

1 **..Title**

2 **Rezoning the City Dock to the Mixed Use (MX) Zoning District** – For the purpose of
3 implementing the recommendations of the City Dock Master Plan by rezoning the City Dock area to
4 the Mixed Use (MX) Zoning District.

5 **..Body**

6 **CITY COUNCIL OF THE**

7 *City of Annapolis*

8
9 **Ordinance 23-18**

10
11 **Introduced by: Mayor Buckley**

12
13 **Referred to**

14 Planning Commission
15 Rules and City Gov't Committee

16
17 **AN ORDINANCE** concerning

18
19 **Rezoning the City Dock to the Mixed Use (MX) Zoning District**

20 **FOR** the purpose of implementing the recommendations of the City Dock Master Plan by rezoning
21 the City Dock area.

22 **BY** repealing and re-enacting with amendments the following portions of the Code of the City of
23 Annapolis, 2012 Edition

24
25 Section 21.44.030

26 Section 21.48.030

27 Section 21.50.260

28 Section 21.54.080

29 Section 21.56.170

30 Section 21.64.540

31 Section 21.66.060

32 Section 21.70.100

33 Section 21.72.010
34

35 **WHEREAS,** the City of Annapolis has been a waterfront destination for over 300 years and the
36 downtown district was prestigiously named a National Historic Landmark in 1965;
37 and

38
39 **WHEREAS,** the importance of water and history to the spirit of Annapolis is paramount and both
40 influences have long shaped City Dock and its surrounding environment; and

41
42 **WHEREAS,** while many character-defining features remain, the dearth of pedestrian space and
43 public access to the waterfront detracts from City Dock's overall historic character;
44 and
45

1 **WHEREAS,** the 2009 Comprehensive Plan for the City of Annapolis states that “City Dock and its
2 environs are fundamental to the City’s character and identity as a small seaport town
3 with a rich history.” The American Planning Association has designated Main Street
4 as one of “Ten Great Streets in America” for its role as a living museum; a place that
5 makes significant contributions to Annapolis’ downtown economy; and for its
6 physical and visual connection to its history, maritime culture, and architectural
7 character. The Comprehensive Plan called for developing a plan that would enhance
8 City Dock and its environs; and
9

10 **WHEREAS,** the City Dock Advisory Committee (CDAC) was established in September 2010 to
11 advise the City on rejuvenating City Dock. The CDAC recommended rebalancing
12 open areas from automobile-oriented space to pedestrian-oriented space, advocated
13 for flexible space that can serve a variety of functions, proposed new ways of
14 managing City Dock and the events that take place there, and called for the use of
15 public art to serve as a main attraction in the area. Together, these goals helped shape
16 the creation of the City Dock Master Plan for revitalizing City Dock; and
17

18 **WHEREAS,** this proposed ordinance would implement the recommendation of the City Dock
19 Master Plan.
20
21

22 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
23 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
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26 **Chapter 21.44 - Office and Mixed Use Zoning Districts**

27 **Section 21.44.030 - MX Mixed Use district.**
28

- 29 A. Purpose. The Mixed Use district is designed to encourage a mixture of residential, office and
30 retail uses ~~within the inner West Street corridor~~ compatible with each other and with
31 surrounding areas.
- 32 B. Uses. Uses that may be permitted in the MX district are set forth in the table of uses for Office
33 and Mixed Use Zoning Districts in Chapter 21.48.
- 34 C. Development Standards.
- 35 1. Chapter 21.50 contains the bulk regulations table for the MX district.
 - 36 2. Notwithstanding the regulations set forth in Section 21.38.030(E), approval as a planned
37 development is not required for a building in the MX district solely because it has a height
38 greater than forty-five feet or an FAR in excess of two.
 - 39 3. Design Standards. Where development is subject to Site Design Plan Review, the following
40 design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - 41 a. Character. The design of each new building and its site shall be of an urban not a
42 suburban character.
 - 43 b. Building Location. Buildings shall be located close to the street with parking located to
44 the rear of the zoning lot.
 - 45 c. Height. The height of a building as measured on the rear portion of a sloping site
46 should not rise substantially above any residential structures adjacent to the building.
 - 47 d. Ground Floor of Commercial Buildings. The ground floor of a commercial building
48 façade shall:

- i. Be differentiated from the upper floors to establish a distinct base for the building;
 - ii. Be at least twelve feet in height; and
 - iii. Be glazed on at least sixty percent of the façade.
- e. Rear Entrances. The design of rear entrances to commercial buildings shall be utilitarian, appropriate to the surroundings and take into account the interests of any nearby residential uses.

D. Additional Standards.

1. Parking Requirements for Changes of Use. Notwithstanding the requirements of 21.66.030(G), when the existing use of a building or structure is changed to a new use, parking and loading facilities are mandatory regardless of the date when the building or structure was erected.
2. Administrative Adjustment to Off-Street Parking. Pursuant to the administrative adjustment procedures set forth in Chapter 21.18, the Planning and Zoning Director may adjust the off-street parking requirements as follows upon a demonstration that reasonable alternative parking facilities are available:
 - a. For development of new buildings on zoning lots of ten thousand square feet or greater a waiver of up to seventy-five percent of the off-street parking requirement may be granted.
 - b. For rehabilitation or expansion of existing buildings and the development of new buildings on zoning lots less than ten thousand square feet, the off-street parking requirement may be waived completely.
3. Loading and Unloading. Vehicles used for loading and unloading purposes shall park only within a designated off-street loading space at any time; or in a designated on-street loading zone, between the hours of six a.m. and eleven a.m., unless the zone is posted for other hours.
4. Demolitions. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures pursuant to Chapter 21.14, Demolition Permits.

E. Additional standards for new development and redevelopment in the area designated in the 2013 City Dock Master Plan

1. Public space. Public sidewalks, a public plaza, other public facilities or amenities, as well as public waterfront promenades where there is waterfront property shall be provided in coordination with the City.
2. Public Art. Works of art as defined in Chapter 6.24 of the City Code shall be provided for in coordination with the Arts in Public Places Committee.
3. Visual impact assessment.
 - a. A visual impact assessment shall consist of a report prepared by the applicant with direction from and approved by the Department of Planning and Zoning that presents the following information:
 - i. Impact statement. The negative and positive visual impacts of the project.
 - ii. Performance Controls. The applicant shall indicate the measures that shall be employed to minimize or eliminate negative visual impacts.
 - b. The assessment shall measure:
 - i. Visibility. A zone of visibility map shall determine locations from which the development may be seen including key viewpoints from abutting and adjacent properties and streets. In addition, a balloon test shall be administered.
 - ii. Unique Scenic Features. Describe and map those portions of the site that can be considered to have unique scenic qualities and any scenic view from the site.

1 iii. Shadow Constraints. The purpose of the analysis shall be to demonstrate
2 the impact of the building on its surroundings showing the maximum
3 extent of the shadow lengths on December 21 (or as close to this date as
4 possible) in the A.M., noon and P.M.

5 c. The performance controls that have been identified in the visual impact
6 assessment shall be consistent with the purpose and priorities provided in the
7 City's Cultural Landscape Report for City Dock dated (DATE OF REPORT) and
8 as amended from time to time.

9 d. If the performance controls are consistent, the project may be approved with
10 modifications to height and bulk standards notwithstanding the requirements of
11 Sections 21.50.260 and 21.56.180.
12

13 F. Any building or buildings not in existence on November 28, 2005, which building or buildings are
14 subsequently developed, shall provide retail commercial uses on the first floor of any façade
15 abutting West Street, provided however that:

- 16 1. If after six months of the issuance of the final use and occupancy permit pursuant to
17 Chapter 21.12 the owner of the building is able to demonstrate an inability to lease to a
18 retail commercial tenant after diligently pursuing such a tenant, the space may be leased to
19 another use permitted in the MX zone.
- 20 2. Development on parcels of six thousand five hundred square feet or less may have this
21 requirement waived upon a demonstration that the development is for a single occupant.
- 22 3. Retail commercial uses on the first floor are not required for parcels greater than 39,000
23 square-feet if the development on, or subdivision of, such parcel includes only single-family
24 attached dwellings and common open space. Ground floor retail commercial uses are not
25 required for town house or single-family residential dwelling units having entrances
26 abutting West Street nor shall such use be prohibited by any applicable law, rule or
27 regulation.

28 ~~F.~~ G. The Department of Planning and Zoning shall be responsible for approving or denying
29 applications for demolition of buildings or structures with the MX district. A sign provided by
30 the department of planning and zoning, indicating that demolition approval is being sought and
31 stating the expected date of decision, shall be posted and maintained on the property in a
32 location readily visible to the public, and shall be removed by the applicant within seven days
33 following the decision to permit demolition to occur. In order to approve a demolition request,
34 the department of planning and zoning must first make all of the following findings based upon
35 evidence of record:

- 36 1. Loss of the structure would not be adverse to the district or the public interest by virtue of
37 the structure's uniqueness or its contribution to the significance of the district;
- 38 2. Demolition would not have an adverse effect on the character and surrounding environment
39 of the district;
- 40 3. Demolition is not for the purposes of assembling properties for the construction of a large-
41 scale structure, if such assemblage is determined to be incompatible with the purposes and
42 intent of the MX district;
- 43 4. The replacement structure is designed and sited in a fashion that reflects the compatibility
44 objectives of this chapter.

45 ~~G.~~ H. Notwithstanding the provisions of this ordinance, the following shall be governed by the law
46 as it existed in the MX, Mixed-Use zoning district prior to (effective date of ordinance):

- 47 1. A building in existence as of November 28, 2005;
- 48 2. A project for which an application for special exception approval has been filed on or
49 before November 28, 2005; and

3. A proposed building or buildings for which an application for site design plan approval has been filed on or before November 28, 2005.

Chapter 21.48 - Use Tables

21.48.030 - Table of Uses—Office and Mixed Use Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64);
A = Accessory Use; Blank = Not Permitted

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 may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	District P	District MX	District PM	District C2P
Accessory Structures and uses	A	A ²	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Antique stores		P	P-Std	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P		
Arts and crafts studios		P	P-Std	
Arts and crafts stores		P	P-Std	
Bank and financial institutions		P		
Bake shops		P-Std		
Cab stands including dispatch offices and related parking facilities		S		
Candy stores, where only candy prepackaged off the premises is sold		P		
Candy stores including candy making		P-Std		
Carpet and rug stores, retail sales only		P		
Catering establishments		P-Std		
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities	S	P	S	S
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		P-Std		
Coffee shops		P-Std		
Conference facilities		S		
Convenience stores		P-Std		
Day care centers, groups	S		S	S
Delicatessens		P-Std	P-Std	

Department stores		P		
Drive-through facilities associated with permitted or special exception uses			S-Std ¹	
Dry cleaning and laundry drop off and pick up stations			P	
Dry cleaning and laundry establishments		P		
Dwellings, multi-family	S	P-Std	S	S
Dwellings, multi-family, containing 12 or fewer units			P-Std	
Dwellings, single-family attached	P	P-Std	P	
Dwellings, single-family detached	P	P	P	P
Dwellings, two-family	P	P	P	P
Dwellings above the ground floor of nonresidential uses		P		
Food service marts		P-Std	P-Std	
Furniture stores		P		
Garden supply, tool and seed stores		P		
Governmental uses				
Offices	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S
Public schools and colleges	P		P	
Group homes	S		S	S
Hotels with up to forty rooms, including restaurants and conference room facilities.		P-Std		
Hotels with more than forty rooms, <u>including restaurants and conference room facilities.</u>		S		
Ice cream stores		P-Std		
Inns	S			S
Institutions for the care of the aged	S			S
Laboratories, including medical, dental, research and testing		P		
Launderettes, automatic, self service		P		
Liquor stores		S		
Medical appliance stores			P-Std	
Motor vehicle service stations, including fuel sales		S		
Museums and art galleries	P	P	P	
Nautical shops, retail trade		P		

Office and business service establishments		P		
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std or S-Std, depending on lot size	P	P-Std	P
Offices, medical	P	P	P	P
Parking garages	S	P-Std, S-Std	S	
Parking lots, other than accessory	S	P-Std	P-Std	
Personal care establishments	S	P	P	
Pet grooming facility	S-Std	P-Std	P-Std	
Photocopying and reproduction services, including blueprinting		P		
Personal fitness studios		P	P	
Physical health facilities, including health clubs and gymnasiums		P		
Planned developments, business and special mixed	P-Std	P-Std		
Religious institutions, including churches, chapels, mosques, temples and synagogues	P	P	P	
Research and development businesses, provided that there is no significant assemblage of goods or products		P		
Rest homes and nursing homes	S			S
Restaurant, fast food		S-Std		
Restaurant, standard		P-Std S-Std	P-Std, S-Std	
Retail goods stores		P		
Schools, commercial, trade, vocational, music, dance, or art		P		
Schools, private, elementary, middle, or high	P			
Seasonal outdoor sales		P-Std		
Sidewalk cafés	P-Std	P-Std	P-Std	
Specialty convenience retail store		P	P-Std	
Supermarkets		P-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P		
Temporary uses	P-Std	P-Std	P-Std	P-Std
Theaters, indoor, with less than one hundred seats	P-Std	P-Std		

Theaters, indoor, with one hundred or more seats	S-Std	P-Std		
Tobacco shops		P		
Undertaking establishments and funeral parlors	S			
Wine bars		P-Std		

Footnotes:

¹ If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.

² The following apply only to the uses specified: in the MX-1 area only, in planned developments with a minimum lot size of five acres, "accessory structures" such as clock towers attached to office and/or retail structures and "theaters, indoor" shall not exceed one hundred feet in height. See the bulk regulations table in Section 21.50.260.

Table Notes:

The following regulations apply to all uses in the MX District:

1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the following:

a. Either twenty-five percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses, alternatively, the entire ground level front façade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses. Retail use along the front façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;

b. 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. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen; and

c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.

2. Buildings in excess of forty-six feet, but less than sixty-five feet in height require special exception approval except as provided in note No. 1 above.

3. Uses and combinations of uses located on zoning lots of forty thousand square feet or more require special exception approval, unless such uses are approved as part of a planned development.

Chapter 21.50 – Bulk Regulations Tables

21.50.260 - Bulk Regulations Table MX District.

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum) Area (sq. ft. or acres)	Lot Dimensions (minimum) Width (ft)	Required Yard or Setback	Minimum Feet	Floor Area Ratio (maximum) ³	Height (maximum, feet) ^{5, 8, 9}	Location of front façade	Open Space (percent of zoning lot area) ⁷	Living Space (minimum gross sq. ft.)
<u>All uses unless otherwise specified</u>	5,400	50	1. Lot line adjoining a residential zoning district:	15 ^{1, 2}	1.75, or 2.25 for the following structures: 1. Any structure with 25 percent or more of its floor area devoted to commercial uses, or residential uses, or a combination of commercial and residential uses, or 2. Any structure with	1. Structures located within 30 feet of a residence in a residential zoning district: 35 feet. MX-1 Height District: 65 feet. MX-2 Height District: 46 feet. MX-3 Height District: 36 feet.	The front façade of each building shall maintain the established setback of the block on which it is located. Where there is no established setback, the front façade of each such building shall be set back not more than 15 feet from the face of the curb ⁶ .	Lots 40,000 to 100,000 sf: 10 percent. Lots over 100,000 sf: 30 percent.	For dwellings above the ground floor of nonresidential uses: Efficiency apartment: 300 One bedroom apartment: 450 Two-bedroom apartment: 600 Each additional bedroom: 150

					the entire ground level front façade devoted to commercial uses ⁴ .				
			2. Any portion of a structure over 35 feet in height:	15 plus 10 feet for each 10 feet of height above 35 feet ^{1, 2}	1.75, or 2.25 for the following structures: 1. Any structure with 25 percent or more of its floor area devoted to commercial uses, or residential uses, or a combination of commercial and residential uses, or 2. Any structure with the entire ground level front façade devoted to commercial	1. Structures located within 30 feet of a residence in a residential zoning district: 35 feet. MX-1 Height District: 65 feet. MX-2 Height District: 46 feet. MX-3 Height District: 36 feet.	The front façade of each building shall maintain the established setback of the block on which it is located. Where there is no established setback, the front façade of each such building shall be set back not more than 15 feet from the face of the curb ⁶ .	Lots 40,000 to 100,000 sf: 10 percent. Lots over 100,000 sf: 30 percent.	For dwellings above the ground floor of nonresidential uses: Efficiency apartment: 300 One bedroom apartment: 450 Two-bedroom apartment: 600 Each additional bedroom: 150

					uses ⁴ .				
			3. Portions of a structure over 46 feet in height that are not stepped back as provided for above in 2	50 ^{1, 2}	1.75, or 2.25 for the following structures: 1. Any structure with 25 percent or more of its floor area devoted to commercial uses, or residential uses, or a combination of commercial and residential uses, or 2. Any structure with the entire ground level front façade devoted to commercial uses ⁴ .	1. Structures located within 30 feet of a residence in a residential zoning district: 35 feet. MX-1 Height District: 65 feet. MX-2 Height District: 46 feet. MX-3 Height District: 36 feet.	The front façade of each building shall maintain the established setback of the block on which it is located. Where there is no established setback, the front façade of each such building shall be set back not more than 15 feet from the face of the curb ⁶ .	Lots 40,000 to 100,000 sf: 10 percent. Lots over 100,000 sf: 30 percent.	For dwellings above the ground floor of nonresidential uses: Efficiency apartment: 300 One bedroom apartment: 450 Two-bedroom apartment: 600 Each additional bedroom: 150
			4. All other yards:	As determined through the zoning decision-	1.75, or 2.25 for the following	1. Structures located within 30 feet	The front façade of each building shall	Lots 40,000 to 100,000 sf: 10 percent.	For dwellings above the ground floor of

				making process set forth in Division II, Administration.	structures: 1. Any structure with 25 percent or more of its floor area devoted to commercial uses, or residential uses, or a combination of commercial and residential uses, or 2. Any structure with the entire ground level front façade devoted to commercial uses ⁴ .	of a residence in a residential zoning district: 35 feet. MX-1 Height District: 65 feet. MX-2 Height District: 46 feet. MX-3 Height District: 36 feet.	maintain the established setback of the block on which it is located. Where there is no established setback, the front façade of each such building shall be set back not more than 15 feet from the face of the curb ⁶ .	Lots over 100,000 sf: 30 percent.	nonresidential uses: Efficiency apartment: 300 One bedroom apartment: 450 Two-bedroom apartment: 600 Each additional bedroom: 150
<u>New development and redevelopment in area designated in the 2013 City Dock Master</u>	<u>Bulk regulations shall be determined through the site design plan review and/or</u>	<u>Bulk regulations shall be determined through the site design plan review and/or</u>	<u>Bulk regulations shall be determined through the site design plan review and/or</u>	<u>Bulk regulations shall be determined through the site design plan review and/or planned development</u>	<u>Bulk regulations shall be determined through the site design plan review and/or</u>	<u>Bulk regulations shall be determined through the site design plan review and/or</u>	<u>Bulk regulations shall be determined through the site design plan review and/or planned</u>	<u>Bulk regulations shall be determined through the site design plan review and/or</u>	<u>Bulk regulations shall be determined through the site design plan review and/or planned</u>

<u>Plan</u>	<u>planned development processes, pursuant to Chapters 21.22, and 21.24</u>	<u>planned development processes, pursuant to Chapters 21.22, and 21.24</u>	<u>planned development processes, pursuant to Chapters 21.22, and 21.24</u>	<u>processes, pursuant to Chapters 21.22, and 21.24</u>	<u>planned development processes, pursuant to Chapters 21.22, and 21.24</u>	<u>planned development processes, pursuant to Chapters 21.22, and 21.24</u>	<u>development processes, pursuant to Chapters 21.22, and 21.24</u>	<u>planned development processes, pursuant to Chapters 21.22, and 21.24</u>	<u>development processes, pursuant to Chapters 21.22, and 21.24</u>
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Table Notes:

- 1 This yard is a transitional yard; planting or screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process. Notwithstanding the provisions of Section 21.60.090, no obstruction (as defined by Section 21.60.090) may be located in a required yard, other than the required planting or screening.
- 2 The yard and setback requirements do not apply to the adaptive reuse of an existing structure provided that:
 - a. Alterations to the existing structure do not cause any greater encroachment into the required yard than existed before the alterations; and
 - b. The floor area of the structure resulting from the alterations is no greater than twice the floor area existing before the alterations.
3. The FAR limitations do not apply to the rehabilitation of an existing structure. As used in this subsection, "rehabilitation" is limited to the remodeling, renovation, alteration or reconstruction of an interior of the existing structure without any change in the bulk of the structure and without any remodeling, renovation, alteration or reconstruction of the structure's exterior, excepting minor cosmetic repairs and routine maintenance.
4. The commercial use space shall have a minimum height of twelve feet and a minimum depth of twenty-five feet. Non-commercial uses that may be included in this façade are limited to: i) one driveway, up to thirty-three feet wide, required for access to parking; ii) space required for a lobby; and iii) space required for access to upper floor uses.
5. In the historic district, special height measurement and limits requirements apply, see Chapter 21.56.
6. The setback is measured to the principal elements of the front façade at its closest point to the curb.
7. Open space must be permanently dedicated to use in common.
8. The height of rooftop accessory structures, including, but not limited to, utility penthouses and architectural appurtenances shall not exceed twelve feet above the maximum height under this section. No accessory structures shall exceed twenty-five percent of the rooftop area on which it is affixed, except that accessory structures exceeding this height and/or area requirement may be allowed as a special exception subject to the provisions of Chapter 21.26.
9. In planned developments with a minimum lot size of five acres, "Theaters, Indoor" and "Accessory Structures" such as clock towers, attached to office and/or retail Structures shall not exceed one hundred feet in height.

Chapter 21.54 - Critical Area Overlay

21.54.080 - Development Requirements—Intensely developed areas.

- A. Stormwater Management. Stormwater management technologies shall be required to reduce pollutant loadings by at least ten percent below that of predevelopment levels in accordance with Chapter 17.10.
- B. Impervious Surfaces. Manmade impervious surfaces shall be limited to the following maximum percentages of the development site:

Underlying Zoning District	Percent of Manmade Impervious Surface (maximum)
Residential	50
P, PM, B1, B2, B3, <u>BCE</u>	60
C1, C1A,	75
Maritime	80
C2, C2A, C2P, <u>MX</u>	90
<u>I1</u>	<u>95</u>

- C. Erosion and Sediment Control. Erosion and sediment control measures shall be required in accordance with City Code Chapter 17.08.
- D. Cluster Development. Cluster development is encouraged, to the extent practicable, to reduce impervious surfaces and maximize areas of natural vegetation.
- E. Trees. Cutting and clearing of trees shall occur in accordance with Section 17.09.070 of the City of the Annapolis City Code and with planting guidelines determined by the Department of Planning and Zoning.
- F. Habitat Protection Areas.
1. Developers shall determine whether there are any habitat protection areas on the project site, or whether development on the site could adversely affect such areas off-site.
 2. In developing the site, roads, bridges and utilities shall not be located in a habitat protection area, even if the habitat area is outside the buffer, unless it is determined by the City that no feasible alternative exists. Where roads, bridges or utilities must cross such areas, they must be designed, constructed and maintained to protect the habitats, to provide maximum erosion protection, and to maintain hydrologic processes and water quality.
 3. The developer shall protect any wildlife corridors or habitat protection areas located in forests and developed woodlands.

Chapter 21.56 - Historic District

Section 21.56.170 - Height measurement.

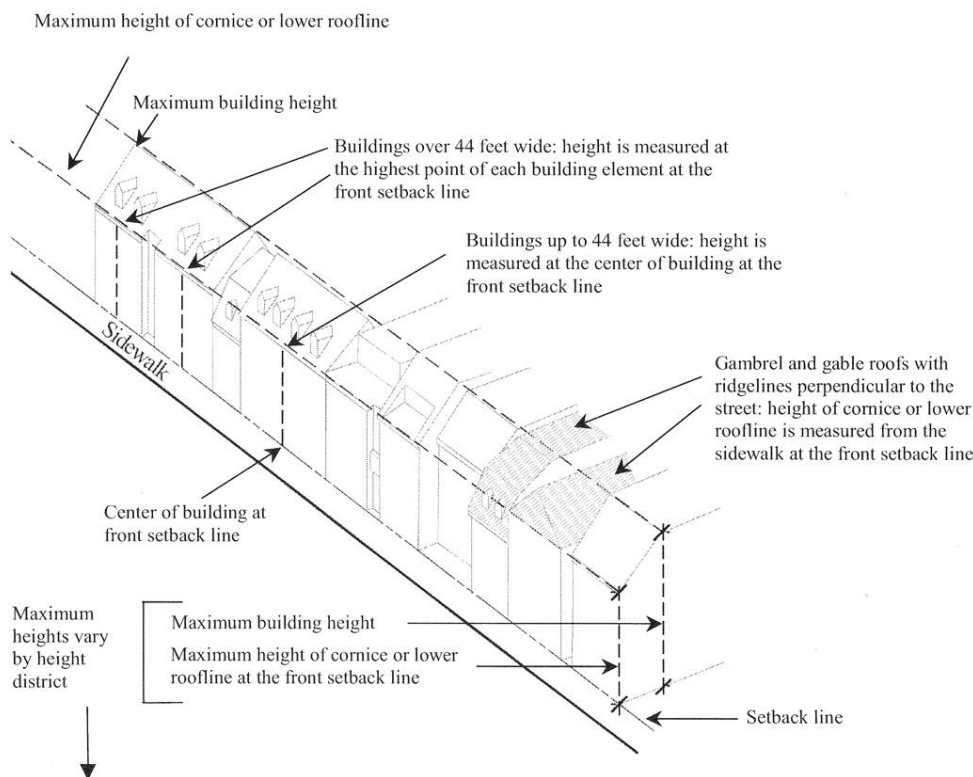
The height of buildings shall be determined in the following manner:

- A. All measurements shall be taken from the center of the building at the front setback line at grade or at the flood protection elevation as defined in Section 17.11.179 of the City Code, whichever is at greater elevation; ~~P~~provided, however, that if the building is greater than forty-four feet

wide, the massing shall conform to Section 21.56.210. In buildings greater than forty-four feet in width, the building height measurement shall be taken at the highest point of each building element at the front setback line.

- B. Antennas and mechanical equipment up to thirty inches high shall not be counted in computing height, and penthouses, other structures and mechanical equipment thirty inches in height shall be used in computing height; chimneys are excluded.
- C. For the purpose of achieving a permanent height limit, the height of a building shall not be allowed to increase because of an increase in the elevation of the front setback line occurring after the effective date of this Zoning Code.
- D. Height Measurement in Special Height Limit Districts.
 - 1. Two limits are established for each height district:
 - a. The height of a building at its highest point.
 - b. The height of a cornice or lower roofline of the building at the front setback line.
 - 2. The height of a building behind the front setback line may be increased provided it does not exceed a plane projected at an angle of forty-five degrees upward from the maximum allowable cornice or lower roofline height at the front setback line. The plane may contain roof dormers provided the sum of their widths does not exceed fifty percent of the street front linear dimensions of the building.
 - 3. For gambrel and gable roofs with ridge lines perpendicular to the street, the height of a cornice or lower roofline will be measured at the side wall at the front setback line, and the height of the building at its highest point will be measured at the ridge line.

Illustration for height measurement.



1

Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'
2	28'	38'
3	35'	45'

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Section 21.56.180 Special height limit districts.

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A. Establishment. Three special height limit districts are established: district 1, district 2 and district 3.

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B. Location and Boundaries. The location and boundaries of the special height limit districts are as set forth on the map entitled "Historic District Special Height Limits," certified copies of which are maintained by the Department of Planning and Zoning, which constitutes a part of the "City of Annapolis Zoning District Map," established by Section 21.06.020

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C. Applicability. The special height and bulk limits in these districts shall govern over any other height and bulk limits established in other provisions of this Zoning Code unless located in the area designated in the 2013 City Dock Master Plan, in which case the provisions of Section 21.44.030(E) shall supersede the height provisions under this Chapter.

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D. Regulations.

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1. No building in the special height limit district 1 may exceed a total height of thirty-two feet and a height of twenty-two feet at the cornice or lower roofline measured at the front setback line.

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2. No building in the special height limit district 2 may exceed a total height of thirty-eight feet and a height of twenty-eight feet at the cornice or lower roofline measured at the front setback line.

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3. No building in the special height limit district 3 may exceed a total height of forty-five feet and height of thirty-five feet at the cornice or lower roofline measured at the front setback line.

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Chapter 21.64 - Standards for Uses Subject to Standards

26

21.64.540 - Restaurants, standard.

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

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30

A. Drive-through service is not permitted.

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B. Catering or delivery service may be permitted as an accessory use.

32

C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following standards apply:

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1. Where the use is permitted subject to standards:

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a. No more than fifty seats are permitted,

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b. Alcohol is permitted with the service of food,

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c. Hours of operation are limited to midnight seven days a week,

38

d. Outdoor dining with the exception of rooftop dining may be permitted subject to the following:

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i. Alcoholic beverages shall be served only in conjunction with the service of food.

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- 1 ii. Hours of operation shall be limited to 10:00 p.m., seven days a week.
- 2 iii. No speakers or public address system shall be allowed.
- 3 e. No bar, dancing, or live entertainment is permitted, except in the PM district
- 4 where indoor, live, non-amplified acoustical musical entertainment may be
- 5 permitted.
- 6 f. Recorded music shall be limited to background variety only indoors.
- 7 2. In the B1 district, more than fifty seats may be permitted by special exception.
- 8 3. In the B2, B3, B3-CD and PM districts, the following may be permitted by special
- 9 exception:
- 10 a. More than fifty seats; and
- 11 b. Bar, dancing, and live entertainment indoors;
- 12 c. Hours of operation extending past midnight;
- 13 d. Rooftop dining, subject to the following:
- 14 i. Alcoholic beverages shall be served only in conjunction with the service of food.
- 15 ii. Hours of operation shall be limited to 10:00 p.m., seven days a week.
- 16 iii. No bar, dancing or live entertainment and no speakers or public address system
- 17 shall be allowed.
- 18 iv. No portion of a rooftop dining area may be located any closer than seventy-five feet
- 19 from a residential structure, measured horizontally at grade.
- 20 v. The rooftop dining area may not exceed twenty-five percent of the floor area of the
- 21 indoor restaurant area and may not have more than twenty-five percent of the number
- 22 of seats in the indoor restaurant area.
- 23 vi. Access to the rooftop dining area shall be through the interior of the restaurant. An
- 24 exterior access shall be allowed only as an emergency access for fire and life safety
- 25 purposes.
- 26 vii. Lighting shall be directed away from adjoining properties and streets and designed
- 27 to minimize glare. All lighting shall be at or below railing level.
- 28 viii. The design of the rooftop dining area shall include noise mitigation measures that
- 29 will minimize adverse impacts on adjoining properties.
- 30 D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:
- 31 1. More than fifty seats,
- 32 2. Outdoor dining with the exception of rooftop dining, subject to the standards
- 33 enumerated in Section 21.64.540C.1.d.,
- 34 3. Bar, dancing, and live entertainment,
- 35 4. Rooftop dining may be permitted by special exception subject to the standards
- 36 enumerated in Section 21.64.540C.3.d.
- 37 E. MX District. In the MX district:
- 38 1. The following are permitted by right:
- 39 a. Any number of seats,
- 40 b. Alcohol with the service of food,
- 41 c. Outdoor dining with the exception of rooftop dining, subject to the standards
- 42 enumerated in Section 21.64.540C.1.d. ,
- 43 d. Accessory bars.
- 44 2. Dancing and live entertainment may be permitted by special exception.
- 45 3. Rooftop dining may be permitted by special exception subject to the standards
- 46 enumerated in Section 21.64.540C.3.d, except for the portion of MX that is in the area
- 47 designated in the 2013 City Dock Master Plan. The MX City Dock area may have
- 48 rooftop dining subject to the following standards:
- 49 a. Alcoholic beverages shall be served only in conjunction with the service of food.

1 b. Hours of operation shall be limited to midnight, seven days a week.

2 c. No portion of a rooftop dining area may be located any closer than seventy-five feet
3 from a residential structure, measured horizontally at grade.

4 d. Neither the outdoor dining area nor the rooftop dining area may have more than
5 seventy-five percent of the number of seats of the indoor restaurant area.

6 e. Lighting shall be directed away from the adjoining properties and streets and
7 designed to minimize glare and shall not be directed upwards nor towards the
8 water. all lighting shall be at or below railing level.

9 f. The design of the rooftop dining area shall include noise mitigation measures that
10 will minimize adverse impacts on adjoining properties.

- 11 4. Two a.m. Alcoholic beverage licenses shall not be permitted for properties within the
12 MX-2 or MX-3 Height Districts, but such licenses shall be allowed for properties
13 within the MX-1 Height District or the portion of MX that is in the Historic District
14 and not subject to MX Height Districts.

15 F. WMC District. In the WMC District the following standards apply:

- 16 1. Outdoor dining and rooftop dining may be permitted subject to the following:

17 a. Alcoholic beverages shall be served only in conjunction with the service of food.

18 b. Hours of operation shall be limited to midnight, seven days a week.

19 c. No bar, dancing or live entertainment and no speakers or public address system shall
20 be allowed.

21 d. No portion of a rooftop dining area may be located any closer than seventy-five feet
22 from a residential structure, measured horizontally at grade.

23 e. Neither the outdoor dining area nor the rooftop dining area may have more than
24 seventy-five percent of the number of seats of the indoor restaurant area.

25 f. Lighting shall be directed away from the adjoining properties and streets and
26 designed to minimize glare and shall not be directed upwards nor towards the
27 water. all lighting shall be at or below railing level.

28 g. The design of the rooftop dining area shall include noise mitigation measures that
29 will minimize adverse impacts on adjoining properties.

30 h. Sidewalk cafes pursuant to Chapter 7.42 shall not be permitted along Compromise
31 Street until a substantial widening of those sidewalks consistent with the 2013
32 City Dock Master Plan is accomplished.

- 33 2. In conjunction with approval of this use, the property owner shall construct and maintain
34 a public pedestrian walkway adjacent to the water in accordance with the standards set
35 forth in Section 21.62.130, except that structures in existence as of August 24, 1987,
36 located within the public pedestrian walkway shall comply to the extent practicable.

37 G. WMM District. In the WMM district the following standards apply:

- 38 1. This use is permitted only in combination with one of the following:

39 a. A working boatyard of at least twenty thousand square feet and a thirty-ton boat
40 lift,

41 b. Seafood processing of at least nine thousand square feet,

42 c. On-land boat storage of at least twenty-five thousand square feet, or

43 d. Yacht and sailing clubs providing in-water and on-land boat storage to their
44 members.

- 45 2. In structures in existence as of August 24, 1987 this use may not exceed thirty percent
46 of the total gross floor area of development on the lot.

47 H. WME District. In the WME district the following standards apply:

- 48 1. This use may be permitted only in combination with one of the following:

- 1 a. A working boatyard of at least twenty thousand square feet and a thirty-ton boat
- 2 lift, or
- 3 b. Seafood processing of at least nine thousand square feet.
- 4 2. The lot on which the use is proposed must be at least twenty thousand square feet.
- 5 3. The use may occupy no more than two thousand square feet of gross floor area on the
- 6 lot.
- 7

8 **Chapter 21.66 - Parking and Loading Regulations**

9 **21.66.060 - Off-site parking facilities.**

- 10
- 11 A. Where Permitted. Off-site parking facilities may be permitted as follows:
 - 12 1. Where listed as permissible in the Use Tables in Chapter 21.48,
 - 13 2. Where specifically listed as permissible for uses subject to standards in Chapter 21.64 of
 - 14 this Zoning Code,
 - 15 3. Where needed to serve an industrial use or building,
 - 16 4. For buildings or uses requiring additional parking because of alteration or enlargement, or
 - 17 5. For owners of property nonconforming as to parking who elect to provide parking and
 - 18 become conforming.
- 19 B. Requirements.
 - 20 1. Covenants. The off-site facility shall be subject to recorded covenants or easements for
 - 21 parking, or other proof shall be provided that the continued use of the facility is guaranteed
 - 22 throughout the life of the land use.
 - 23 2. Location.
 - 24 a. Unless otherwise specified in this section, off-site parking facilities must be located
 - 25 within five hundred feet walking distance of a main entrance to the use served.
 - 26 ~~b. Off-site facilities serving uses in the MX district must be located within eight hundred~~
 - 27 ~~feet of the use.~~
 - 28 ~~c.~~ Off-site facilities to serve uses in the WMC and the MX districts must be located
 - 29 within two thousand feet of the use.
 - 30 ~~c. d.~~ Off-site facilities to serve offices in the C2P and P districts must be provided within
 - 31 six hundred feet of the office.
 - 32 ~~d. e.~~ Off-site spaces to serve the office or studio of a professional person must be
 - 33 provided within six hundred feet of the office or studio.
 - 34 ~~e. f.~~ Administrative Adjustment. The Planning and Zoning Director may increase the
 - 35 maximum distance that required parking spaces are permitted to be located from the
 - 36 use served, pursuant to the administrative adjustment authority set forth in Section
 - 37 21.18.030.
 - 38 3. Requirement to Maintain. Any permit issued for a use or building with parking provided
 - 39 through off-site spaces becomes null and void if the required off-site spaces are not
 - 40 maintained or if other arrangements for the provision of the required parking are not made.
 - 41

42 **Chapter 21.70 – Sign Regulations**

43 **21.70.100 - Nonconforming signs.**

- 44
- 45 A. The Director of Planning and Zoning shall order the removal of any sign erected or maintained
- 46 in violation of the law as it existed prior to the date of the adoption of this Zoning Code.
- 47 B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to its
- 48 provisions, but which did conform to previous laws, shall be regarded as nonconforming signs
- 49 which may be continued if properly repaired and maintained as provided in this chapter.

Notwithstanding the previous sentence, all billboard signs shall be removed within seven years of (DATE OF THIS ORDINANCE) or be subject to a municipal infraction. Upon appeal of the Director's decision to remove the sign, the Board of Appeals may, but is not required, to extend this time period based on a finding that the seven years is not sufficient time for the sign owner to fully amortize the capital investment in the sign structure. In determining an appropriate amortization period, the board shall consider the following:

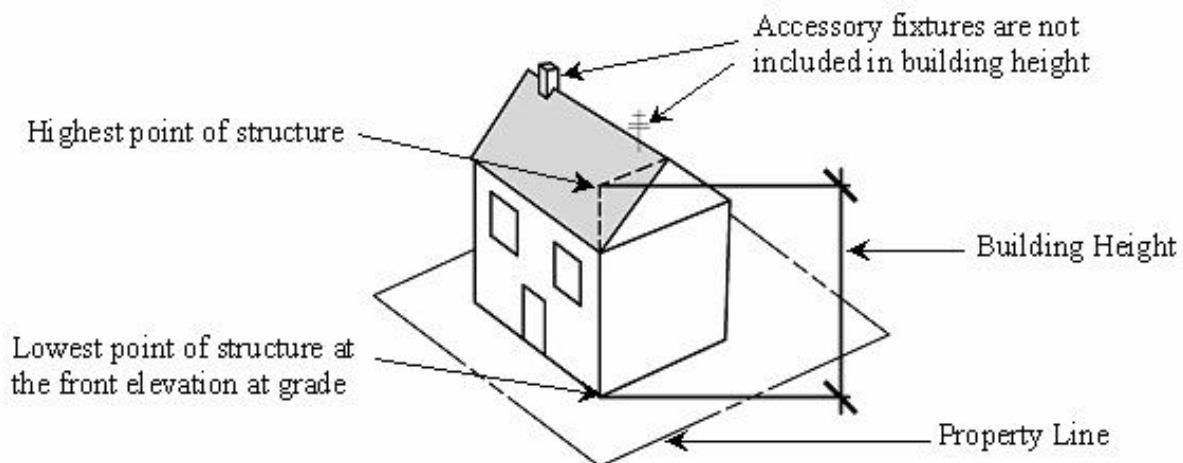
1. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
2. Any costs that are directly attributable to the establishment of the compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
3. Any return on investment since inception of the use, including net income and depreciation.
4. The anticipated annual recovery of investment, including net income and depreciation.

C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this chapter.

Chapter 21.72 - TERMS AND DEFINITIONS

21.72.010 - Terms.

"Building height" means the vertical distance from the lowest point of a structure at its front elevation at grade or at the flood protection elevation as defined in Section 17.11.179 of the City Code, whichever is at greater elevation to the highest point of the structure, not including accessory fixtures attached to the structure. See illustration.



Refer to Chapter 21.56 for measurement of building height in the historic district.

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

Explanation:

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

1

Underlining indicates matter added to existing law.

