




City of Annapolis
Planning Commission
Department of Planning & Zoning
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August 25, 2015

MEMORANDUM

To: Annapolis Planning Commission

From: C. Pete Gutwald, Director of Planning and Zoning 

Re: Ordinance 40-15, for the purpose of amending Retail Use, the Standards for Uses Subject to Standards and Parking Requirements in the WMC District

Purpose

The purpose of Ordinance 40-15 is principally to modify the standards for two uses in the Waterfront Maritime Conservation District (WMC). Standards are specific restrictions placed on a particular use. "Retail sales of non maritime-related goods" in this zoning district are currently allowed with a special exception subject to standards (S-Std), which requires approval of the use by the Zoning Board of Appeals. This ordinance would allow retail sales of non maritime-related goods to be permitted subject to standards (P-Std). These standards, as described below, are amended. Restaurants are also currently a special exception subject to standards (S-Std) in the WMC. The proposed ordinance amends these standards; however, restaurants will remain as a special exception subject to standards.

Background

The WMC zoning district comprises approximately 8.43 acres of land from Compromise Street, wrapping around City Dock. Current uses in the district include the Annapolis Yacht Club, Yacht Basin, Annapolis Marriot, Fleet Reserve Club, public parking, the Harbor Masters Building, a City park, the former Fawcett's building, and the Natural Resources Police Building.

The 1970 zoning classifications for this area included M1, Light Maritime District, from the Yacht Club to Newman Street, and C2, Conservation Business, for the remainder of the area. In 1986, the City completed a study entitled *City of Annapolis Maritime Zoning and Economic Strategy*. Based on this report, four waterfront maritime zones were proposed and subsequently adopted by the City Council in 1987. WMC was one of these zoning classifications.

The purpose of the WMC, as identified in City Code Section 21.46.020, is to provide a location for maritime-related activities, public access and recreational uses of the waterfront in an attractive environment that supports and is harmonious with the interrelationship of the historic urban core, the waterfront and adjacent commercial and residential uses.

The 2009 Comprehensive Plan identified the need to create a plan to “enhance the public realm of city dock and its environs.” In 2013, the City Council adopted the City Dock Master Plan. The City Dock Master Plan process was guided by the City Dock Advisory Committee (CDAC). One of the objectives of the CDAC was to establish guiding principles to ensure that the needs of the businesses and people—residents and visitors alike—are being met. Many of the guiding principles focus on maintaining and enhancing the economic and cultural vitality of the area and creating more destinations to attract people to different parts of the City Dock. The first guiding principal within the City Dock Master Plan is the “Gradual Improvement with Emphasis on Maintaining the Integrity of the Colonial Annapolis Historic Landmark District, including Historic Layout, Scale, Vistas.” Ordinance 45-15 allows for some changes in the uses located in City Dock, but does not compromise the integrity of the historic downtown.

Ordinance 45-15

The proposed ordinance establishes that maritime use must occupy forty percent of the gross floor area on the lot. The remaining sixty percent of the gross floor area can be assigned to uses including retail sales of non maritime-related goods, and/or a restaurant. The Standards for Uses Subject to Standards for restaurants in the WMC have been modified to increase the percentage of gross floor area that can be allotted to a restaurant, and to allow outdoor and rooftop dining with certain restrictions. These restrictions are:

- a. alcoholic beverages shall be served only in conjunction with the service of food.
- b. hours of operation shall be limited to two a.m., seven days a week.
- c. no dancing or live entertainment and no speakers or public address system shall be allowed, except low level background music.
- d. no portion of a rooftop dining area may be located any closer than seventy-five feet from a residential structure, measured horizontally at grade.
- e. neither the outdoor dining area nor the rooftop dining area may have more than seventy-five percent of the number of seats of the indoor restaurant area.
- f. lighting shall be directed away from the adjoining properties and streets and designed to minimize glare. all lighting shall be at or below railing level.
- g. the design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

In addition, this section modifies the requirement for public pedestrian walkways so that structures that were in existence prior to August 24, 1987 and are located within this walkway need to meet the site design standard of Section 21.62.130 for public pedestrian walkways “to the extent practical.”

This ordinance includes one modification to the use table itself for the WMC—retail sales of non maritime-related goods becomes a permitted use subject to standards, rather than a special exception subject to standards. As mentioned above, this allows this use to be approved administratively.

The Standards for Uses Subject to Standards for retail sales of non maritime-related goods has been modified to allow up to sixty percent of the total gross floor area of development to be allocated to this use. Currently, the allotment is thirty percent. The Section is also amended with the same provision as above for public pedestrian walkways for structures existing prior to August 24, 1987.

Finally, Section 21.66.130 Parking and Loading Regulations have been modified to eliminate off street parking requirements in the WMC except for uses containing 15,000 square feet or more of floor area.

Analysis

The proposed ordinance clarifies the amount of maritime uses that must be established on a property. Currently the code has established a standard of thirty percent for retail sales of non maritime-related goods and thirty percent for standard restaurants of the total gross floor area of the lot. The proposed percentage of uses allows for the flexibility of uses for restaurants and retail sales of non maritime-related goods up to sixty percent.

In evaluating the standards in other zoning classifications in the city for standard restaurants, there are some notable differences. In zoning classifications where outdoor dining and rooftop dining is permitted, the hours of operations are limited to ten pm. In the proposed legislation the hours of operation are permitted up to two am. Additionally, the standard requiring access from an internal location for rooftop dining has been eliminated and the amount of seating available as been modified from twenty-five percent of the indoor restaurant area to seventy-five percent.

The parking requirements are adjusted to be the same as zoning classifications in the downtown area, mainly the C2 zoning classification. Parking requirements for other maritime zoning districts typically range from 1 space per 300 square feet to 1 space per two employees for maritime uses. Retail sales of non maritime-related goods require 1 space per 200 square feet and restaurants require the number of space equivalent to 30 percent of seating and standing capacity. The proposed ordinance would eliminate those requirements for uses containing less than 15,000 square feet of floor area and require a minimum of 15 parking spaces for any use more than 15,000 square feet of floor area and one additional parking space for every 500 square feet above 15,000 square feet.

Recommendation

Based upon the information provided above, the Department recognizes that the WMC in its current form limits the ability to attract and/or retain viable uses to the downtown City Dock area. Several of the standards should be modified to be consistent with other zoning classifications within the City. Therefore, the Department recommends approval of O-45-15 with amendments that include limiting the outdoor and rooftop dining hours of operation to ten pm and limiting the amount of rooftop dining area to twenty-five percent of the indoor dining area.