

DRAFT

DIVISION VI General Terms and Rules of Measurement

DIVISION VI General Terms and Rules of Measurement..... VI-1
Chapter 21.72 Terms and Definitions..... VI-2
Editorial Comments to Division VI..... VI-25

Chapter 21.72 Terms and Definitions

21.72.010 Terms

A. Construction

In the construction of this Zoning Code, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

B. Definitions

Except as provided for elsewhere in this Zoning Code, terms used in this Zoning Code shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of this Zoning Code.

C. Generic Definitions

- 1. Purpose of Generic Definitions.** Certain terms in this Chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this title. These terms are referred to in this title as “generic” definitions. Examples of generic definitions used in this title are “retail goods establishment,” “amusement establishment” and “light manufacturing”.
- 2. Components of Generic Definitions.** A generic definition has three components: (1) a brief listing of examples of uses intended to be included within the scope of the definition; (2) an identification (where appropriate) of certain uses which are not meant to be included by the term; and (3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.
- 3. Uses Not Listed or Not Within Scope of Generic Definition.** A use which is not specifically listed in a zoning district, or which does not fall within a generic definition as defined in this Chapter, or as interpreted by the Director of Planning and Zoning pursuant to Chapter 21.16 is prohibited.

D. List of Definitions

1. Accessory building or use

See use, accessory.

2. Adult bookstore

Any commercial establishment which includes in its stock books, periodicals, photographs, drawings, sculpture, motion pictures, films or other visual representations which depict sadomasochistic abuse, sexual conduct or sexual excitement, as defined by Article 27, Section 416a of the Annotated Code of Maryland, and which otherwise does not qualify as a theater or nonprofit, free-lending library.

DRAFT

3. Alley

A public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on some other public way.

4. Alteration

Any change in size, shape, character or use of a building or structure.

5. Amusement establishment, indoor

A commercial establishment where the principal use or purpose is providing diversions or activities for entertainment, recreation, or pleasure. . The term “amusement establishment, indoor” includes, but is not limited to amusement arcades, bowling alleys, dance halls, pool halls swimming pools and skating rinks.

The term “amusement establishment, indoor” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

6. Anchor tenant

The largest tenant or tenants in a shopping center. Shopping center anchor tenants are typically grocery stores or department stores[CG1].

7. Animal hospital

A building or portion of a building designed or used for the care, observation or treatment of domestic animals. Animal hospital includes veterinarian office[CG2].

8. Antenna

A device designed for telephone, radio, or television communications through sending and/or receiving of electromagnetic es.

9. Antenna, flush mounted

An antenna mounted on the side of a building or structure.

10. Antenna tower

A structure used to support antennas for providing wireless voice, data and image transmission within a designated service area. Antenna tower includes monopole. 

11. Apartment hotel

An apartment building in which not more than ten percent of the accommodations are available for occupancy by nonpermanent guests, and which provides such services as maid service, laundering or furnishing of linens, telephone and secretarial or desk service.

DRAFT

12. Arts and crafts store

An establishment where the principal use or purpose is the sale of goods, products and merchandise for the practice and enjoyment of arts and crafts. The term “arts and crafts store” includes but is not limited to antique stores, art and school supply stores, coin and stamp stores, gift shops, and hobby shops.

The term “art and craft store” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

13. Arts and crafts studio

An establishment where the principal use or purpose is practicing, producing, or selling arts and crafts. The term “art and craft studio” includes but is not limited to china and glassware stores, picture framing, jewelry sales and repair, musical instruments sales and repair, and interior decorating shops.

The term “art and craft studio” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

14. Bake shop

An establishment **where** only bread, pastries and other baked goods are made and offered for sale, and the products are usually sold in bulk quantity and not for immediate consumption.

15. Bar and tavern

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages, with food only incidental to the sale of alcohol.

16. Basement

A portion of a building located partly or wholly underground and having more than one-half of its floor-to-ceiling height below the average grade of the adjoining ground[CG3].

17. Bed and breakfast home.

A single-family, owner-occupied detached dwelling which provides only transient lodging in not more than five rooms with a maximum stay of fourteen consecutive nights.

18. Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of city.

19. Boatyard, working

An arrangement of piers, slips, mooring piles, wharves, and buoys, not to exceed thirty slips, intended to be used for the repair, construction and temporary storage of watercraft, and which slips are not available for occupancy or rental by the general public.

DRAFT

20. Bufferyard

A landscaped yard that creates separation, transition, or enhanced spacing between zoning districts, uses, or rights-of-way[CG4].

21. Building

Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

22. Building, completely enclosed

A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent  and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

23. Building, detached

A building surrounded by an open space on the same lot.

24. Building height

The vertical distance from the lowest point of a structure at its front elevation at grade to the highest point of the structure, not including accessory fixtures attached to the structure.

Refer to Chapter 21.56 for measurement of building height in the historic district. **MAY ALSO ADD REFERENCE TO MEASUREMENT OF SIGN HEIGHT.**

25. Building, principal

A non-accessory building in which the principal use of the lot on which it is located is conducted.

26. Bulk

Bulk means the size and setbacks of buildings or structures and the location of the buildings or structures with respect to one another, and includes the following:

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. All open spaces allocated to buildings;
- e. Amount of lot area provided per use[CG5].



DRAFT

27. **Business establishment**

A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

28. **Capacity in persons**

The maximum number of persons that can avail themselves of the services or goods of an establishment or use, at any one time, with reasonable comfort, as determined in the Annapolis building code.

29. **Car wash**

An area or structure equipped with facilities for washing automobiles[CG6].

30. **Charitable institution**

A building or group of buildings devoted to and supported by charity.

31. **Co-location**

Use of an antenna tower or site by more than one antenna or telecommunications service provider.



32. **Coffee shop**

A type of food establishment of no more than 2,000 square feet gross floor area whose principle business is the sale of coffee and other hot beverages. Pastries, sandwiches and other light fare may also be sold incidental to the service of coffee. A food service establishment that otherwise meets this definition shall not be a coffee shop if it serves alcoholic beverages or is otherwise required to have an alcoholic beverage license under this code.

33. **Convenience store**

A retail establishment, selling a limited number of food items, household items and some items prepared on the premises, including reheating, which can be immediately consumed, of no more than 4,000 square feet gross floor area.

34. **Curb level**

The level of the established curb in front of a building measured at the center of the front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

35. **Day care, family.**

Care provided for a fee to eight or fewer children under the age of thirteen, in a residence outside of the child's home, for a part of a twenty-four hour day, and regulated by the state Department of Human Resources.

DRAFT

36. Day care center, group

An agency, institution or establishment regulated by the state Department of Human Resources pursuant to the Family Law Article of the Annotated Code of Maryland that, for part or all of a day, on a regular schedule, and at least twice a week, offers or provides group day care to at least nine children who do not have the same parentage.

37. Delicatessen

A type of food service establishment which has as a substantial portion of its business the carry-out of foods for immediate consumption. Delicatessens must exhibit both of the following characteristics:

- a. The establishment does not provide more than ten seats, and
- b. Food items prepared for consumption generally are not prepackaged, but are made to specific order. A limited number of prepackaged items may be sold, but only as accessory to the principal use of service of food for immediate consumption.

38. Density

The number of dwelling units per gross acre.

39. Department store

Store selling a wide variety of goods and arranged in several departments.

40. District

A portion of the territory of the city within which certain uniform regulations and requirements, or various combinations of regulations and requirements, apply under the provisions of this Zoning Code.

41. Dwelling

A building, or portion of a building, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multifamily dwellings. Dwelling does not include a hotel or trailer or other vehicle designed and constructed for dwelling purposes[CG7].

42. Dwelling, attached

One of a series of three or more dwellings which is joined to another dwelling at one or more sides by a party wall or walls. For example, townhouse, rowhouse, and quadraplex units are attached dwellings.

43. Dwelling, detached

 dwelling which is surrounded entirely by open space on the same lot.

DRAFT

44. Dwelling, multi-family

A building, or portion of a building containing three or more dwelling units.

45. Dwelling, single-family

A building containing one dwelling unit.

46. Dwelling, two-family

A building or portion of a building containing two dwelling units. Two family dwellings may be attached or detached. Examples:

A detached dwelling containing an apartment is a two-family detached dwelling.

A duplex is a two-family detached dwelling with the units separated by one vertical party wall without openings extending from the basement floor to the roof along the dividing lot line.

A townhouse containing two dwelling units is a two-family attached dwelling.

47. Dwelling unit

Any habitable room or a group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals.

48. Efficiency unit

A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing the dining alcove does not exceed 125 square feet in area.

49. Electric substation

For determining setbacks, electric substation includes any piece of electrical equipment or electrical apparatus required to transform voltage of electricity. It excludes fences, planting, and other aesthetic treatments.

50. Established front yard

The front yard for a block or portion of a block that has been created by any existing legally constructed building or buildings, whether or not this yard meets the minimum yard requirements for the zoning district where the building or buildings are located[CG8].

51. Family

One or more persons, each related to the other by blood, marriage or adoption, who are living together in a single dwelling and maintaining a common household. A family includes any domestic servants and not more than one gratuitous guest residing with the family.



DRAFT

52. Floor area [CG9]

The sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

a. Calculation of floor area for determining Floor Area Ratio.

- i. The following areas shall be included in the calculation:
 - a) Elevator shafts and stairwells at each floor,
 -  b) Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof),
 - c) Penthouses,
 - d) Attic space having headroom of seven feet ten inches or more,
 - e) Interior balconies and mezzanines,
 - f) Enclosed porches,
 - g) Floor area devoted to accessory uses, and
 - h) In Waterfront Maritime districts only, space devoted to off-street parking structures at or above ground level.
- ii. The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, is determined on the basis of height in feet; i.e., ten feet in height equals one floor.

b. Calculation of floor area for determining off-street parking requirements.

- i. The following areas shall be included in the calculation:
 - a) Penthouses
 - b) Attic space having headroom of seven feet ten inches or more,
 - c) Interior balconies and mezzanines,
 - d) Enclosed porches,
 - e) Accessory storage areas located within selling or working space such as counters, racks or closets, and
 - f) Basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- ii. The following areas shall not be included in the calculation:

DRAFT

- a) Areas devoted primarily to storage purposes except those included above in subsection 45.b.i.e);
- b) Areas devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or
- c) Basement floor area other than areas devoted to uses included above in subsection 45.b.i.f).

53. Floor area ratio (F.A.R)

The floor area of the building or buildings on a zoning lot divided by the area of the zoning lot, or, in the case of planned developments, by the net site area.

The floor area ratio requirements as set forth in the zoning district bulk regulations tables determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

54. Food and beverage-related use

A commercial or nonprofit enterprise engaged in the preparation and sale of food, beverages or frozen desserts. Food service may or may not be the principal business of the establishment. Food and beverage-related uses include the following uses:

- a. Bake shops,
- b. Candy stores including candy making,
- c. Catering establishments,
- d. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
- e. Coffee shops,
- f. Convenience stores,
- g. Delicatessens,
- h. Fast food restaurants
- i. Food service marts,
- j. Ice cream stores
- k. Markets, open air,
- l. Standard restaurants,
- m. Supermarkets

DRAFT

55. Food service mart

An establishment whose principal purpose is the sale of food items for home consumption, either prepared on premises or prepackaged. A food service mart must exhibit all of the following characteristics:

- a. The principal operation of the establishment is the sale of food items for home consumption, either prepared on the premises or prepackaged,
- b. No seating is provided on the premises, and
- c. The gross square footage of the establishment does not exceed 4,000 square feet.

56. Food store

A retail establishment selling dry groceries, produce and household items, but having no food prepared on the premises for immediate consumption.

57. Grade, lot

Lot grade is the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

58. Group home

Any residential structure used to house a group of individuals in need of special residential facilities, but without extra medical or institutional services, guards or procedures, provided the facility is certified under guidelines and control of the state Departments of Health, Social Services or Juvenile Services.

59. Height

See building height.

60. Home occupation[CG10]

A business use conducted entirely within a dwelling unit or accessory building to a dwelling unit by a resident of the dwelling unit and which is clearly incidental and secondary to the use of the principal building on the zoning lot for dwelling purposes.

61. Hotel

An establishment which is open to transient guests and which provides customary hotel services including maid service, the furnishing and laundering of linen, telephone and secretarial  desk service, the use and upkeep of furniture, and bellboy service[CG11].

62. Incompatible use

A use that is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.



DRAFT

63. Inn

A hotel which has no more than twenty sleeping rooms and/or suites for use by transient guests, and which has no food and beverage service other than that provided for guests of the inn, and which may provide meeting or conference facilities for guests of the inn.

64. Institution for the care of the aged

A building or buildings which provide housing for senior citizens aged sixty-two and older and which include seniors-specific amenities and services that meet the nutritional, social, recreational, medical, safety and transportation needs of the residents. This requirement may be met through the provision, for example, of meal service with common dining facilities, physical therapy facilities and activities, social and recreation facilities and activities, exercise facilities, meeting rooms and library service, health care service including a dedicated medical examination room, and personal services such as either an internal trash chute or trash pickup for each unit, an emergency response system for each unit and cleaning services for each unit.

The term “institution for the care of the aged” includes acute care facilities such as nursing homes, assisted living facilities, and independent living facilities[CG12].

65. Integrated sign program

A coordinated program of signage for a zoning lot or lots where the materials, colors, shapes, and sizes of signage establish a unity of design compatible with the site, architecture, and the context.

66. Kennel

A premises on which dogs or cats are maintained, boarded or cared for, in return for remuneration, or are kept for the purpose of sale.

67. Landscape elements

The components of a landscape including planting, lighting, paving, fencing, grading, and walls[CG13].

68. Living space, minimum

The minimum amount of space that must be provided in a dwelling unit when required in the bulk regulations table for a zoning district. Minimum living space is determined by measuring from the inside walls of the dwelling unit. Gross square footage is expressed as gross square footage and may include closets and interior hallways, but may not include common hallways or storage areas located outside the dwelling unit[CG14].

69. 

Lot means a zoning lot, except when the context indicates a lot of record, in which case a "lot" is a lot of record. Lot includes “piece”, "parcel" and "plot."

DRAFT

70. Lot, corner

A lot situated at the intersection of two streets, the interior angle of the intersection not exceeding 135 degrees.

71. Lot, reversed corner

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

72. Lot, through

A lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

73. Lot, zoning

A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a "lot of record."

74. Lot coverage

The amount of surface area of a lot that is covered by the sum of all structures, including accessory structures. Walks, driveways and fences shall not be considered structures for the purpose of this definition, but parking pads, parking lots and swimming pools are considered structures. Paved surfaces constructed of permeable materials allowing direct storm water absorption shall be exempted from the coverage calculation if approved by the Planning and Zoning Director.

75. Lot depth

The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

76. Lot of record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the recorder of deeds of Anne Arundel County; or a parcel of land, the deed to which was recorded in the office of the recorder prior to the effective date of this Zoning Code.

77. Lot width

The horizontal distance between the side lot lines of a lot. Lot width is measured as follows:

- a. Single family dwellings in the R1-A district: at the narrowest width within the first 50 feet of lot depth immediately in back of the front yard setback line,
- b. All uses in all other districts: at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line or established front yard if applicable.

DRAFT

78. Lot line, front

The boundary of a lot which is along an existing or dedicated public street. At the time of application for a building permit, the owner of a corner lot may select either street lot line as the front lot line.

79. Lot line, rear

The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

80. Lot line, side

Any boundary of a lot which is not a front lot line or a rear lot line.

81. Maritime use setback

An open-air location for water-dependent maritime uses. The setback is 100-feet deep measured parallel to the shoreline. Non water-dependent uses are permitted in the maritime use setback if certain bulk requirements are met[CG15].

82. Marquee sign

See Sign, marquee.

83. Marquee[CG16]

A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.



84. Massage parlor

Massage parlor has the meaning given it in Chapter 7.32 of the Annapolis City Code.

85. zzanine

An intermediate or fractional story between the floor and ceiling of a full story, used for a purpose accessory to the principal use. Normally, a mezzanine is just above the ground or main floor, extending over only part of the main floor.

86. Mooring slip, private

Any dock, arrangement of piles or method used to moor a boat over 15 feet long, owned or used by the owner of the property, the owner's immediate family or tenants of the property.

87. Mooring slip, public

Any dock, device or method for mooring any boat owned or leased by a person other than the landowner, the owner's immediate family or tenants of the property.

DRAFT

88. Motel

An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

89. Motor vehicle

Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

90. Multi-tenant facility

Two or more businesses under single ownership or under unified control. Multi-tenant office or commercial buildings, industrial parks, shopping centers are multi-tenant facilities.

91. Nameplate

A sign indicating the name and address of a building, or the name of an occupant of a building and the practice of a permitted occupation in a building.

92. Nonconforming structure

A building or structure lawfully constructed prior to the effective date of the Zoning Code, or an amendment to the Zoning Code, that does not comply with the applicable bulk regulations or other development or design standards of the Zoning Code in the zoning districts in which the building or structure is located.

93. Nonconforming use

See Use, nonconforming

94. Nursing home

See Rest home.

95. Off-site parking facility[CG17]

A parking facility located on land other than the zoning lot on which the use requiring the parking is located.

96. Office, medical

An organization of specializing physicians, dentists, chiropractors, osteopaths or similar licensed or registered practitioners who have their offices in a common building. A medical office does not include in-patient care.



DRAFT

97. Office and business services establishment

An establishment providing business services for office and business uses. The term “office and business services” includes but is not limited to are blueprinting and photostating, business machine sales and service, camera and photographic supply, computer and communications products supply and service facilities, office supply stores, package mailing service establishments, fax and telegraph facilities, and photocopying and reproduction shops.

The term “office and business services” does not include any used that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

98. Overlay district

A district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location, or other circumstances. An overlay district supplements or provides an alternative to the regulations of the underlying zoning district.

99. Personal care establishment

An establishment providing services for the customary comfort, convenience or care of individuals. The term “personal care establishment” includes but is not limited to barbershops, beauty parlors, dressmaking/tailoring stores, drugstores, , and photography studios.

The term “personal care establishment” does not include any that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

100. Planned development [CG18]

A tract of land which contains or will contain one or more principal buildings, the development of which is allowed greater flexibility and, consequently, achieves more creative and beneficial design than may be possible under conventional zoning district regulations. There are three types of planned development:

- a. Residential planned development is a planned development that is substantially residential in character.
- b. Business  planned development is a planned development that is substantially commercial or industrial in character.
- c. Special mixed planned development is a planned development that is substantially mixed in character and that may contain a wide range of planned development uses.

101. Planned development use[CG19]

See Use, planned development

102. Professional person

An individual, as distinguished from a corporation, partnership, group, or other entity, who is pursuing a vocation involving labor or skill which is predominately mental or intellectual, rather than physical or manual, in which a knowledge of a science or field of learning is used



DRAFT

by its practical application to the affairs of others, either in advising, treating or teaching them, or in serving their interests or welfare in the practice of the art founded on that science or field.

103. Property lines

The lines bounding a zoning lot, as defined in this chapter.

104. Public way

Any sidewalk, street, alley, highway, waterway or other public thoroughfare.

105. Rest home or nursing home[CG20]

A private home, not age restricted, for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. This home does not contain equipment for surgical care or for the treatment of disease or injury.

106. Restaurant, fast food

An establishment, other than a bake shop, candy or ice cream store, which provides as a principal use the sale of foods or beverages in a ready-to-consume state, for consumption off the premises. A fast-food establishment's design or principal method of operation includes two or more of the following characteristics:

- a. Food or beverages are service in edible containers, or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable;
- b. The line of food or beverages is limited, and is usually prepared in advance of the customer's order;
- c. Food or beverages are served over a general service counter for the customer to carry to a seating facility within the restaurant, or carry-out off premises, or to an occupant of a motor vehicle while seated in the vehicle, such as through a drive-in window; and
- d. Carry-out sales, including delivery service, constitute over ten percent of the food service business.

107. Restaurant, standard

An establishment whose principal business is the sale of foods or beverages to customers in a ready-to-consume state. Carry-out foods or beverages may constitute not more than ten percent of the business. A standard restaurant has a design or principal method of operation which includes one or both of the following characteristics:

- a. Patrons usually and customarily are provided with individual menus, and are served their food or beverages by a restaurant employee at the same table or counter at which the items are consumed,
- b. Service is provided by a cafeteria-type operation where foods or beverages are served on non-disposable plates or containers and nondisposable eating utensils are provided

DRAFT

108. Rest home or nursing home

A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. This home does not contain equipment for surgical care or for the treatment of disease or injury.

109. Retail goods store

An establishment where the principal use or purpose is the sale of physical goods, products, and merchandise directly to the consumer. The term “retail goods store” includes, but is not limited to clothing and apparel stores, dry goods stores, leather goods and luggage stores, furrier shops, medical appliance and supply stores, pawnshops, pet shops, shoe shops, sporting goods stores, and toy shops.

The term “Retail goods store” does not include any use or other type of establishment that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

110. Rowhouse

See Dwelling, attached.

111. Setback

The minimum horizontal distance between a lot line or public street right-of-way and the nearest point of a structure or projection thereof.

112. Shopping center

A complex of retail stores sharing common parking facilities. Non-retail uses such as offices and residential uses can be incorporated into a shopping center. A shopping center contains at least six retail stores and 30,000 square feet of retail space.

113. Sight Visibility Triangle.

A triangular space provided across all property corners created by either the intersection of two streets or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot measured from two points drawn 25 five feet back from the street or driveway intersections with a street.

114. Sign[CG21]

Any name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

The term “sign” includes signs erected or installed in the interior of a structure if the sign is situated in a manner to indicate that its prime purpose is for viewing from the exterior of the structure. The prime purpose of an interior sign is exterior viewing if it is visible from the exterior and if no public access is permitted between the sign and the exterior window of the structure.



DRAFT

The term "sign" does not include the following:

1. Display of official court or public office notices,
2. The flag, emblem or insignia of a nation, political unit, school or religious group, or
3. A sign located completely within an enclosed building and not visible to the outside of the building.

115. Sign, business community identification [CG22]

A sign representing an area consisting of no less than six distinct businesses located on separate parcels of land.

116. Sign, freestanding[CG23]

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

117. Sign, ground[CG24]



A sign where the entire bottom of the sign is in contact with or in close proximity to the ground. A "monument sign" is a ground sign.

118. Sign, [CG25]

A sign supported by one or more poles and otherwise separated from the ground by air.

119. Sign, marquee[CG26]



A sign attached to or made part of a marquee. A marquee sign is a type of wall-mounted sign.

120. Sign, projecting[CG27]

A sign ked to a building or wall in such manner that its leading edge extends more than six inches beyond the surface of the building or wall.

121. Sign, temporary



A sign that advertises community or civic projects or special events on a temporary basis, or a political sign.

122. Sign, -mounted[CG28]

Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the outside limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.

A marquee sign is a type of wall-mounted sign.

Signs placed on canopies or awnings are considered to be wall-mounted signs.



DRAFT

123. Sky exposure plane

A defined plane above a lot into which no part of a structure is permitted to intrude[CG29].

124. Special exception

See Use, special exception.

125. Specialty convenience retail store

An establishment where the principal use or purpose is the sale of convenience products directly to the consumer. These stores usually specialize in one type or line of inter-related products. The term “specialty convenience retail goods store” includes but  limited to book and stationery stores, camera and photographic supply stores, florists, and hardware, paint and wallpaper stores.

The term “specialty convenience retail store” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

The term “specialty convenience retail store” does not include a “Convenience store” as defined in this Chapter.

126. Special mixed planned development

See Planned development

127. Stealth structure

A structure used to enclose and screen antennas from view. Flag poles, bell towers, clock towers, and masts are examples of stealth structures.

128. Story [CG30]

The space in a building between two adjacent floor levels or between a floor and the roof. A basement, as defined in this title, is not a story.

129. Street

A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designated, but does not include driveways to individual buildings. For the  poses of dedication to the city for city maintenance, "street" does not include parking lots, or parking lot access roads.

130. Streetscape improvements [CG31]

Architectural or functional facilities or structures which occur on site but are not part of the building and which encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences.



131. Structural alteration

Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

132. Structure

Anything constructed or erected with a fixed location on the ground or which is attached to something having a fixed location on or in the ground.

133. Supermarket

A retail establishment selling dry groceries, produce, household items, and limited food prepared on the premises which is immediately consumable, such as bakery or delicatessen items.

134. Tavern

See Bar and Tavern

135. Telecommunications facility

Any facility established for the purpose of providing wireless voice, data and image transmission within a designated service area. A telecommunications facility consists of one or more antennas and equipment attached to a support structure and related equipment. Equipment may be within a building, an equipment cabinet or within an equipment room within an existing building.

The term “telecommunications facility” does not include “antenna tower”.

136. Telephone transmission equipment building[CG32]

A building containing equipment used for switching and interconnection of public message communication circuits.

137. Tent

Any structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvass, fabric or a similar light material.

138. Townhouse



See Dwelling, attached.

139. Trailer

Any vehicle, house-car, camp-car or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping or commercial purposes.

DRAFT

140. Use, accessory

A building or use that:

- a. Is subordinate in purpose to, and serves, a principal building or principal use;
- b. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- c. Is located on the same zoning lot as the principal building or use served, with the single exception of accessory off-street parking facilities permitted to locate elsewhere than on the same zoning lot with the building or use served.

Uses accessory to a special exception are permitted only when a special exception has been granted.

141. Use, nonconforming

A principal or accessory use lawfully established prior to the effective date of the Zoning Code, or an amendment to the Zoning Code, that does not conform to the use regulations of the Zoning Code in the zoning districts in which such use is located.

142. Use, permitted

A use which may be established lawfully in a particular district or districts, provided it conforms with all requirements and regulations of the district.

143. Use, planned development

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district, but that may be permitted as part of a planned development provided that the planned development as a whole meets the criteria for approval set forth in this Zoning Code. Use regulations for planned developments are listed in section 21.24.020 of this Zoning Code.

144. Use, principal

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be a permitted use, a special exception use, or a use subject to standards.

145. Use, special exception[CG33]

A land use or activity that requires approval by the Board of Appeals for a specific location and site plan, based on standards established in this Zoning Code.

A use that existed as a conditional use, as defined under this Code prior to the adoption of Ordinance O-39-97 on January 12, 1998, shall be deemed a legal special exception if lawfully existing on the effective date of any amendment to this title making that use a special exception use[CG34].



DRAFT

146. Used for

The term "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

147. Valet Parking

An area where cars are parked and unparked by an attendant in the employ of or under contract to the owner of the parking area rather than by the owner or operator of the vehicle.

148. View cone[CG35]

A space defined by two projected lines from the centerline of a street right-of-way that is to be kept free of obstructions so as to preserve a distant view.

Calculation of view cone:

NEED TO ADD VIEW CONE DIAGRAM (former 21.54.100)

149. Wall-mounted sign.



See sign, wall-mounted.

150. Water-dependent structure

A structure or accessory building associated with maritime activities involving seafood industrial, in-water boat storage or marine fabrication use that, in the determination of the Planning and Zoning Director, requires location within 100 feet of the bulkhead or mean high water line for efficiency of operation.[CG36]

151. Waterway

A body of water subject to tidal action.

152. Yard

Open space on the same zoning lot with a building or structure, unoccupied and unobstructed from the ground upward, except as permitted in Section 21.60.080. A yard extends along a lot line, and to a depth or width specified  the yard requirements for the zoning district in which the zoning lot is located.

153. Yard, buffer

See Bufferyard

154. Yard, corner side

A side yard which adjoins a public street.

DRAFT

155. Yard, front

A yard extending along the full length of the front lot line between the side lot lines.

156. Yard, interior side

A side yard which is located immediately adjacent to another zoning lot or to an alley separating the side yard from another zoning lot.

157. Yard, rear

A yard extending along the full length of the rear lot line between the side lot lines.

158. Yard, side

A yard extending along a side lot line from the front yard to the rear yard.

159. Yard, transitional

A yard, which serves as a buffer, that may be required on a zoning lot in a non-residential district which adjoins a zoning lot in a residential or non-residential district[CG37].

160. Yard, waterway

A yard contiguous to a waterway.

161. Zoning district

An area or areas within the city for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.



21.72.020 Rules of Measurement

Measurement of distances. All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken.

DRAFT

Editorial Comments to Division VI

Page: 3

[CG1] New definition. The term anchor tenant is used in the sign regulations.

Page: 3

[CG2] These uses are considered the same under the Annapolis code.

Page: 4

[CG3] This is essentially the former definition of “cellar”. The term cellar was defined but not otherwise used in Title 21. The new definition of basement is the common meaning i.e. a floor that is below the ground. Note that the definition of Floor Area Ratio that referred to “basement” is also changed.

Page: 5

[CG4] New definition

Page: 5

[CG5] Under E. changed “per dwelling unit” to “per use” so as to broaden the scope of what is covered under the term “bulk”.

Page: 6

[CG6] Definition simplified. Intention is to be inclusive. Car washes require a special exception.

Page: 7

[CG7] Former separate definition of house trailer added here as “dwelling” was the only place where the term was used other than trailer park which has been deleted as a use.

Page: 8

[CG8] New definition. The term is used extensively in the current regulations (see, for example, Sections 21.10.050 and 21.10.060) but is not defined. The established front yard regulations have been substantively redrafted. See Division III.

Page: 9

[CG9] Former definitions 21.04.250 and 21.04.255 clarified primarily through formatting. Definition revised to deleted former reference to basement in 21.04.250: “includes basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established”. Since basement was defined as “above ground” the phrase was unnecessary. The intent is to not include basement in the calculation of FAR, consistent with past practice. Also added the word “basement” in the exclusions in part b.ii of the definition.

Page: 11

[CG10] Added the word “business to the definition . Standards moved to use standards chapter.

Page: 11

[CG11] Reference to roominghouse in existing definition deleted as the roominghouse use has also been deleted.

Page: 12

[CG12] Last sentence added to summarize uses included under the definition.

Page: 12

[CG13] New definition to more carefully explain the term landscape.

Page: 12

[CG14] New definition using existing language. This term is used in several zoning districts.

Page: 14

[CG15] Definition from former section 21.55.020. Definition revised slightly to remove the regulation; this has been moved to Division III.

Page: 14

[CG16] New. Term is currently undefined.

Page: 15

[CG17] New definition.

Page: 16

[CG18] Revised definition to reflect changes in new Chapter 21.24. Also deleted former phrase “, developed under single ownership or control”, since many PUDs have multiple applicants and or are later sold an constructed as separate lots by separate owners.

Page: 16

[CG19] New definition for new section 21.24.020

Page: 17

[CG20] Phrase “not-age restricted” added to differentiate from “Institutions for the care of the Aged”.

Page: 18

[CG21] Added interior signs from 17.60.010, but as proposed would extend to all signs, not just signs in the historic district. Deleted last sentence from definition: "Sign" does not include a temporary sign. Also deleted “nor does it include the official name, permanently affixed to the structure, of any educational, cultural or religious institution”; this type of sign has been added to permitted signs for these type of institutions.

Definition for “advertising device” deleted: this term applies to off-premise signs like billboards, but they are only permitted in a few districts such as B2, I1 and WMI. The term “advertising device” is not used in the proposed regulations.

Page: 19

[CG22] New definition. Current code incorporates this language in the body of the regulations.

Page: 19

[CG23] New. Term is currently undefined.

Page: 19

[CG24] New. Term is currently undefined.

Page: 19

[CG25] New. Term is currently undefined.

Page: 19

[CG26] New. Term is currently undefined.

Page: 19

[CG27] New. Term is currently undefined.

Page: 19

[CG28] New definition. Adapted from Sign Regulation for Small and Midsize Communities by Kelly, E., and Raso, G.

Page: 20

[CG29] New definition to explain this term.

Page: 20

[CG30] New definition. The term is not currently defined. Second sentence clarifies that a basement is not counted in FAR or yard requirement calculations. Staff had to address the question of when a basement became a story.

Page: 20

[CG31] New definition using language in former 21.71.030.

Page: 21

[CG32] New definition. Current regs do not define this term. Verizon has this type of building in the MX district on West Street, though it is not currently permitted in that district. This use would be permitted by right in certain non-residential districts. Miniaturization has reduced the need for these types of facilities. This definition is intended to cover the Federal Communications Commission definition of “Central Office”; A landline termination center used for switching and interconnection of public message communication circuit. This term has not been used as it would not be understandable to users of the zoning code.

Page: 22

[CG33] New definition. Current definition (21.04.620) was confusing and inconsistent with case law and enabling legislation.

Page: 22

[CG34] Revision of former 21.06.140. O-39-97 changed conditional uses to special exceptions. This sentence clarifies that uses that were approved conditional uses prior to January 12, 1998 are legal special exceptions.

Page: 23

[CG35] New definition

Page: 23

[CG36] Same definition as in 21.54.50 Critical Area (former 21.67.050). Definition in 21.57.020 (WME district) had been slightly different; had included the words “*on-land boat storage, boat repair and maintenance*”. from former section 21.55.020.

Page: 24

[CG37] Revised to reflect new zoning district names.