

1 **..Title**

2 **Waterfront Maritime Conservation District** – For the purpose of amending Retail Use, the
3 Standards for Uses Subject to Standards and Parking Requirements in the WMC Zoning District.

4 **..Body**

5 **CITYCOUNCIL OF THE**
6 **City of Annapolis**

7 **Ordinance 40-15**

8 **Sponsored by: Mayor Pantelides, Alderman Budge, Alderwoman Pindell Charles**

9 **Referred to**

10 **Rules and City Government**

11 **AN ORDINANCE** concerning

12 **Waterfront Maritime Conservation District**

13 **FOR** the purpose of amending Retail Use, the Standards for Uses Subject to Standards and
14 Parking Requirements in the WMC Zoning District.

15 **BY** repealing and re-enacting with amendments the following portions of the Code of the
16 City of Annapolis, 2014 Edition

17 Section 21.46.020A&B

18 Section 21.48.040A&B

19 Section 21.64.540F

20 Section 21.64.550A

21 **BY** adding the following portion to the Code of the City of Annapolis, 2014 Edition

22 Section 21.66.130 Table Note 6

23 **WHEREAS**, the Waterfront Maritime Conservation (WMC) zoning district lies at the focus of
24 Annapolis’s downtown business, historical, and maritime area; and

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

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

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

32

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

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

16 ~~WHEREAS, the Annapolis City Council wishes to clarify confusion that has arisen over the mix~~
17 ~~of uses in the WMC zoning district; and~~

18 **WHEREAS**, the Annapolis City Council believes on-site parking requirements in the WMC
19 district should be similar to those in the surrounding downtown; ~~and~~.

20 ~~WHEREAS, the Annapolis City Council believes that retail uses attendant to a vibrant local~~
21 ~~economy require the application of flexibility to how retail businesses address the community's~~
22 ~~needs through property use.~~

23 **NOW THEREFORE**

24 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
25 **COUNCIL** that the Code of the City of Annapolis shall be amended as follows:

26 **21.46 WATERFRONT MARITIME DISTRICTS**

27 **21.46.020 WMC Waterfront Maritime Conservation district.**

28 REVISOR'S NOTE: In this Section, **THE PURPOSE FOUND IN 21.46.020A.**
29 **AND** the uses found in 21.46.020B are amended. No other changes are
30 made to this Section.

31
32 A. Purpose. The WMC Waterfront Maritime Conservation district is intended to provide a
33 location for maritime-related activities, **INCLUDING DOCKS AND SLIPS**; public access, ~~and~~
34 recreational uses; **AND VIEWS** of the waterfront in an attractive environment which supports

1 and is harmonious with the interrelationship of the historic urban core, the waterfront and
 2 adjacent commercial and residential uses.
 3

4 B. Uses. Uses that may be permitted in the WMC District are set forth in the table of uses for
 5 Waterfront Maritime Districts in Chapter 21.48.

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

10 2.1. MULTIPLE MARITIME USES, RESTAURANT AND RETAIL SALES OF NON
 11 MARITIME-RELATED GOODS MAY EXIST ON THE SAME LOT AT THE SAME
 12 TIME PROVIDED THAT THE MARITIME USES COMPRISE A MINIMUM OF FORTY
 13 PERCENT OF THE GROSS FLOOR AREA ON THE LOT.

14 2. FOR A PROPERTY LOCATED IN THE WMC DISTRICT, THE NUMBER OF DOCKS,
 15 SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED MAY
 16 NOT BE REDUCED WITH A CHANGE IN USE APPROVED AFTER JULY 27, 2015,
 17 EXCEPT THAT THE COMBINATION OR RECONFIGURATION OF DOCKS, SLIPS,
 18 PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED IN ORDER TO
 19 ACCOMMODATE LARGER VESSELS SHALL NOT BE CONSIDERED AS A
 20 REDUCTION FOR THE PURPOSES OF THIS SUBSECTION.
 21

22 **21.48 – USE TABLES**

23 **21.48.040 – Waterfront Maritime Zoning Districts**

24 REVISOR’S NOTE: In this Section, the useS found in 21.48.040BA —“Retail
 25 sales of non-maritime-related goods” is amended.— “MARITIME MAPS,
 26 MAGAZINES, CATALOGUES AND OTHER PUBLICATIONS” AND
 27 “MARITIME RETAIL” ARE amended. No other changes are made to
 28 this Section.
 29
 30

Uses		District WMC	District WMM ³	District WMI ³	District WME
A. Maritime uses					

31
 32

6. Maritime retail: display, sale and storage of marine parts, supplies, accessories,					
--	--	--	--	--	--

O-40-15 Pantelides, Budge, Arnett Proposed Amended Ordinance
(Changes in BLUE)

and provision of other goods including, but not limited to:					
	a. Marine hardware	P	P	P ¹ .	P ^{1,2}
	b. Fishing tackle	P	P	P ¹	P ^{1,2}
	c. Marine chandleries	P	P	P ¹	P ^{1,2}
	d. Yacht furniture	P	P	P ¹	P ^{1,2}
	e. Marine maps, magazines, catalogues and other publications	P	P		P ^{1,2}
	f. Maritime retail	P	P	A-Std	A-Std

1
2
3
4

	District WMC	District WMM ³	District WMI ³	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	S-STD <u>P-Std</u>	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	

1

2 **21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS**

3 **21.64.540 – Restaurants, Standard.**

4 REVISOR’S NOTE: In this Section, the standards for uses found in 21.64.540F
 5 are amended. No other changes are made to this Section.

6 F. WMC District. In the WMC district the following standards apply:

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

10 ~~2.1. The use may occupy no more than thirty percent of the total gross floor area on the lot.~~
 11 OUTDOOR DINING AND ROOFTOP DINING MAY BE PERMITTED SUBJECT TO
 12 THE FOLLOWING:

13 a. ALCOHOLIC BEVERAGES SHALL BE SERVED ONLY IN CONJUNCTION
 14 WITH THE SERVICE OF FOOD.

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

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

20 d. NO PORTION OF A ROOFTOP DINING AREA MAY BE LOCATED ANY
 21 CLOSER THAN SEVENTY-FIVE FEET FROM A RESIDENTIAL STRUCTURE,
 22 MEASURED HORIZONTALLY AT GRADE.

23 e. NEITHER THE OUTDOOR DINING AREA NOR THE ROOFTOP DINING AREA
 24 MAY HAVE MORE THAN SEVENTY-FIVE PERCENT OF THE NUMBER OF
 25 SEATS OF THE INDOOR RESTAURANT AREA.

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

5 g. THE DESIGN ~~OF THE ROOFTOP DINING AREA~~ SHALL INCLUDE NOISE
6 MITIGATION MEASURES THAT WILL MINIMIZE ADVERSE IMPACTS ON
7 ADJOINING PROPERTIES.
8

9 H. SIDEWALK CAFES PURSUANT TO CHAPTER 7.42 SHALL NOT BE
10 PERMITTED ALONG COMPROMISE STREET UNTIL A SUBSTANTIAL
11 WIDENING OF THOSE SIDEWALKS CONSISTENT WITH THE 2013 CITY DOCK
12 MASTER PLAN IS ACCOMPLISHED.
13

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

19 **21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS**

20 **21.64.550 – Retail sales of non maritime-related goods.**

21 A. WMC District.

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

24 ~~2. In structures constructed after August 24, 1987 this use may not exceed twenty five percent~~
25 ~~of the total gross floor area of development of the lot~~ IN CONJUNCTION WITH
26 APPROVAL OF THIS USE THE APPLICANT PROPERTY OWNER SHALL
27 CONSTRUCT AND MAINTAIN A PUBLIC PEDESTRIAN WALKWAY ADJACENT
28 TO THE WATER IN ACCORDANCE WITH THE STANDARDS SET FORTH IN
29 SECTION 21.62.130, EXCEPT THAT STRUCTURES IN EXISTENCE AS OF AUGUST
30 24, 1987 LOCATED WITHIN THE PUBLIC PEDESTRIAN WALKWAY SHALL
31 COMPLY TO THE EXTENT PRACTICABLE.

32 ~~3. In conjunction with approval of this use the applicant shall construct and maintain a public~~
33 ~~pedestrian walkway in accordance with the standards set forth in Section 21.62.130.~~

34 REVISOR’S NOTE: In this Section, the Standards for Uses found in 21.64.550A
35 are amended. No other changes are made to this Section.
36

37 **21.66 - PARKING AND LOADING REGULATIONS**

38 **21.66.130 Table of off-street parking requirements.**

1 REVISOR'S NOTE: In this Section, a new Table Note 6 is added to the Notes at
2 the end of the Table of off-street parking requirements. No other changes
3 are made to this Section.

4 Table Notes:

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

11 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
12 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
13 passage.

14 **EXPLANATION**

15 CAPITAL LETTERS indicate matter added to existing law.

16 ~~Strikethrough~~ indicates matter stricken from existing law.

17 Underlining indicates amendments