



City of Annapolis
Planning Commission
Department of Planning & Zoning
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October 21, 2015

To: Annapolis City Council
From: Planning Commission
Re: Findings for O-40-15: Waterfront Maritime Conservation District

SUMMARY

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.

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.

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."

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.

BACKGROUND AND ANALYSIS

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 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 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.

PUBLIC HEARING AND DELIBERATION

On September 3, 2105 the Planning Commission heard public testimony on O-40-15. They continued deliberations on the public hearing on October 1, 2015

The Planning Commission finds there are three objectives to accomplish in modifying the current WMC district.

One, consistent with the original 1986 study and enactment, this district must be distinguished from the three other maritime districts in order to strengthen the goals of preserving and furthering maritime activities in the other districts; to that end the new district should be renamed to "City Dock Waterfront district"(CDW);

Two, the new district must correct and rectify the mistake which was made when the district was originally enacted; specifically noting that functional use of property completely devoted to maritime uses was made impossible by virtue of City and U.S. actions in place at the time the district was enacted; subsequent history has demonstrated the truth of this assertion;

Three, the new district must foster positive uses consistent with the City Dock Master Plan and the Comprehensive Plan.

The Planning Commission recommends the City Council consider the following:

1. 21.46.020.A *Purpose*: Amend the Purpose section to read:
The City Dock Waterfront (CDW) district is intended to provide **for a place where the public can access the public waterfront from both land and water**, and to provide an attractive environment which supports and is harmonious with the historic urban core, the waterfront, and adjacent commercial and residential uses.
2. 21.46.020.C *Development Standards*: Add a subsection 4. **In the CDW district any changes in nonconforming use or in nonconforming physical structures shall become consistent with the requirements of the City Dock Master Plan.**
3. With respect to limiting the number of rooftop and outdoor dining seats to a percentage of indoor dining seats, the Commission neither endorses nor disapproves of the proposed legislation. Without more information on the current conditions, the consequences of the proposed percentages on existing businesses, and other tools for protecting the neighboring residents and businesses, the Commission cannot make a recommendation. We encourage the Council to investigate the issue more. The Commission does note that there are several other bar/restaurant businesses in this district which could expand their outdoor dining even more than currently exists and also we note that rooftop dining in the adjoining C2 district is not permitted.
4. The Commission recommends that rooftop dining regulations in this district be generally consistent with the regulations in the other districts which permit rooftop dining. While it is similar to those other districts, it also is different. To that end the Commission recommends:
 - a. **No bar fixtures permitted in rooftop dining areas.** 21.64.540.2.2.a
 - b. **10 pm** closing for rooftop dining. 21.64.540.2.2.b However, the Commission notes that 10 pm seems too early to close and 2 am seems too late for closure. Perhaps the Council would consider a later closing time Fridays and Saturdays.
 - c. Removing the exception for “except for low level background music.” To that end, the Commission notes that the principal reservation to rooftop dining is the noise it generates and further notes that the presence of even low level background music will only serve to elevate the level of conversational noise on top of the background noise. 21.64.540.2.2.c
 - d. Lighting should not only not be directed away from adjoining properties, it should not be directed upwards, to, for example, illuminate a sign. Lighting shall be directed away from the adjoining properties **and shall not be directed upwards nor towards the water** and.....
21.64.540.2.2.f
5. The ordinance makes the applicant responsible for constructing and maintaining the public pedestrian walkways. The Commission recommends that the **property owner** be held responsible. 21.64.540.3
6. The CDW district contains a sidewalk along Compromise Street running along properties which currently or in the future conduct restaurant operations. Sidewalk tables are, therefore, a future possibility. Given the current narrow condition of the Compromise Street sidewalks, the Commission recommends adding to 21.64.540 a subsection 3:

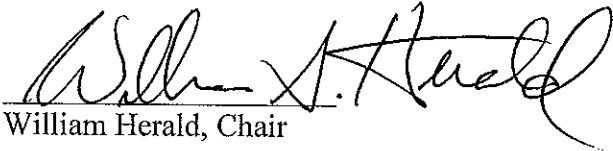
Sidewalk cafes shall not be permitted along Compromise Street until a substantial widening of those sidewalks consistent with the City Dock Master Plan is accomplished.

The Commission also observes there are residences and businesses on Compromise Street, Newman Street, and Duke of Gloucester which could be affected. The current closing time of 2 am for sidewalk café seating should be reconsidered before sidewalk cafes are allowed along Compromise Street.

RECOMMENDATION

With these cautions, suggestions and modifications, on October 1 2015, the Planning Commission moved to recommend approval of O-40-15 to the City Council.

Adopted this 21st day of October, 2015

A handwritten signature in black ink, appearing to read "William Herald", written over a horizontal line.

William Herald, Chair