

**O-40-15 Pantelides, Budge, Arnett Proposed Amendments**  
November 4, 2015

**Amendment 1**

Page 1, Line 36: Insert as follows:

WHEREAS, THE ANNAPOLIS CITY COUNCIL BELIEVES THE WMC DISTRICT SHOULD PRESERVE THE PUBLIC'S VIEWS OF THE WATER AS WELL AS PRESERVE THE BULKHEADS AND SLIPS FOR MARINE CRAFT; AND

WHEREAS, THE ANNAPOLIS CITY COUNCIL BELIEVES THE WMC DISTRICT SHOULD SUPPORT A ROBUST BUSINESS DISTRICT; AND

Page 1, Lines 37-38: Amend paragraph as follows:

WHEREAS, the WMC zoning district was established to preserve the maritime ~~industry~~ RELATED ACTIVITIES in the heart of downtown; and

Page 1, Line 39: Insert as follows:

WHEREAS, CURRENTLY ALLOWABLE MARITIME USES ARE IN LIMITED USE IN THE WMC DISTRICT, WHICH PROMPTED THE CITY DOCK COMPREHENSIVE PLAN TO ENVISION REZONING THE AREA TO ALLOW USES PROVIDED FOR IN THE C2 DISTRICT, WHICH ALLOWS FOR RESTAURANT USE SUBJECT TO OBTAINING A SPECIAL EXCEPTION AND ALLOWS THE CITY TO IMPOSE CERTAIN STANDARDS; AND

WHEREAS, THE WMC DISTRICT IS ALSO LOCATED IN THE HISTORIC LANDMARK DISTRICT OF DOWNTOWN ANNAPOLIS WHICH SUBJECTS IT TO BUILDING DESIGN, SCALE, MASSING AND HEIGHT CONSTRAINTS AS WELL AS PARKING CONSTRAINTS THAT ARE NOT APPLICABLE IN OTHER CITY MARITIME DISTRICT, THEREFORE, ADOPTING THE FOLLOWING USE CHANGES IS JUSTIFIED ONLY IN THE WMC DISTRICT AND NOT IN THE THREE OTHER MARITIME DISTRICTS IN THE CITY; AND

Page 1, Lines 40-41: Delete paragraph.

Page 1, Line 44: Delete “; and” and add a period.

Page 2, Lines 1-3: Delete paragraph.

Rationale: Address Maritime Advisory Board and citizen concerns.

**Amendment 2**

Page 1, Line 25: Insert “A&” as follows:

Section 21.46.020A&B

Page 2, Line 14: Amend REVISOR'S NOTE as follows:

In this Section, THE PURPOSE FOUND IN 21.46.020A. AND the uses found in 21.46.020B are amended. No other changes are made to this Section.

Page 2, Line 16: Insert Purpose paragraph and amend as follows:

A. Purpose. The WMC Waterfront Maritime Conservation district is intended to provide a location for maritime-related activities, INCLUDING DOCKS AND SLIPS; public access, and recreational uses; AND VIEWS of the waterfront in an attractive environment which supports and is harmonious with the interrelationship of the historic urban core, the waterfront and adjacent commercial and residential uses.

Rationale: Address Maritime Advisory Board concerns.

**Amendment 3**

Page 2, lines 20-23: Delete paragraph:

~~1. RETAIL SALES OF NON MARITIME RELATED GOODS AND USES ARE ALLOWED IN THE WMC DISTRICT PROVIDED THAT THE MARITIME USES ON THE LOT COMPRISE A MINIMUM OF FORTY PERCENT OF THE GROSS FLOOR AREA ON THE LOT.~~

Page 2, Line 25: Renumber the subsequent paragraph from 2 to 1:

1. MULTIPLE MARITIME USES, RESTAURANT AND RETAIL SALES OF NON MARITIME-RELATED GOODS MAY EXIST ON THE SAME LOT AT THE SAME TIME PROVIDED THAT THE MARITIME USES COMPRISE A MINIMUM OF FORTY PERCENT OF THE GROSS FLOOR AREA ON THE LOT.

Rationale: Simplify language – the paragraphs here repeat the same thoughts.

**Amendment 4**

Page 2, Line 29: Insert a new paragraph 2 as follows:

2. FOR A PROPERTY LOCATED IN THE WMC DISTRICT, THE NUMBER OF DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED MAY NOT BE REDUCED WITH A CHANGE IN USE APPROVED AFTER JULY 27, 2015, EXCEPT THAT THE COMBINATION OR RECONFIGURATION OF DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED IN ORDER TO ACCOMMODATE LARGER VESSELS SHALL NOT BE CONSIDERED AS A REDUCTION FOR THE PURPOSES OF THIS SUBSECTION.

Rationale: Address Maritime Advisory Board concerns.

**Amendment 5**

Page 1, Line 26: Insert “A&” as follows:

Section 21.48.040A&B

Page 2, Lines 34-36: Amend REVISOR’S NOTE as follows:

In this Section, the useS found in 21.48.040BA – ~~“Retail sales of non-maritime-related goods” is amended.~~ – “MARITIME MAPS, MAGAZINES, CATALOGUES AND OTHER PUBLICATIONS” AND “MARITIME RETAIL” ARE amended. No other changes are made to this Section.

Page 2, Line 37: Insert Table of Maritime Uses, A.6 “Maritime Retail” and amend table entries “e. Marine maps, magazines, catalogues and other publications” and “f. Maritime retail” to be Permitted uses in the WMC column (presently blank):

Uses		District WMC	District WMM <sup>3</sup>	District WMI <sup>3</sup>	District WME
A. Maritime Uses					
6. Maritime retail: display, sale and storage of marine parts, supplies, accessories, and provision of other goods including, but not limited to:					
	a. Marine hardware	P	P	P <sup>1</sup> ,	P <sup>1,2</sup>
	b. Fishing tackle	P	P	P <sup>1</sup>	P <sup>1,2</sup>
	c. Marine chandleries	P	P	P <sup>1</sup>	P <sup>1,2</sup>
	d. Yacht furniture	P	P	P <sup>1</sup>	P <sup>1,2</sup>
	e. Marine maps, magazines, catalogues and other	P	P		P <sup>1,2</sup>

	publications				
	f. Maritime retail	P	P	A-Std	A-Std

Page 3, Table of “Other Uses”: Restore “Retail sales of non maritime-related goods” to “S-Std” in the WMC column (ie: delete change to “P-Std”):

	District WMC	District WMM <sup>3</sup>	District WMI <sup>3</sup>	District WME
B. Other uses:				
Accessory uses	A	A		
Antenna towers			P-Std, S-Std	
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Delicatessen			A-Std	A-Std
Food service marts			A-Std	A-Std
Governmental uses:				
Parks and recreation facilities	P		P	P
Parking structures as accessory to permitted maritime uses on a separate zoning lot		S-Std		
Professional offices		S-Std		
Restaurant, standard	S-Std	S-Std		S-Std
Retail sales of non maritime-related goods	<del>S-STD</del> <del>P-Std</del>	S-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Temporary uses	P-Std	P-Std	P-Std	P-Std
Transient boater services, such as laundry, pool, recreation facilities and sales of convenience items			A-Std	

Rationale: Permit maritime retail in the WMC while retaining closer scrutiny on non-maritime retail.

**Amendment 6**

Page 3, Lines 11-13 (Standards for Restaurants in WMC) Delete paragraph and renumber following paragraphs.

~~1. The use may only be provided in combination with a principal permitted use MARITIME PERMITTED USE PER SECTION 21.48.040A.1. 9. THAT OCCUPIES A MINIMUM OF FORTY PERCENT OF THE TOTAL GROSS FLOOR AREA ON THE LOT.~~

Rationale: The language of Amendment 3 makes this paragraph redundant.

**Amendment 7**

Page 4, Lines 4-5: (Standards for rooftop and outdoor dining in WMC) Amend hours as follows:

HOURS OF OPERATION SHALL BE LIMITED TO ~~TWO A.M.~~ MIDNIGHT, SEVEN DAYS A WEEK.

Rationale: Citizen request to Planning Commission for earlier closing for hours for outdoor and rooftop dining; Commission referred this question to City Council.

**Amendment 8**

Page 4, Lines 7-9: (Standards for rooftop and outdoor dining in WMC) Amend paragraph as follows:

NO BAR, DANCING OR LIVE ENTERTAINMENT AND NO SPEAKERS OR PUBLIC ADDRESS SYSTEM SHALL BE ALLOWED, ~~EXCEPT LOW LEVEL BACKGROUND MUSIC.~~

Rationale: Planning Commission recommended consistency with Section 21.64.540.C.1.e and 21.64.540.C.3.d.iii.

**Amendment 9**

Page 4, Lines 19-21: (Standards for rooftop and outdoor dining in WMC) Amend paragraph as follows:

f. LIGHTING SHALL BE DIRECTED AWAY FROM THE ADJOINING PROPERTIES AND STREETS AND DESIGNED TO MINIMIZE GLARE AND SHALL NOT BE DIRECTED UPWARDS NOR TOWARDS THE WATER. ALL LIGHTING SHALL BE AT OR BELOW RAILING LEVEL.

Rationale: Planning Commission recommendation.

**Amendment 10**

Page 4, Line 26: Insert new paragraph as follows:

h. SIDEWALK CAFES PURSUANT TO CHAPTER 7.42 SHALL NOT BE PERMITTED ALONG COMPROMISE STREET UNTIL A SUBSTANTIAL WIDENING OF THOSE SIDEWALKS CONSISTENT WITH THE 2013 CITY DOCK MASTER PLAN IS ACCOMPLISHED.

Rationale: Planning Commission recommendation.

**Amendment 11**

Page 4, lines 27-28: change “applicant” to “property owner” and insert “adjacent to the water” to describe the public walkway:

2. In conjunction with approval of this use the ~~applicant~~ PROPERTY OWNER shall construct and maintain a public pedestrian walkway ADJACENT TO THE WATER in accordance with the standards set forth in Section 21.62.020130, EXCEPT THAT STRUCTURES IN EXISTENCE AS OF AUGUST 24, 1987 LOCATED WITHIN THE PUBLIC PEDESTRIAN WALKWAY SHALL COMPLY TO THE EXTENT PRACTICABLE.

Rationale: Planning Commission recommendation; clarification.

**Amendment 12**

Page 4, Lines 39-40: Delete paragraph and renumber following paragraphs.

~~In structures in existence as of August 24, 1987 this use may not exceed thirtySIXTY percent of the total gross floor area of development of the lot.~~

Rationale: The language of Amendment 3 makes this paragraph redundant.

**Amendment 13**

Page 4, lines 44-45: change “applicant” to “property owner” and insert “adjacent to the water” to describe the public walkway:

~~2. In structures constructed after August 24, 1987 this use may not exceed twenty-five percent of the total gross floor area of development of the lot~~ IN CONJUNCTION WITH APPROVAL OF THIS USE THE ~~APPLICANT~~ PROPERTY OWNER SHALL CONSTRUCT AND MAINTAIN A PUBLIC PEDESTRIAN WALKWAY ADJACENT TO THE WATER IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 21.62.130, EXCEPT THAT STRUCTURES IN EXISTENCE AS OF AUGUST 24, 1987 LOCATED WITHIN THE PUBLIC PEDESTRIAN WALKWAY SHALL COMPLY TO THE EXTENT PRACTICABLE.

Rationale: Planning Commission recommendation; clarification.

**Amendment 14**

Page 5, Lines 21-25 Amend paragraph to add numbering and add clarify parking requirement for exterior maritime uses as follows:

6. WMC DISTRICT. OFF-STREET PARKING FACILITIES ARE NOT REQUIRED IN THE WMC DISTRICT EXCEPT THAT (1) USES CONTAINING FIFTEEN THOUSAND FEET OR MORE OF FLOOR AREA MUST PROVIDE 15 PARKING SPACES, PLUS ONE SPACE FOR EACH ADDITIONAL FIVE HUNDRED SQUARE FEET OF FLOOR AREA AND (2) PARKING SHALL BE PROVIDED FOR EXTERIOR MARITIME USES AS SET FORTH IN SECTION 21.66.130.

Rationale: Address Maritime Advisory Board concerns.