factors entering into the parking needs of each use.

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**21.66.050 Location of parking spaces**

- A. Except for permitted off-site parking facilities, all parking spaces required by this Zoning Code shall be located on the same zoning lot as the building or use served.
- B. Parking in yards:
  - 1. Except as otherwise specified in this section, off-street parking spaces may be located in any front, side or rear yard.
  - 2. Off-street parking spaces are not permitted in bufferyards, transitional yards, or in waterway s[CG33].
- C. Enclosed buildings and carports containing off-street parking are subject to applicable yard requirements.
- D. No parking space serving a nonresidential use may be established within ten feet of a residential lot line.
- E. To the maximum extent practicable, parking areas shall not be located within 100 feet of the waterfront.

**21.66.060 Off-site parking facilities**

**A. Where permitted**

Off-site parking facilities may be permitted as follows:

- 1. Where listed as permissible in the Use Tables in Chapter 21.48,
- 2. Where specifically listed as permissible for uses subject to standards in Chapter 21.64 of this Zoning Code,
- 3. Where needed to serve an industrial use or building,
- 4. For buildings or uses requiring additional parking because of alteration or enlargement, or
- 5. For owners of property nonconforming as to parking who elect to provide parking and become conforming.

**B. Requirements**

- 1. **Covenants.** The off-site facility shall be subject to recorded covenants or easements for parking, or other proof shall be provided that the continued use of the facility is guaranteed throughout the life of the land use.
- 2. **Location**
  - a. Unless otherwise specified in this section, off-site parking facilities must be located within 500 feet walking distance of a main entrance to the use served.

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- b. Off site facilities serving uses in the MX district must be located within 800 feet of the use.
  - c. Off site facilities to serve uses in the WMC district must be located within 2,000 feet of the use.
  - d. Off-site facilities to serve offices in the C2P and P districts must be provided within 600 feet of the office.
  - e. Off-site spaces to serve the office or studio of a professional person must be provided within 600 feet of the office or studio.
  - f. **Administrative adjustment.** The Planning and Zoning Director may increase the maximum distance that required parking spaces are permitted to be located from the use served, pursuant to the administrative adjustment authority set forth in Section 21.18.030.
3. **Requirement to maintain.** Any permit issued for a use or building with parking provided through off-site spaces becomes null and void if the required off-site spaces are not maintained or if other arrangements for the provision of the required parking are not made.

### **21.66.070 Valet parking**

#### **A. Location**

Valet parking may only be established on parking areas that are in compliance or have been brought into compliance with the regulations of this Chapter, including the design and maintenance provisions.

#### **B. Design and operation**

1. No more than one-third of the parking spaces are required to open onto an aisle or driveway.
2. In the event that no parking attendant is available to park and unpark cars, only those parking spaces opening onto an aisle or driveway may be used.
3. Only those parking spaces opening directly onto an aisle or driveway may be used to meet the parking requirement for any use or uses served.
4. Valet parking spaces may not be used to meet off-site parking requirements of other uses or to expand or increase the use(s) for which the parking area serves.

### **21.66.080 Loading facilities, where required**

Loading and unloading facilities shall be provided for all residential and non-residential developments including multi-family, residential institutional, industrial, office, restaurants and other places serving food and beverages, retail, and service establishments.

**21.66.090 Number of required loading spaces**

- A. The following guidelines shall be used by the Department of Planning in approving the loading and unloading needs for each use through the site design plan review process, Chapter 21.22:
  - 1. Developments less than 20,000 gross square feet; dedicated on-site facilities are generally not required, unless they are needed based on the needs of the specific use.
  - 2. Developments 20,000 to 40,000 gross square feet: one space.
  - 3. Developments 40,000 to 100,000 gross square feet: two spaces,
  - 4. Additional spaces may be required depending on the type of use and the frequency of need for loading and unloading.
- B. Space allocated to off-street loading may not be used to satisfy off-street parking requirements.
- C. **Additions and expansions to existing uses.** When the intensity of use of a property is increased through measures such as gross floor area or addition of dwelling units, additional loading facilities are required only for the increase in intensity of use.

**21.66.100 Location of loading facilities**

- A. The location of loading facilities must be approved through the site design plan review process, Chapter 21.22.
- B. Loading facilities may be provided on-site, off-site in centralized loading facilities, or in on-street facilities.
- C. Centralized loading facilities may be substituted for loading facilities on individual zoning lots. Each zoning lot served should be no more than 500 feet from the central loading area and have access to the central loading area without crossing streets.
- D. On-street loading facilities should be located within 150 feet from:
  - 1. The primary entrance to the building in which the use is located, or
  - 2. Any entrance to the building used for loading purposes.
- E. On-site loading facilities shall meet the following locational criteria:
  - 1. Loading facilities are not permitted in a required front yard,
  - 2. Loading facilities shall be located so as to not interfere with traffic movement or to impede pedestrian circulation, and
  - 3. Loading facilities shall be located such that no part of any vehicle extends into a street while loading or unloading

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**21.66.110 Design of parking and loading facilities**

Design requirements for parking and loading facilities are set forth in Chapter 21.62

**21.66.120 Special parking and loading requirements applicable to certain districts or uses**

- A. Uses subject to standards may have specific requirements for parking, refer to Chapter 21.64.
- B. Special parking and loading provisions apply in certain zoning districts. These provisions are listed in Division III under the specific zoning district.

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**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*

Use	Standard	Additional Provisions
Amusement establishments, indoor.	Number of spaces to be determined through the use and site development plan approval process. Guidelines for determining the appropriate number of parking spaces are: Amusement Arcades: one vehicle parking space per four amusement machines, plus one bicycle parking space per machine. Pools and rinks: Spaces sufficient to serve 30 percent of the capacity in persons of the facility. Additional spaces for auxiliary uses such as bars, and restaurants: one space per 300 hundred square feet.	
Animal hospitals, including veterinarian offices	Two spaces per employee.	
Apartment hotels	One space per dwelling unit or lodging room.	
Lodging rooms located in apartment hotels	One space per three rooms.	
Bakeries	One space per 200 square feet.	
Banks and financial institutions	One space per 300 square feet [CG34].	
Bars and taverns	Spaces equal to 30 percent of the capacity in persons.	
<b>Bed and breakfast homes:</b>		
C1 and CIA districts	None required.	Bed and breakfast homes without off-street parking must purchase city garage parking passes for guests.
R2-Neighborhood Conservation district, R3-Neighborhood Conservation 2 district	One or two guest rooms: one space. Three guest rooms: three spaces. Four guest rooms: four spaces. Five guest rooms: five spaces.	
R3-Neighborhood Conservation district	One space per guest room, one space for owner and one space per nonresidential employee.	
Boat showrooms	Two spaces per employee.	
Building material sales	One space per two employees, plus one space for each 300 square feet of gross floor area in excess of 4,000 square feet	
Clubs, lodges and meeting halls.	Spaces sufficient to serve 30 percent of the capacity in persons of the facility, plus one space per lodging room, if provided.	
Conference facilities	Spaces sufficient to serve 30 percent of the capacity in persons of the facility.	
Contractors', architects' and engineers' offices, shops and yards	I-1 district: one space per two employees. Other districts: one space per employee.	
Day care, family	One space per nonresidential employee.	
Day care centers, group	One space per five children. [35]	
Delicatessens	See Restaurants.	
<b>Dwellings:</b>		
Dwellings, multi-family	C1, C2P, P, MX, PM2 districts: one space per dwelling unit. BCE district: 1.8 spaces per dwelling unit. Other districts 1.5 spaces per dwelling unit.	

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Use	Standard	Additional Provisions
Dwellings, multi-family containing six or fewer dwelling units	One space per dwelling unit.	This use is permitted subject to standards in the R3-Neighborhood Conservation district.
Dwellings, single-family attached	Two spaces per dwelling [CG36]	
Dwellings, single-family detached	R1B District: Two spaces per dwelling unit. Other districts: One space per dwelling unit.	
Dwellings, two-family	One space per dwelling unit.	
Dwellings for watchmen	One space per dwelling unit.	
<b>Educational Facilities and Schools</b>		
Colleges, private	One space per six students	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
Fraternalities, sororities and dormitories	One parking space for each three active members or dormitory residents, plus one space for the manager.	
Gymnasiums, stadiums and grandstands	One space per eight seats.	
School, nursery or elementary	One space per two employees.	
Schools, middle, or high	One space per two employees, plus one space per ten (non-boarding) students	
School auditoriums	One space per eight seats.	
Schools, commercial, trade, vocational, music, dance, or art	BCE district: one space per employee. Other districts: one space per two employees, plus one space per five students.	
<b>Health and Medical Institutions</b>		
Hospitals and sanitariums	One space per two beds, plus one space per two employees, plus one space per doctor assigned to the staff	
Institutions for the care of the aged, Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	0.75 spaces per unit. [37]	
Rest homes and nursing homes	One space per four beds, plus one space for every two employees, plus one space per doctor assigned to the staff.	
Governmental and government-related uses	Number of spaces to be determined through the use and site design plan approval process.	
Greenhouses and nurseries	I-1 district: one space per employee. Other districts: two spaces per employee.	
Home occupations	One space per nonresidential employee	
Hotels	One space per three lodging rooms, plus additional parking for auxiliary/accessory uses.	For conference room facilities to be used by persons other than guests of the hotel: parking spaces equal to 30 percent of the maximum capacity in persons of the facilities.
Inns	One space per lodging room, plus one space for the owner/manager, plus one space per employee.	On-site parking may be substituted with a contract with a valet service or a parking garage
Laboratories, including medical, dental, research and testing	Two spaces per employee.	
Manufacturing, packaging, and processing and similar [CG38]	One space per two employees plus one space per 300 square feet of accessory retail.	
<b>Maritime Uses</b>		
Fabrication and repair	One space per two employees.	

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Use	Standard	Additional Provisions
General maritime	One space per 300 square feet.	
In-water boat storage (leased slips)	One space per two slips.	Where removal of boats from in-water boat slips occurs during the period of November 15th through April 15th, the dry, on-land storage of boats may take place in parking spaces otherwise allocated to wet slips provided the corresponding wet slips shall not be used for the storage or parking of boats for the period of time in which on-land boat storage occurs in the required parking spaces.
Slips used for boat display and repair of boats	Parking shall be calculated pursuant to their respective uses.	
Maritime retail	One space per 300 square feet.	
Maritime service organizations	One space per 800 square feet.	
Maritime services	One space per two employees.	
Mooring slips or dock, public	One space per boat.	
Retail sales in waterfront districts of non maritime-related goods	One space per 200 square feet.	
On-land boat storage	One space per two employees.	
Seafood industrial	One space per two employees.	
Motels	One space per dwelling unit or lodging room, plus one space for the owner or manager.	
<b>Motor Vehicle and Automobile Uses</b>		
Car wash	One space per three employees, one space for the owner or manager, and vehicle stacking spaces, equal to five times the maximum capacity of the use.	
Motor vehicle rental	Two spaces per employee.	
Motor vehicle sales	One space per 200 square feet retail/showroom area, plus one space per 300 square feet of office.	
Motor vehicle storage, repair and service facilities	BCE and B3-CD districts: one space per employee. I-1 district: one space per 200 square feet. Other districts: one space per two employees, plus one space for the owner or manager.	
Service stations, including fuel sales	One space per two employees, plus one space for the owner or manager.	
Museums and art galleries	C1 and P districts: one space per 800 square feet. Other districts: one space per 400 square feet.	
Offices, business and professional, and nonprofit, educational, cultural, or civic	WMM district: One space per 200 square feet. Other districts: one space per 300 square feet.	
Offices, medical	One space per 200 square feet [CG39].	
Office or studio of a professional person	One space per 400 square feet of office or studio area.	
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	C1, C2P and P districts: one space per two employees. Other districts: one space per employee. All districts: plus additional spaces as determined through the use and site design plan approval process.	

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Use	Standard	Additional Provisions
Physical health facilities including health clubs, gymnasiums, and weight control centers	One space per two employees, plus one space per 100 square feet exclusive of space devoted to courts (such as tennis or racquetball), plus four parking spaces per court.	
Planned developments	Parking spaces shall be provided on the basis of the required spaces for each use.	
Printing and publishing establishments	One space per three employees.	
Recreational buildings and community centers, noncommercial	Spaces sufficient to serve 30 percent of capacity in persons of the facility.	
Religious institutions, including churches, chapels, mosques, temples, and synagogues.	PM2 district: one space per four seats. Other districts: one space per six seats.	
<b>Restaurants and delicatessens</b>	Spaces equal in number to 30 percent of the seating and standing capacity in persons.	Standing capacity is computed as one person per seven square feet in front of all counter and service areas. Seating capacity is computed as the number of seats provided.
Restaurants with delivery service	One additional parking space per delivery vehicle owned or leased by the business owner and stored on site during closing hours, plus one space per two delivery vehicles which are not owned or leased by the business owner, but utilized for the delivery service.	Spaces shall be based on the maximum number of delivery vehicles used by the business.
Social clubs, noncommercial	One space per lodging room (if provided) plus spaces sufficient to serve 30 percent of the capacity in persons of the facility.	
<b>Retail uses</b>		
Department stores	One space per 200 square feet.	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Food stores		
Retail goods stores		
Specialty convenience retail goods stores		
Supermarkets		
Theaters, indoor	MX district: 30 percent of the maximum seating capacity. Other districts: one space per six seats up to 400 seats, plus one space for each four seats above 400.	
Undertaking establishments and funeral parlors	Eight spaces per chapel or parlor, plus one space per funeral vehicle.	
Veterinarian offices	Two spaces per employee.	
Warehousing, storage and distribution facilities, including moving and storage establishments	One space per three employees.	

**Table Notes**

**1. Calculation rules**

- A. Unless stated otherwise in the table, when the standard is given in square feet the standard means the number of parking spaces per square footage of gross floor area. See definition of floor area in Division VI for areas to be included in the calculation.

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- B. When the number of off-street parking spaces required by the table results in a fraction, any fraction of one-half or less may be disregarded, while a fraction over one-half is counted as one parking space.
- C. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

### 2. Drive-in businesses

Stacking spaces, equal in number to five times the maximum capacity of a drive-in business, for automobiles awaiting entrance into the drive-in business, shall be ded[CG40].

### 3. Use not included in the table

Alternative parking and loading standards may be proposed for uses not included in the table, pursuant to Section 21.66.040.

### 4. C2 or C2A districts

Off-street parking facilities are not required in the C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.

### 5. MX district

Unless alternative parking standards are approved by the Department of Planning and Zoning pursuant to Section 21.66.040, commercial uses not specifically enumerated in the Table of Off-Street Parking Requirements shall provide one parking space for each 300 square feet of gross floor area.

## Chapter 21.68 Nonconforming Uses and Structures

### Sections:

21.68.010	Purpose
21.68.020	Authority to continue and maintain
21.68.030	Deemed conforming structures and uses
21.68.040	Nonconforming structures
21.68.050	Determination of nonconforming use status
21.68.060	Abandonment of nonconforming use
21.68.070	Expansion of nonconforming uses
21.68.080	Change of nonconforming uses

### 21.68.010 Purpose

This Chapter regulates the continued existence of nonconforming principal and accessory uses and nonconforming structures.

### 21.68.020 Authority to Continue and Maintain

- A. **Continuation of nonconforming use.** A nonconforming use that lawfully occupies a structure or a land site on the effective date of this Zoning Code may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this Chapter.
- B. **Continuation of nonconforming structure.** A nonconforming structure that lawfully occupies a land site on the effective date of this Zoning Code that does not conform to the bulk or other development or design standards for the district in which the structure is located may be used and maintained, subject to the standards and limitations of this Chapter.
- C. **Continuation of nonconforming accessory uses and structures.** The continued existence of nonconforming accessory uses and structures shall be subject to the provisions governing principal nonconforming uses and structures set forth in this Chapter.
- D. **Maintenance, repair and structural safety.** Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. Exterior or interior remodeling or improvements may be performed to a structure containing a nonconforming use, provided there is no expansion of the nonconforming use. This Section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure.
- E. **Governmental purchase.** Any lawfully existing building, structure or use that is rendered nonconforming by governmental purchase or taking by any legal process may continue and may be used and maintained as a nonconforming use or structure, subject to the standards and limitations of this Chapter.

### 21.68.030 Deemed Conforming Structures and Uses

As provided in Division III, which establishes regulations applicable to individual zoning districts, structures and uses that are lawfully in existence on the effective date of this Zoning Code may be deemed

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to be conforming pursuant to the applicable district regulations. A structure or use that is deemed conforming may be altered or expanded if the alteration or expansion otherwise meets the requirements of the zoning district in which the structure or use is located.

### 21.68.040 Nonconforming Structures

No nonconforming structure may be repaired, maintained, moved, altered or expanded, except in the manner provided in this Section or unless required by law.

- A. **Repair, maintenance, alterations, and expansion.** Any nonconforming structure may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or expansion shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
- B. **Moving a nonconforming cture[CG41]**
1. Except as provided in this subsection, a nonconforming structure shall not be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
  2. Subject to the approval of the Board of Appeals under the procedures established in Section 21.26.030, which also apply to special exceptions, a building or structure in which a lawful nonconforming use has been established, may be reconstructed and relocated, consolidated with another structure or structures and relocated, or relocated within the lot on which the building or structure is located, provided:
    - a. The bulk of the building or structure is not increased;
    - b. The area of the lot occupied by the building or structure is not increased;
    - c. The manner and extent of the nonconforming use is not expanded;
    - d. The building or structure conforms to all applicable building codes;
    - e. The location of the building or structure conforms to all setback requirements; and
    - f. The building or structure conforms to all other requirements applicable under the law.
  3. For purposes of subsection 2 of this subsection, “reconstructed” and “reconstruction” shall mean the demolition of an entire building or structure and the construction of a substantially similar building or structure at a new location on the same lot. The terms shall also mean the repair, alteration or structural change of a building or structure in connection with the relocation of the entire building or structure to a new location on the same lot.
- C. **Restoration of damaged nonconforming cture. [CG42]**
1. A nonconforming structure that has been damaged by fire, explosion, or other causes, may be restored provided that such restoration is started within one year of the date of the damage and is diligently pursued until completion.

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2. If the restoration is not started within one year of the calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

**21.68.050 Determination of Nonconforming Use Status**

- A. **Evidence establishing nonconforming use status.** An applicant may request a determination by the Planning and Zoning Director that a use is a nonconforming use that lawfully occupied a structure or a land site on the effective date of the Zoning Code provision that rendered the use nonconforming. In support of any request for determination of nonconforming use status, an applicant must provide evidence of the continuous status of the use without abandonment.
- B. **Notice of application for determination of nonconforming use status.** Upon application for a determination by the Planning and Zoning Director that a use is a nonconforming use, notice must be posted on the property that is the subject of an application at least 15 days prior to any action on the application by the Planning and Zoning Director. Posting of the notice shall be in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following decision by the Planning and Zoning Director.

**21.68.060 Abandonment of Nonconforming Use**

- A. **Abandonment of nonconforming use.** A nonconforming use of land or of a structure that is abandoned for a continuous period of one year shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or land must conform to the regulations for the district in which it is located.
- B. **Rebuttal of presumption of abandonment.** The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the Planning and Zoning Director that during such period the owner of the land or structure:
  1. Has been maintaining the land and structure in accordance with all relevant Zoning Codes and did not intend to discontinue the use; or
  2. Has been actively and continuously marketing the land or structure for sale or lease with the use; or
  3. Has been engaged in other activities evidencing an intent not to abandon.
- C. **Calculation of period of abandonment.** Any period of abandonment caused by government actions, fire, or natural calamities, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of abandonment pursuant to this Section.

**21.68.070 Expansion of Nonconforming s[CG43]**

No nonconforming use may be expanded except in the manner provided in this section.

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### **A. Applications for Expansion**

Applications for expansion of nonconforming uses shall be subject to the procedures established in Section 21.26.030, which also apply to special exceptions. Upon approval by the Board of Appeals, a nonconforming use may be expanded as follows:

1. A nonconforming use of a structure may be expanded throughout the same structure to occupy a part of a structure that it did not occupy on the effective date of this Zoning Code.

### **B. Application Requirements**

All applications for expansion of nonconforming uses shall be accompanied by plans and on any forms prescribed by the Planning and Zoning Director and shall at a minimum include the following:

1. A statement in writing by the applicant and adequate evidence showing that the expanded nonconforming use will conform to the standards set forth in this Chapter.
2. Applicants shall provide the names and addresses of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names and addresses of all principals of the firm, partnership or corporation, who have a financial or vested interest in the project for which the application is made.

### **C. Review Criteria and Findings**

The recommendation of the Planning Commission and decision by the Board of Appeals must be based upon written findings with respect to the following:

1. Compared with the existing nonconforming use, the expanded use will not be substantially more detrimental to the public health, safety, or general welfare.
2. The expanded use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The expanded use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, road access, drainage and necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

### **D. Expiration of Approval**

No approvals of expansion of a nonconforming use shall be valid for a period longer than one year from the date of the approval, unless the building permit is obtained within that period and the expansion of the use is commenced within that period. However, the Planning and Zoning Director, upon a showing of good cause, may grant up to two successive extensions of the

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approval for periods not longer than six months each, provided that a written application for each extension is filed while the prior approval is still valid.

### E. Appeals

Appeals from decisions of the Board of Appeals under this section shall be made to the Circuit Court of Maryland for Anne Arundel County.

## 21.68.080 Change of Nonconforming Use

Upon application to the Planning and Zoning Director, a nonconforming use may be changed to another nonconforming use of the same classification or lower classification based on the Planning and Zoning Director's determination of the classification of the nonconforming use pursuant to Section 21.68.080.A. Whenever any nonconforming use is changed to a lower classification of nonconforming use, such use may not be changed back to a higher classification of nonconforming use. Whenever any nonconforming use is changed to a conforming use, such use shall not later be changed to a nonconforming use.

### A. Classification of Nonconforming Uses

In deciding applications for changes of nonconforming uses, the Planning and Zoning Director will classify nonconforming uses for the purpose of determining whether expansion or change may be permitted subject to the applicable requirements of this Section.

1. **Class I.** Class I nonconforming uses shall include all permitted residential uses in any zoning district.
2. **Class II.** Class II nonconforming uses are those uses that, based on findings of the Planning and Zoning Director, meet all of the following:
  - a. The use is not detrimental to public health, safety, or welfare;
  - b. The use would not preclude or interfere with the purposes of the zoning district in which the use is located or the implementation of any applicable plans for the areas;
  - c. The use is not likely to depress the value of nearby properties; and
  - d. No useful purpose would be served by strict application of the provisions or requirements of this Zoning Code with which the use or structure does not conform.
3. **Class III.** Class III nonconforming uses include all uses that, based on a finding of the Planning and Zoning Director, meet one of the following:
  - a. The nonconforming use fails to meet the above standards for Class I or Class II uses; or
  - b. The nonconforming use is a nonresidential use that is located adjacent to a lawfully established residential use; or
  - c. The nonconforming use involves the storage, use, or generation of hazardous materials, processes, products or wastes or that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration, or similar conditions that would be incompatible with surrounding land uses.

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### B. Procedures for Change of Nonconforming Use

1. **Application procedures.** All applications for change of a nonconforming use shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications. In the review and decision of applications, the following procedures shall apply:
  - a. **Staff review.** The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate city departments for review.
  - b. **Staff report.** Any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director prior to the required public hearing on the application.
  - c. **Public hearing.** The Planning and Zoning Director shall schedule and hold a public hearing on the completed application. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B.
  - d. **Action.** Any staff reports received by the Planning and Zoning Director will be considered at the public hearing. Following the conclusion of the public hearing, the Planning and Zoning Director shall either (1) approve the application, (2) approve the application subject to specific conditions; (3) postpone a decision, at the applicant's request, pending consideration of additional information to be submitted by the applicant; or (4) deny the application.
2. **Standards.** The Planning and Zoning Director shall make written findings of fact and will decide an application for the change in a nonconforming use based upon each of the standards set forth below:
  - a. The proposed use is consistent with the general purposes and intent of the Zoning Code.
  - b. The proposed use is of the same classification or a lower classification.
  - c. The proposed use is compatible with other adjacent land uses and buildings existing in the surrounding area.
  - d. The proposed use promotes the safe and efficient use of land.
  - e. The proposed use is consistent with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property.
3. **Amendments or modifications to approved plans.** Amendments or modifications to approved plans must be submitted to the Planning and Zoning Director. Such modifications shall be submitted in accordance with the procedures and requirements of this Section. The Planning and Zoning Director may waive this requirement if the Planning and Zoning Director determines that such modification of the original plan has no significant impact upon the original proposal.

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- 4. Expiration of approval.** No approvals of change of a nonconforming use shall be valid for a period longer than one year from the date of the approval, unless the building permit is obtained within that period and the change of the use is commenced within that period. However, the Planning and Zoning Director, upon a showing of good cause, may grant up to two successive extensions of the approval for periods not longer than six months each, provided that a written application for each extension is filed while the prior approval is still valid.
- 5. Appeal.** Any appeals of a decision of the Planning and Zoning Director must be made to the Board of Appeals in conformance with the provisions of Zoning Code Chapter 21.30.

## Chapter 21.70 Sign Regulations

### Check DPW versus DNEP

#### Sections:

21.70.010	Purpose
21.70.020	Applicability
21.70.030	Sign Permit
21.70.040	Prohibited signs
21.70.050	Standards applicable to all signs
21.70.060	Exempt Signs
21.70.070	Signs in residential districts
21.70.080	Signs in non-residential districts
21.70.090	Signs in the historic district
21.70.100	Signs or banners across public streets
21.70.110	Nonconforming signs
21.70.120	Adjustments and Variances
21.70.130	Violations

#### **21.70.010 Purpose**

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment; to promote pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these regulations.

#### **21.70.020 Applicability**

No signs except signs exempted by this chapter may be erected unless a sign permit has been issued by the Director of Public Works.

#### **21.70.030 Sign Permit**

- A. Application for a sign permit shall be made to the Department of Public Works on forms prescribed by the Department. The Department of Planning and Zoning will review the sign permit application for consistency with the Zoning Code.
- B. Complete information and drawings shall be submitted with each application showing the location and the nature of the construction in every detail to enable a review of whether the sign will meet the requirements of both the Zoning Code and the building code. The drawings shall include:
  1. All dimensions, sizes and kinds of materials, sizes and spacing of all bolts, rivets, and other hardware.
  2. The structure on which the sign is to be supported, sufficiently detailed to determine readily if the sign has adequate support[CG44].



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- C. The repainting, changing of parts, and preventative maintenance of signs located on a site shall not be deemed alterations requiring a sign permit.
- D. Tagging. All signs requiring permits shall display in a place conspicuous to inspectors, evidence of the sign permit containing such data as may be designated by the Department of Public Works[CG45].

### 21.70.040 Prohibited Signs [CG46]

The following signs are prohibited:

- A. Animated signs
- B. Billboards
- C. Flashing signs
- D. Portable signs
- E. Rotating Signs[CG47]
- F. Rooftop signs
- G. Signs projecting above the rooflines of buildings.
- H. Snipe signs; non-governmental signs attached to trees or poles

### 21.70.050 Standards applicable to all signs

The following standards apply to all signs whether exempt or permitted:

#### A. Condition and appearance

All permanent signs shall be maintained in good condition and appearance.

#### B. Computations of area and Height[CG48]

##### 1. Area

- a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the zoning regulations in this title and is clearly incidental to the display itself.
- b. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.

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### 2. Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower[CG49].

### C. Signs in public ways [50]

#### 1. Projecting signs

- a. Signs may be carried upon or suspended from the front of a building, but no sign projecting into the street or alley may be placed within 10 feet of the sidewalk or extend more than two feet beyond a building;
- b. Electric signs may extend beyond the building line to any distance not beyond the curb upon the approval of the City Council.

#### 2. Sidewalks[CG51]

- a. No signs shall be supported from the sidewalk or from a point outside of the sidewalk.
- b. Sidewalks shall be regarded as pedestrian rights-of-way. Permanent signage that the Director of Public Works determines must be placed in or near a sidewalk shall be sited only after a consideration of the following guidelines:
  - i. No sign shall be placed in such a way as to interfere with or reduce a 40-inch pedestrian right-of-way,
  - ii. Where a grass area exists between the curb and sidewalk, signs shall be placed in the grass area,
  - iii. When no grass area between the curb and sidewalk exists, signs shall be placed in any public right-of-way or easement on the far side of the sidewalk,
  - iv. In any one block, the placement of signs curbside or far curbside shall be consistent,
  - v. The bottom edge of the sign shall be seven feet from the ground with the exception of pedestrian directional signs which do not exceed the width of the post which may be posted at 5.5 feet,
  - vi. As many as three signs of 12 inches in width or greater may be clustered on one pole,

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- vii. In any one block, the placement of signs on poles not governed by State Highway Administration guidelines shall be grouped in a 40-foot area, and
- viii. No more than one "No Parking" sign shall be placed on each side of the street in any one block or within a distance of 500 feet whichever is less.

### D. Sight visibility

1. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
2. A sight visibility triangle, as defined in Division VI, shall be kept free of obstructions to vision between the heights of 2.5 feet and 12 feet above the street. If, in the opinion of the Director of Planning and Zoning with the concurrence of the Director of Public Works, there are unusual circumstances, these dimensions may be altered[CG52].

### E. Integrated sign program

An integrated sign program, as defined in Division VI, is required for all commercial office complexes, shopping centers, and multi-tenant facilities. The establishment of an integrated sign program for existing developments is strongly encouraged[CG53].

### F. Design

The design of signs is important to the character of the City of Annapolis. The following provisions are designed to give guidance to persons designing, erecting, and approving signs in the City.

#### 1. Guidelines for all signs[CG54]

- a. Materials, colors and shapes of proposed signs shall be compatible with the related building(s). Size and proportions should be judged by sizes and proportions of signs on nearby properties that are compatible with the prevailing character, or the character prescribed in land use plans adopted by the City Council[CG55].
- b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- c. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- d. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- e. Signs should be constructed of quality materials. The choice of materials for signage should relate to the quality of architecture within the zoning district.
- f. Signs should provide information, character and a quality image.

#### 2. MX and BR districts, additional guidelines

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- a. Signs generally shall be of simple design and relate to the scale and design of buildings.
- b. The size of each sign shall relate to the scale and architectural character of its facade.
- c. The placement of signs shall not cover attractive architectural details, overwhelm the facade in size, or interrupt the rhythm of upper facade windows.
- d. The choice of materials for signs shall relate to the quality of historic architecture within the MX district. The use of painted wood, glass and metal are appropriate.

### G. Removal of signs

Any sign associated with an activity on a vacated premises shall be removed from the premises, altered or resurfaced within three months from the time such activity ceases so that the sign does not display visual communication pertaining to the former activity[CG56].

### 21.70.060 Exempt Signs [CG57]

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 12 square feet in [CG58].
  - ii. In all other districts signs may be up to 9 square feet in [CG59].
- c. No sign may be placed closer than eight feet to any other zoning lot.
- d. No sign shall project higher than 12 feet above curb [CG60].

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### 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. Such signs shall be limited to two events per year for a period of up to 30 days each event[CG61].
- b. Temporary signs up to 20 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 60 days and shall be removed within seven days after the conclusion of the event[CG62].
- c. Construction site sign up to 32 square feet identifying the architect, engineer, and/or contractor[CG63].
- 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. Interior signs

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[CG64].

### 6. Public signs

- a. Memorial signs and tablets displayed on public property or in cemeteries.
- b. Legal notices.
- c. Traffic and parking signs that bear no advertising.

## 21.70.070 Signs in residential districts

### A. General standards

1. Illumination is permitted only by external means such as by spotlight.

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2. No sign may project beyond the property line into a public  [CG65].

### B. Permitted signs

The following signs are permitted accessory to permitted uses subject to the standards set forth in this section and other general standards set forth in this chapter:

#### 1. Signs for colleges, religious institutions, schools, and similar institutions

- a. One freestanding bulletin sign per lot is permitted; except, that on a corner lot, two signs, one facing each street, are permitted:
  - i. Maximum area: 32 square feet per face  66].
  - ii. Maximum distance from any other zoning lot: eight feet.
  - iii. Maximum height: 15 feet.
- b. One wall-mounted sign is permitted containing the official name of the institution. Maximum lettering height: 30 inches.

#### 2. Non-residential building nameplate and identification signs

- a. A single identification sign is permitted, not exceeding nine square feet and indicating only the name and address of the building.
- b. On a corner lot, two signs, one facing each street, are permitted.
- c. Maximum height 15 feet.

#### 3. Subdivision or community identification s[CG67]

- a. One identification sign, not exceeding 12 square feet, giving the name of the subdivision or community may be placed at each entry point.
- b. The sign shall convey no information other than the name of the subdivision or community.
- c. Maximum height 15 feet.

#### 4. Bed and breakfast signs

A single sign, not exceeding two square feet is permitted.

#### 5. Professional office or studio s[CG68]

- a. One sign per lot is permitted; except, that on a corner lot, two signs, one facing each street, are permitted.
- b. Maximum area: 2 square feet.
- c. Maximum height: 15 feet.

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- d. No sign may be closer than five feet to any other zoning lot.

**21.70.080 Signs in non-residential districts**

**A. General standards**

- 1. An integrated sign program is required for all commercial office complexes, shopping centers, and multi-tenant facilities. Individual signs shall be reviewed for conformity with the integrated sign program whether newly established or existing.
- 2. Pole signs may have no more than two faces.
- 3. Two-faced signs must be double faced back-to-back.
- 4. Signs may not be placed along any side or rear lot line within a required  eryard[CG69].

**B. Permitted signs**

- 1. Sign Table 1 lists the types of signs that are permitted in non-residential zoning districts.
- 2. Sign Table 2 sets forth the regulations for permitted signs in non-residential zoning districts.
- 3. Signs for residential uses, professional offices or studios, colleges, religious institutions, schools, and similar institutions, where these uses are permitted in non-residential zoning districts, are permitted pursuant to the regulations for these signs in residential districts.

**Sign Table 1 Types of signs permitted in non-residential zoning districts**

District	Permitted Signs
B1	Business community identification sign
	Freestanding
	Wall-mounted
B2, B3-CD, BCE, I1	Freestanding
	Multi-tenant facility
	Wall-mounted
B3, BR, PM2	Multi-tenant facility
	Wall-mounted
C2, C2A, C2P	Wall-mounted
P, PM	Business community identification sign
	Multi-tenant facility
	Wall-mounted
MX	Freestanding, ground sign only
	Multi-tenant facility
	Wall-mounted
WMC, WME, WMI, WMM	Freestanding
	Marine refueling facility signs on piers
	Multi-tenant facility
	Wall-mounted



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### **Sign Table 2 Regulations for Signs in Non-Residential Zoning Districts**

In using the table the following regulations apply:

- a. Lots are permitted both wall-mounted and freestanding signs up to the limits set forth in the table. Signage in multi-tenant facilities is counted as an alternative, not in addition, to permitted wall-mounted and freestanding signs.
- b. For wall-mounted signs the maximum sign area is for the lot.
- c. For all other signs the maximum sign area is the maximum area per sign face, unless stated otherwise. For example, a two-sided, freestanding, ground sign in the BCE could be 30 square feet per face or 60 square feet total.
- d. The following abbreviations are used in the table: sf = square feet; lf = linear feet; bldg = building; " = inches.

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Sign Type	Zoning District	Number of businesses per lot	Maximum sign area	Number of signs allowed	Maximum Height (feet)	Illuminati on permitted	Projection permitted	Other
Wall-mounted	B1, BR, PM, MX		1. 1 sf per lf of building frontage up to a maximum of 100 sf [CG70]. 2. No sign may exceed 30 sf per [CG71].	1. B1, PM: no limit, up to maximum permitted sign area 2. BR, MX: no more than 3 signs per building.	[CG72]. In the MX district, signs may not be located higher on a facade than the second-story windowsills.	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	
	B2, B3, B3-CD, BCE,		1. 2 sf per lf of building frontage up to a maximum of 120 sf 2. No single sign may exceed 75 sf in area	No limit up to permitted sign area	15	Yes	Yes, up to 1.5 feet into a public way	Uses with canopies, such as service stations, may use the lf of canopy frontage in lieu of lf of building frontage to calculate permitted sign [CG73].
	C2, C2A, C2P		1 sf per lf of building frontage up to a maximum of 30 [CG74]	Up to 3 signs per building [D74]	15	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	
	P		9 sf	1 per street frontage	15	No	Yes, but not into a public way.	
	PM2		See below under multi-tenant facilities sign types					
	I1		2 sf per lf of building frontage up to a maximum of 120 sf	No limit up to permitted sign area	18	Yes	No	
	WMC		1 sf per lf of building frontage up to a maximum of 100 sf	No limit up to permitted sign area	[CG76]	Yes	Yes, but not into a public way or over the water	
	WME, WMI, WMM		2 sf per lf of building frontage up to a maximum of 120 sf					

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Sign Type	Zoning District	Number of businesses per lot	Maximum sign area	Number of signs allowed	Maximum Height (feet)	Illumination permitted	Projection permitted	Other
<b>Marquee sign</b>	Any district where the associated use is permitted		120 [CG77]. The [CG77] of a marquee sign is permitted instead of, not in addition to, wall-mounted or freestanding signage that would otherwise be permitted.	1 per lot	15	Yes	Yes, up to the projection of the marquee	Theaters, museums, and auditoriums with a marquee sign are permitted wall-mounted frames up to 24 sf per frame advertising movies, plays or other features to be given at the venue.
<b>Freestanding sign</b> [CG80]	B1, WMC		Pole signs: 12 sf, or ground signs: 20 sf [CG79].	1 per lot	[CG80]	[CG81]	Yes, but not into a public way or over the water [CG82]	<ol style="list-style-type: none"> <li>Freestanding signs are permitted only on lots with a minimum lot width of 100 feet or [CG83].</li> <li>Minimum setback from property lines:                      WMC 0 feet                      B1, I1, WME, WMI, WMM 5 feet                      Other districts 10 [CG84]</li> </ol>
	B2, B3, B3-CD, BCE, I1, WME, WMI, WMM	Lots with up to 2 businesses	Pole signs: 20 sf, or ground signs: 30 [CG85]	1 per street frontage.	Pole signs: [CG86] Ground signs: 12	Yes		
		Lots with 3 or more businesses [CG87]	Pole signs: 24 sf, or ground signs: 30 sf					
	MX		30 sf		10	Yes	Must be a ground sign, monument [CG88].	
<b>Multi-tenant facility signs</b>								
Multi-tenant facility identification sign	B2, B3, B3-CD, BCE, PM2, WMC, WME, WMI, WMM		64 [CG89]	1 per street frontage	[CG90]	Yes	Yes, but not into a public way or over the water.	<ol style="list-style-type: none"> <li>In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted.</li> <li>All other districts these signs must be ground signs, monument style.</li> <li>Minimum setback from property lines:                      WMC 5 feet                      I1, MX, PM.WME, WMI, WMM, 10 feet                      Other districts: 15 [CG91]</li> </ol>
	I1		100 sf			Yes, external means only such as spotlight		
	MX, [CG92]		30 sf		10			
	[CG93]		15 sf					

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Sign Type	Zoning District	Number of businesses per lot	Maximum sign area	Number of signs allowed	Maximum Height (feet)	Illumination permitted	Projection permitted	Other
Shopping center anchor tenant, wall-mounted	B2, PM2,		0.5 sf per lf of anchor tenant  [CG94]	1 per street frontage	20	Yes		
Tenant sign, wall-mounted	B2, B3, B3-CD, BCE, PM2, I1, WMC, WME, WMI, WMM		1.5 sf per lf of building frontage per tenant, up to 40 sf per tenant.	1 per tenant, plus 1 additional for a corner tenant with windows in both facades.	15	Yes	No	Maximum sign board height: 36" for anchors, 18" for other tenants. Maximum lettering height: 36" for anchors, 14" for other tenants.
	BR, MX, PM  95]		Lesser of 1 sf per lf of entrance façade or 20 sf			No		
Tenant sign, projecting	B2, B3, B3-CD, BCE, PM2, WMC, WME, WMI, WMM		6 sf	1 per tenant		Yes, external means only such as spotlight	Yes	This type of sign is permitted where tenant spaces are recessed under a canopied walkway.
<b>Business community identification sign</b>	B1, P, PM		30 sf	1 at each entry point	6	Yes, external means only such as spotlight	Yes, but not into a public way.	This type of sign is for communities comprising six or more businesses.
<b>Marine refueling facility signs on piers</b>	WMC, WME, WMI, WMM		6 sf per face	1 per facility	10	Yes	No	

**21.70.090 Signs in the historic  rict[CG96]**

In addition to the requirements of the underlying zoning district, signs in the historic district are subject to the following:

- A. A certificate of approval from the Historic Preservation Commission is required for new signs or existing signs that are to be altered in size, shape, content or location, see Chapter 21.56.
- B. Applicants for sign permits in the historic district should refer to the Historic Preservation Commission's design guidelines for signs.
- C. No commercial sign, billboard or other advertising structure or device shall be painted on any exterior wall of a building within the historic district.
- D. Upon the inclusion of additional areas within the historic district of the city, all signs shall comply with this section within two years from the date the area is included within the historic district.

**21.70.100 Signs or banners across public  ets[CG97]**

- A. The mayor may approve the erection, maintenance or suspension of a banner announcing a program or promoting an event of a nonprofit, charitable or educational organization, or governmental entity, across a public street, alley or other public property, for a period of not more than 15 consecutive days, upon compliance with the requirements of this section.
- B. An application seeking permission to erect, maintain or suspend a sign or banner shall be filed with the city clerk. The application shall contain or be accompanied by the following:
  - 1. A description of the organization or entity making application for the sign or banner, the purpose of the sign or banner, the precise location and manner in which the sign or banner will be displayed, including the vertical clearance above any public street, alley or other public property and the manner of the banner's erection or suspension;
  - 2. A color sketch of the sign or banner drawn to scale;
  - 3. The approval of the owner of any property to which the sign or banner is to be attached and waiver by the owner of any liability against the city;
  - 4. An indemnification of the city and its officials and employees against any claim associated with the banner or sign, together with proof of satisfactory insurance coverage; and
  - 5. An application fee as established by resolution of the city council.
- C. City departments as determined appropriate by the mayor shall determine whether or not the proposed erection, maintenance or suspension of the sign or banner would constitute a threat to public health or safety.
- D. Any sign or banner proposed to be erected, maintained or suspended within the historic district shall be approved by the historic preservation commission.

**21.70.110 Nonconforming Signs [CG98]**

- A. The *Director of Public Works NEIGHBORHOODS?* shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Zoning Code; provided, however, that if such signs are redesigned or altered so as to conform to the law as it existed prior to the date of the adoption of this Zoning Code, these signs shall be regarded as nonconforming signs subject to the provisions of subsection B of this section[CG99].
- B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this chapter.
- C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this chapter.

**21.70.120 Adjustments and Variances [100]**

- A. Pursuant to the administrative adjustment authority and procedures set forth in Chapter 21.18, the Planning and Zoning Director may permit the following adjustments:
  - 1. An adjustment of up to 30 percent to the limitations set forth in this Chapter with respect to the following dimensional criteria[CG101]:
    - a. Sign area,
    - b. Height,
    - c. Distance of permitted projection,
    - d. Setback,
    - e. Distance from other zoning lots,
    - f. Height of lettering.
  - 2. An increase of one sign in addition to the maximum number of signs permitted per lot, building, or street frontage.
- B. Pursuant to the authority and procedures set forth in Chapter 21.28, the Board of Appeals may grant variances to the limitations set forth in this Chapter with respect to the following:
  - 1. The dimensional criteria set forth above in subsection A. of this section.
  - 2. The number of signs allowed per lot, building, or street frontage.
- C. In addition to the review criteria and findings set forth in Chapter 21.18 for administrative adjustments and in Chapter 21.28 for variances, the Planning and Zoning Director in the case of an administrative adjustment and the Board of Appeals in the case of a variance shall only approve an application if the entire signage on the lot will meet the design provisions set forth in section 21.70.050.F.

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**21.70.130**  **lations[CG102]**

- A. The *Director of Public Works NEIGHBORHOODS?* shall investigate any complaint of a violation of this chapter. Upon a finding that a violation exists, the Director shall provide reasonable notice by mail, by personal delivery, by posting on the sign itself, or by a combination of these means, to the owner, tenant or agent having charge of the property on which the sign is situated. The notice shall specify:
1. The action to be taken to correct the violation;
  2. That the action must be undertaken and completed within a reasonable period as established by the director;
  3. That failure to comply may result in the corrective action being taken by the Department of Public Works;
  4. That the department's expenses for taking the action and, if necessary, for storing and disposing of the sign, are the responsibility of the owner of the property; and
  5. That the expenses will constitute a lien upon the property to be collected in the same manner as real property taxes.
- B. If the violation is not corrected fully within the period specified by the Director, the Director may enter in or upon the premises to undertake corrective action. When that action involves removal of a sign, the Director shall store the sign for a period not to exceed 60 days. If, after reasonable notification to the owner of the property that the sign is being stored at the owner's expense, the owner has not redeemed the sign, the Director may order its disposal. In order to redeem a sign, the costs of any work performed by the Department of Public Works, all storage charges, and any other related charges shall be paid by the owner.
- C. The expenses incurred by the Department of Public Works for bringing a sign into compliance, for storage, for disposition and for any other related expenses shall be the responsibility of the owner of the property on which the sign was situated. When the Director has certified the expenses to the Director of Finance, they shall constitute a lien upon the property. The Director of Finance shall add the amount certified to the property tax bill for the ensuing year and shall collect the amount in the same manner as real property taxes.

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**Editorial Comments to Division V**

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Page: 2

**[CG1]** Former 21.06.050; Added “planned developments” as an exception and multi-family dwellings in BCE district consistent with O-27-02 adopted December 9, 2002.

Page: 3

**[CG2]** Language from O-30-02 (May 12, 2003) which amended former Section 21.06.010. Section E. from O-30-02 which addressed restrictiveness not incorporated as this is covered for the entire title under new Section 21.02.050.

Page: 4

**[CG3]** “Decks” added consistent with current practice by the Department of Planning and Zoning.

Page: 8

**[CG4]** Several districts have specific bufferyard requirements. A new definition of bufferyard has been added in Division VI. Language in this subsection taken from former 21.71.020 (Corridor Design Overlay) moved here as of general relevance.

Page: 9

**[CG5]** New section.

Page: 9

**[CG6]** Moved from former 21.61 PM district as they are of general relevance. Item #5 added, providing a cross reference to Section 14.12.100.

Page: 10

**[CG7]** Added second section language authorizing traffic studies using language currently in other chapters of the code e.g. 21.94.030. Replaced reference to “critical lane levels of service” by more general language: “road network and affected intersections”.

Page: 11

**[CG8]** This subsection combines design provisions from former Chapters 21.64 and 21.98.

Page: 12

**[CG9]** New provision. Former section 21.98 allowed for “non-traditional surface material” in overflow situations. This provision broadens the situations where these could be used.

Page: 14

**[CG10]** New subsection.

Page: 14

**[CG11]** This occurs in some of the waterfront districts.

Page: 15

**[CG12]** Modeled on language in several districts in current code such as waterfront districts 21.55.090, 21.57.090, PM and Corridor Design Overlay district. Replaced guidelines with standards.

Page: 17

**[CG13]** B added to clarify this point.

Page: 17

**[CG14]** New section. Use not addressed in current code.

Page: 18

**[CG15]** New section. Use barely addressed in current code.

Page: 22  
[CG16] Ordinance 43-88

Page: 24  
[CG17] Specific requirement for traffic analysis deleted: covered under Site Design Plan 21.62.

Page: 24  
[CG18] Standards taken from Child Day Care Center use in former Section 21.59.030 (PM2 district). Use has been renamed “Day Care Center, Group” consistent with this use in other districts.

Page: 29  
[CG19] These provisions from current code 21.02.080

Page: 30  
[CG20] Ordinance 43-88

Page: 30  
[CG21] 20 percent requirement moved to bulk regs table.

Page: 37  
[CG22] Standards moved from current definition. Determination currently to be made by planning and zoning director, changed so as to be made by body approving the use.

Page: 38  
[CG23] Moved from the residential district yard tables, for example Table 21.16.040C. This is a use regulation as opposed to a yard regulation. The statement of no yard requirement is retained in the bulk regulations table.

Page: 40  
[CG24] Last sentence added.

Page: 40  
[CG25] , “Maximize ingress and egress points” standard deleted: it may be desirable to limit the number of access points. Traffic study standard deleted; covered under site design plan review.

Page: 45  
[CG26] New section. Current code does not address this type of use.

Page: 47  
[CG27] Some of these moved from former Section 21.02.110 (exempted uses). Added street fair and some standards such as requirement to obtain necessary permits and removal of uses. Yard sale and garage sale listing is new.

Page: 47  
[CG28] Second sentence taken from bulk regulations tables, such as Table 21.12.040C

Page: 50  
[CG29] New provision.

Page: 50  
[CG30] New subsection.

Page: 50  
[CG31] New subsection. Bicycle parking has been required under the current code on a case by case basis and 2003 amendments to the BCE district require bicycle parking for multi-family developments.

Page: 51

**[CG32]** New subsection allowing for alternative standards to be determined on a case by case basis based on thorough documentation to be provided by an applicant.

Page: 52

**[CG33]** This sentence added to clarify in what types of yard parking is or is not permitted.

Page: 56

**[CG34]** New standard not addressed in the current code.

Page: 56

**[CG35]** This standard is from the PM2 district and is more applicable to the use compared to the one space per two employees standard in the C1 district.

Page: 57

**[CG36]** Standard changed. Standards in existing code are: C1, P, PM districts: one space per dwelling unit; Other districts: 1.5 spaces per dwelling unit. Staff report that insufficient parking is an issue in townhouse developments such as Beechwood Hills and Annapolis Overlook (where parking is being added). Through the special exception approval process more parking is being provided than the 1.5 spaces per du standard. For example, at August Woods approx. 2.0 spaces per du were provided.

Page: 57

**[CG37]** Standard changed from “One space per four beds, plus one space for every two employees, plus one space per doctor assigned to the staff” based on recent staff experience in approving such facilities.

Page: 57

**[CG38]** New category based on “General light industrial” category in former Section 21.75.100.B.9.

Page: 58

**[CG39]** Revised standard. Standard in existing code is: Three spaces per staff and regularly visiting doctor. According to staff this standard is too low and results in insufficient parking provided for medical offices.

Page: 60

**[CG40]** Former 21.40.85.A

Page: 62

**[CG41]** Language in this subsection taken from O-32-01, adopted May 12, 2003.

Page: 62

**[CG42]** Language in this subsection taken from O-32-01, adopted May 12, 2003.

Page: 63

**[CG43]** Drafts of this section allowed for an expansion of nonconforming use of land up to 50 percent of the area devoted to the existing nonconforming use. This provision is not included in the proposed regulations.

Page: 68

**[CG44]** Former 17.60.020. Other text from Title 17 addressing materials and wiring has not been brought over to Title 21 (17.60.100, 17.60.130).

Page: 69

**[CG45]** Recommend adding this requirement – I do not know what tracking/tagging is done now.

Page: 69

**[CG46]** Prohibitions are currently scattered through Title 21, and are hard to follow. It is unclear, for

example, whether new billboards are or not permitted in different districts. This section is designed to bring these prohibitions in one clear section.

Page: 69

**[CG47]** In the current code, rooftop signs are specifically prohibited only in the BIA, PM, PT, and Historic Districts.

Page: 69

**[CG48]** Computation wording is adapted from current definition of “sign, gross area of” from 21.04.565 using wording in Sign Regulations for Small and Midsize Communities (PAS Report #419). Current definition is hard to understand, especially the phrase “and in no case passing through or between any adjacent elements of perimeter”

Page: 70

**[CG49]** The current regulations say very little about measuring height. The only reference is in the CDO-district: the height of a freestanding sign shall be measured from the grade of an adjoining street provided the street is within 50 feet of the location of the proposed sign. The height of an attached wall sign shall be measured from the base of the building below the sign to the top of the sign face.

Page: 70

**[CG50]** This section is a reorganization of Section 17.60.070. This section is entitled “Location Generally”, but in fact addresses signs within the right-of-way.

Page: 70

**[CG51]** From 17.60.070. May be possible to simplify.

Page: 71

**[CG52]** This requirement is currently only in the CDO district and is recommended as a general requirement..

Page: 71

**[CG53]** This language taken from current CDO-district. The intent of this subsection is to combine two related concepts from the current regulations. The “uniform sign program” which is permitted in many zoning districts for a “multi-tenant facility in single ownership or under unified control” and the “integrated sign program” which is required for commercial office complexes and shopping centers in the BCE and CDO districts.

Page: 71

**[CG54]** These are adapted from the current CDO district.

Page: 71

**[CG55]** Phrase “or the character prescribed in land use plans adopted by the City Council” added since the prevailing character of signs may be undesirable.

Page: 72

**[CG56]** New section. The current regulations do not address removal

Page: 72

**[CG57]** New section. The current regulations are unclear regarding which signs need a permit.

Page: 72

**[CG58]** These signs are not currently permitted at all in commercial and industrial districts.

Page: 72

**[CG59]** Existing maximum is 12 square feet, including in the P district.

Page: 72

**[CG60]** Existing maximum is 15 feet.

Page: 73

**[CG61]** New subsection

Page: 73

**[CG62]** Adapted from current 21.04.570 which defines “temporary signs”. These are currently permitted in many zoning districts, but there is not a lot of logic regarding which districts. For example, temporary signs are permitted in the C1 and C1A, but not in the R1, R2 and R3. The issue is important because the definition includes “political signs”. In disallowing them in many residential districts, campaign signs are effectively disallowed. In these proposed regulations, temporary signs, as defined, would be allowed in all zoning districts. The definition itself has been moved to proposed Division VI.

Page: 73

**[CG63]** New.

Page: 73

**[CG64]** Moved from 17.60.010. The issue of signs in windows in the historic district has been an issue in the past, Current 17.60.010 requires a sign permit for signs in windows whose “prime purpose is for viewing from the exterior of the structure”. However, signs in windows that meet the criteria of this subsection are exempt from the permit requirement.

Page: 74

**[CG65]** Under the current regulations, this provision is specified only for professional office or studio signs. Leaving that provision would imply that other sign in residential districts *could* project into a public way, which is not intended. Therefore this provision has been added to apply to all signs in residential districts.

Page: 74

**[CG65]** Increase from current 24 sf, staff recommendation.

Page: 74

**[CG65]** No maximum height or area given in the current regulations.

Page: 74

**[CG65]** Provision prohibiting projection into public way moved to general provisions for signs in residential districts.

Page: 74

**[CG65]** From former 21.71.040 and 21.75.110 (B3-CD and BCE). Bufferyards are required in the B3-CD, BCE, BR, and PM2 districts. Recommend this provision apply to all districts with bufferyards.

Page: 74

**[CG65]** 1sf per lf is a City of Alexandria standard. 100 sf max is proposed is proposed to cap the overall sign budget on a lot. Note: some communities limit sign size to a percent of façade. Using frontage makes the sign budget calculation easier.

Page: 74

**[CG65]** This is a current requirement in MX and BR districts.

Page: 74

**[CG65]** 13 feet is from the B1A district. Current permitted heights are generally higher , eg 30 ft in B1, BCE; 50 feet for shopping centers in B2, 25 feet for pole signs in the CDO. 15 feet is the permitted height for all other signs in the B2.

Page: 74

**[CG65]** Small buildings on large lots (e.g. gas stations, banks) may get insufficient signage on a building frontage calculation system versus the current lot frontage system. This provision is intended to address this need.

Page: 74

**[CG65]** s in residential districts *could* project into a public way, which is not intended. Therefore this provision has been added to apply to all signs in residential districts.

Page: 74

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**[CG68]** Provision prohibiting projection into public way moved to general provisions for signs in residential districts.

Page: 75

**[CG69]** From former 21.71.040 and 21.75.110 (B3-CD and BCE). Bufferyards are required in the B3-CD, BCE, BR, and PM2 districts. Recommend this provision apply to all districts with bufferyards.

Page: 78

**[CG70]** 1sf per lf is a City of Alexandria standard. 100 sf max is proposed is proposed to cap the overall sign budget on a lot. Note: some communities limit sign size to a percent of façade. Using frontage makes the sign budget calculation easier.

Page: 78

**[CG71]** This is a current requirement in MX and BR districts.

Page: 78

**[CG72]** 13 feet is from the B1A district. Current permitted heights are generally higher , eg 30 ft in B1, BCE; 50 feet for shopping centers in B2, 25 feet for pole signs in the CDO. 15 feet is the permitted height for all other signs in the B2.

Page: 78

**[CG73]** Small buildings on large lots (e.g. gas stations, banks) may get insufficient signage on a building frontage calculation system versus the current lot frontage system. This provision is intended to address this need.

Page: 78

**[D74]** The current code does not specify a maximum, though there is review through the HPC.

Page: 78

**[D75]** The current code does not specify a maximum.

Page: 78

**[CG76]** 22 feet is current permitted height. Permitted heights in some other districts have been reduced. Additional height in waterfront districts may be needed due to irregular building and structure configurations.

Page: 79

**[CG77]** Current regulations allow up to 200 sf in the BCE and B3-CDO and 120 sf in the MX.

Page: 79

**[CG78]** Freestanding pole signs are currently allowed in B1, B2, B3, BCE, PM, C2, C2A, I1.

Page: 79

**[CG79]** Intent is to encourage ground signs by allowing greater sf.

Page: 79

**[CG80]** 10 feet is the current standard in the MX district.

Page: 79

**[CG81]** Illumination is not currently permitted in the B1 or B1A.

Page: 79

**[CG82]** Projection is currently permitted in B2, B3, and, arguably, in the B3-CDO. Testing indicates that projection into row is aesthetically undesirable.

Page: 79

**[CG83]** Requirement for minimum lot width is from Alexandria; intent to only allow freestanding signs on larger lots unless part of a multi-tenant facility.

Page: 79

**[CG84]** Except for a few cases (e.g. signs for shopping centers in B2 and PM2) the current regulations do not clearly address setbacks for signs. They are presumably treated as accessory uses, subject to any accessory setback regulations. Recommendation is a small (5 ft) setback in B1, I1 and larger setback in more intense retail districts. Multi-tenant facility sign setbacks are greater, see below). BCE district has a sign area bonus for signs setback increase from the property line, but businesses really want their signs up front, close to the property line.

Page: 79

**[CG85]** As with B1, intent is to encourage ground signs and to limit the number and size of freestanding signs.

Page: 79

**[CG86]** 15 feet is the maximum existing height in the B2 district.

Page: 79

**[CG87]** These regulations provide an alternative to the multi-tenant facility signs in the next category. Multi-tenant sign allowance is greater than for standard freestanding signs.

Page: 79

**[CG88]** Consideration was given to disallowing pole signs also in the BCE district, but this is hard to justify if pole signs are to continue to be permitted in the B1 and B2 districts.

Page: 79

**[D89]** 64 sf is the current standard in the PM2. Up to 100 sf is permitted in waterfront districts but testing indicates that signs this large are not used.

Page: 79

**[D90]** Current permitted height in B2 is 50 feet for shopping center street frontage signs and 15 feet for other signs. No height is specified in PM2 or in waterfront districts.

Page: 79

**[CG91]** 15 ft s/b is current for shopping centers in the PM2 and B2. Additional intent is to discourage pole signs.

Page: 79

**[CG92]** Recommend adding PM to districts where multi-tenant facility signs are permitted. Sign testing revealed two multi-tenant sites.

Page: 79

**[CG93]** Referred to as a nameplate and id sign in the existing code (21.60.100).

Page: 80

**[CG94]** 0.5 feet standard is from the PM2 district.

Page: 80

**[CG95]** These signs not currently permitted in the P district. Recommend they be permitted based on sign testing.

Page: 81

**[CG96]** Selected sections moved from 17.60.080.

Page: 81

**[CG97]** Language is from current section 17.60.60. Reads as if the language could be simplified, and reflect current procedures, if different.

Page: 82

**[CG98]** The current zoning regulations are almost silent on nonconforming signs. The nonconforming use chapter does not address signs at all. There is one reference at 21.28.120 but note that it refers to “advertising devices”, and arguably not to “signs:”. It reads “No nonconforming advertising devices shall be altered or reconstructed unless the alteration or reconstruction is in compliance with the provisions of this chapter. For the purpose of this section only, the term "altered or reconstructed" does not include normal maintenance, changing of surface sign space, ornamental moulding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments.”

Approaches towards nonconforming signs vary. Some communities set a date for compliance and include an amortization schedule. The proposed approach requires that when signs are structurally altered, relocated or replaced they shall comply immediately with all provisions of this chapter. Stronger provisions could be included e.g. a requirement that nonconforming signs be removed if a building permit is issued for any construction, sign-related or not.

Page: 82

**[CG99]** This proposed language adapted from the Howard County sign code.

Page: 82

**[CG100]** Variances to the sign regulations are not permitted in the current code. Within a single zoning district lots vary greatly in terms of the measures usually used to determine the amount and location of signage: lot frontage; building width; building height; and setback. As a result it is extremely difficult to write regulations that result in good signage on all sites within a district. The same amount and location of signage that is effective and appropriate on one site may be ineffective and inappropriate on another. This was brought out very clearly in the testing that was conducted for this update of the sign regulations, and points to the need for the ability to grant administrative adjustments and variances to the sign regulations to supplement the design review that currently occurs through the site design review process.

Page: 82

**[CG101]** 30 percent adjustments are recommended in lieu of the 20 percent adjustments that are permitted for bulk regulations.

Page: 83

**[CG102]** The language in this section is from 17.60.140 and 160.