



160 Duke of Gloucester Street
Annapolis, MD 21401

Signature Copy
O-40-15 Amended

..Title

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

..Body

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 40-15 Amended

**Sponsored by: Mayor Pantelides, Alderman Budge
Rhonda Pindell Charles and Alderwoman Finlayson**

**Referred to
Rules and City Government
Maritime Advisory Board
Economic Matters**

AN ORDINANCE concerning

Waterfront Maritime Conservation District

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

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

Section 21.46.020 A&B
Section 21.48.040 A&B
Section 21.64.540F
Section 21.64.550A

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

Section 21.66.130 Table Note 6

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

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

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

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

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

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

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

NOW THEREFORE

SECTION 1: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended as follows:

21.46 WATERFRONT MARITIME DISTRICTS

21.46.020 WMC Waterfront Maritime Conservation district.

REVISOR’S NOTE: 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.

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.

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

~~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.~~

21. 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.

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.

21.48 – USE TABLES

21.48.040A&B – Waterfront Maritime Zoning Districts

REVISOR’S NOTE: In this Section, the useS found in 21.48.040BA – “Retail sales of non maritime-related goodsMARITIME MAPS, MAGAZINES, CATALOGUES AND OTHER PUBLICATIONS” AND “MARITIME RETAIL” isARE amended. No other changes are made to this Section.

Uses		District WMC	District WMM3	District WMI3	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	P1,	P1, 2
	b. Fishing tackle	P	P	P1	P1, 2
	c. Marine chandleries	P	P	P1	P1, 2
	d. Yacht furniture	P	P	P1	P1, 2
	e. Marine maps, magazines, catalogues and other publications	<u>P</u>	P		P1, 2
	F. Maritime retail	<u>P</u>	P	A-Std	A-Std

	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 P-Std	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	

21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS

21.64.540 – Restaurants, Standard.

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

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

~~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.~~

~~21. The use may occupy no more than thirty percent of the total gross floor area on the lot.~~ OUTDOOR DINING AND ROOFTOP DINING MAY BE PERMITTED SUBJECT TO THE FOLLOWING:

- 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. MIDNIGHT,~~ SEVEN DAYS A WEEK.
- c. NO BAR, 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 AND SHALL NOT BE DIRECTED UPWARDS NOR TOWARDS THE WATER. 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.
- 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.

32. 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.

21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS

21.64.550 – Retail sales of non maritime-related goods.

A. WMC District.

~~1. 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.~~

21. ~~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.

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

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

21.66 - PARKING AND LOADING REGULATIONS

21.66.130 Table of off-street parking requirements.

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

Table Notes:

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.

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

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments

ADOPTED this 7th day of December, 2015.

Aye: Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett.

Absent: Alderman Littmann

THE ANNAPOLIS CITY
COUNCIL

Michael Pantelides Date: ~~12-10-2015~~ 12-10-2015
Michael J. Pantelides, Mayor

ATTEST Regina Watkins-Eldridge Date: 12/10/15
Regina Watkins-Eldridge, MMC,
City Clerk

