

**O-25-21**

**Waterfront Maritime Zoning Districts – Uses**

**Amendments 1-9 - Buckley, Tierney\***  
**(Revised on 10/5/21 and 10/13/21)**

*\*These amendments to O-25-21 were recommended by the Planning Commission for purposes of consistency and clarification.*

**Amendment 1: (Revised on 10/5/21)**

*Purpose: Enforcement/Annual Report Clarification*

On Page 3, strike lines 19 down through 30 and insert:

“C. ANNUAL REPORTS, COMPLIANCE, AND REVIEW.

1. ANY PROPERTY OWNER WITH PROFESSIONAL OFFICE AND/OR NON-MARITIME RETAIL SALES USE(S) SHALL SUBMIT TO THE DIRECTOR OF PLANNING AND ZONING AN ANNUAL REPORT WITH AN UPDATE OF THE BREAKDOWN OF THE MARITIME AND NON-MARITIME USES ON THE SUBJECT PROPERTY.
2. ALL PROPERTY OWNERS WITHIN THE WMM, WMI, WME, AND WMC DISTRICTS SHALL PROVIDE AN ANNUAL LISTING OF MARITIME USES TO THE CITY OF ANNAPOLIS ECONOMIC DEVELOPMENT MANAGER IN SUCH FORM AS MAY BE PROMULGATED FROM TIME TO TIME BY THE DIRECTOR OF PLANNING AND ZONING.
3. THE DIRECTOR OF PLANNING AND ZONING SHALL SUBMIT AN ANNUAL REPORT WITH AN UPDATE OF THE BREAKDOWN OF MARITIME AND NON-MARITIME USES IN THE WATERFRONT DISTRICTS. THIS UPDATE WILL BE INCLUDED IN THE ANNUAL REPORT GIVEN TO THE PLANNING COMMISSION ON THE COMPREHENSIVE PLAN. THE ECONOMIC DEVELOPMENT MANAGER SHALL PROVIDE INFORMATION FOR THE REPORT REGARDING THE EFFORTS TO RECRUIT MARITIME BUSINESSES AND THE HEALTH OF THE MARITIME INDUSTRY AND SHALL ALSO REPORT THIS INFORMATION TO THE ECONOMIC MATTERS AND RULES AND CTIY GOVERNMENT COMMITTEES.
4. IF A PROPERTY OWNER IN A WATERFRONT DISTRICT IS NOT IN COMPLIANCE WITH THE ALLOWABLE PERCENTAGE OF NON-MARITIME USES IN THAT WATERFRONT DISTRICT, THE DEPARTMENT OF PLANNING AND ZONING SHALL: A) NOTIFY THE PROPERTY OWNER OF THE NON-COMPLIANCE; AND B) ALLOW THE PROPERTY OWNER 120 CALENDAR

DAYS TO BRING THE PROPERTY INTO COMPLIANCE. IF THE PROPERTY OWNER DOES NOT TIMELY BRING THE PROPERTY INTO COMPLIANCE, THE DEPARTMENT OF PLANNING AND ZONING SHALL REVOKE THE OCCUPANCY PERMITS FOR ALL NON-MARITIME USES ON THAT PROPERTY AND SHALL REQUIRE THE PROPERTY OWNER TO REAPPLY FOR NEW OCCUPANCY PERMITS FOR EACH OF ITS NON-MARITIME USES.

5. COMMENCING NO LATER THAN DECEMBER 31, 2023, AND NO LATER THAN DECEMBER 31 OF EVERY SUCCESSIVE FOURTH YEAR, THE PLANNING COMMISSION SHALL SUBMIT FINDINGS AND RECOMMENDATIONS TO THE CITY COUNCIL FOR CHANGES TO THE TABLE OF USES AND/OR STANDARDS APPLICABLE TO THE WATERFRONT DISTRICTS IN ORDER TO PRESERVE THE MARITIME INDUSTRY AS A VIBRANT PART OF ANNAPOLIS'S HERITAGE AND AS A CONTRIBUTOR TO THE LOCAL ECONOMY."

**Amendment 2: (Revised on 10/13/21)**

*Purpose: Adjust Calculations for Water Access and Parking Spaces Incentives*

On Page 3 in line 32, after "WATERFRONT ACCESS INCENTIVES." Insert "FOR PURPOSES OF THIS PROVISION, THE TERM "GFA" MEANS THE GROSS FLOOR AREA OF BUILDINGS EXISTING ON THE LOT AS OF THE EFFECTIVE DATE OF THIS ORDINANCE NOT INCLUDING RESIDENTIAL STRUCTURES."

On Page 3, in line 36, strike "50% IN THE WMM" and substitute "55% IN THE WMM"

On Page 4, in line 2, strike "CATEGORY II: 5% CAP" and substitute "CATEGORY II: 10% CAP" and in lines 6, 8, and 11 strike "5%" and substitute "10%"

On Page 4, in line 4, strike "50 ON-SITE NOMINAL FEE PARKING SPACES ON EVENINGS AND WEEKENDS" and substitute "150 ON-SITE PARKING SPACES AT A REASONABLE FEE ON EVENINGS AND WEEKENDS"

On Page 4, in line 7, after "DONATE" insert "A ONE-TIME PAYMENT OF"

On Page 4, in line 13, strike "IF THERE IS A 15% TOTAL INCREASE IN LISTED NON-MARITIME USES GRANTED THROUGH THE ABOVE INCENTIVES, A FEE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL AND SET FORTH IN THE FEES SCHEDULE" and insert "IF THERE IS AN INCREASE IN NON-MARITIME USES GRANTED THROUGH THE ABOVE INCENTIVES, A FEE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL AND SET FORTH IN THE FEES SCHEDULE"

**Amendment 3:**

*Purpose: Continuation of Community Benefits*

On Page 5, in line 37, after the “period” insert “ANY COMMUNITY BENEFITS, SPECIFICALLY PARKING, REQUIRED BY THE BPD MUST BE CONTINUED AND THE PUBLIC PARKING MAY BE USED TO QUALIFY FOR AN INCENTIVE UNDER 21.46.010 D.”

On Page 6, in line 25, unstrike “on August 24, 1987” and strike “AS OF THE EFFECTIVE DATE OF THIS ORDINANCE”

On Page 7, in line 14, unstrike “on August 24, 1987” and strike “AS OF THE EFFECTIVE DATE OF THIS ORDINANCE”

**Amendment 4:**

*Purpose: Continued Protection of 100’ Waterway Yard*

On Page 12, strike lines 22 down through 27 and insert “IN THE WMM, WME, AND WMI DISTRICTS, FOR STRUCTURES CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, THE USE IS NOT PERMITTED IN BUILDINGS OR STRUCTURES LOCATED WITHIN 100 FEET OF THE WATERFRONT OR MEAN HIGH WATERLINE.”

**Amendment 5: (Revised on 10/13/21)**

*Purpose: Clarification for Calculation of Current 30% Professional Office, Existing Gross Floor Area on Development Lot, and New 15% Professional Office, Gross Floor Area of Existing Buildings*

On Page 12, strike lines 29 down through page 13, line 7 and insert:

“C. IN THE WMM DISTRICT, THIS USE MAY NOT EXCEED 30% OF TOTAL GROSS FLOOR AREA OF DEVELOPMENT ON THE LOT IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE AND AN ADDITIONAL 15% OF TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ORDINANCE. RESIDENTIAL USES WILL NOT BE COUNTED TOWARD THE GROSS FLOOR AREA OF BUILDINGS FOR PURPOSES OF CALCULATING THE ADDITIONAL 15% PROFESSIONAL OFFICE SQUARE FOOTAGE.

D. IN THE WMI AND WME DISTRICTS, THIS USE MAY NOT EXCEED 15% OF THE TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE AS OF THE

EFFECTIVE DATE OF THIS ORDINANCE. RESIDENTIAL USES WILL NOT BE COUNTED TOWARD THE GROSS FLOOR AREA FOR PURPOSES OF CALCULATING THE ADDITIONAL 15% PROFESSIONAL OFFICE SQUARE FOOTAGE.

*Purpose: Maritime Fund Fee*

- E. IN THE WMM, WMI, AND WME DISTRICTS, A FEE BASED ON THE SQUARE FOOTAGE OF NON-MARITIME USES, ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, AND SET FORTH IN THE FEES SCHEDULE, SHALL BE ASSESSED TO THE PROPERTY OWNER FOR THE PURPOSES OF SUPPORTING THE ANNAPOLIS MARITIME INDUSTRY FUND AND ASSOCIATED PROGRAMS ADMINISTERED BY THE CITY OF ANNAPOLIS.

*Purpose: Maximum Allowable Professional Office with Triggers and Water Access Incentives*

- F. IN THE WMM, WMI, AND WME DISTRICTS, PROFESSIONAL OFFICE USE MAY BE EXPANDED BEYOND THE APPLICABLE PERCENTAGE OF GROSS FLOOR AREA OF THE BUILDINGS ON THE LOT IF THE PROPERTY OWNER PROVIDES ONE OR MORE WATER ACCESS INCENTIVE USES LISTED IN 21.46.010 (D) TO A MAXIMUM (CUMULATIVE WITH RETAIL SALES OF NON-MARITIME GOODS) AS FOLLOWS:
- WMM: MAXIMUM ~~55~~50% IN CONJUNCTION WITH TRIGGERS AND WATER ACCESS INCENTIVES
  - WME: MAXIMUM 20 % IN CONJUNCTION WITH TRIGGERS AND WATER ACCESS INCENTIVES
  - WMI: MAXIMUM 20% IN CONJUNCTION WITH TRIGGERS AND WATER ACCESS INCENTIVES”

**Amendment 6:**

*Purpose: Public Water Access Requirement at new Restaurants in all Districts*

On Page 14, after line 30 insert a new sub-section “F.” and sequentially re-letter all subsequent sub-sections accordingly:

“F. IN THE WMM, WME, WMI, AND WMC DISTRICTS, NEW RESTAURANT USES WHICH FRONT WATERWAYS SHALL PROVIDE PUBLIC WATER ACCESS. THE PUBLIC WATER ACCESS MUST BE CONSISTENT WITH THE DEFINITION PROVIDED IN SECTION 21.72.010.”

On Page 15, in line 23, strike “IN STRUCTURES IN EXISTENCE AS OF AUGUST 24, 1987” and substitute “IN STRUCTURES IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ORDINANCE”

**Amendment 7:**

*Purpose: Special Exception for 2,000 square Foot Restaurants in WME*

On Page 16, after line 3, insert “4. THE USE MAY ONLY BE PERMITTED BY SPECIAL EXCEPTION.”

**Amendment 8: (Revised on 10/13/21)**

*Purpose: Clarification for Calculation of Current 30% Retail Sales, ‘Existing Gross Floor Area of Development Lot’, and New 15% Retail Sales, ‘Gross Floor Area of Existing Buildings.’*

On Page 16, strike lines 25 down through 28 and insert “2. THIS USE MAY NOT EXCEED 30% OF TOTAL GROSS FLOOR AREA OF DEVELOPMENT ON THE LOT IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE AND AN ADDITIONAL 15% OF TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ORDINANCE. RESIDENTIAL USES WILL NOT BE COUNTED TOWARD THE GROSS FLOOR AREA OF BUILDINGS FOR PURPOSES OF CALCULATING THE ADDITIONAL 15% PROFESSIONAL OFFICE SQUARE FOOTAGE.”

On Page 16, strike lines 29 down through 35 and insert “3. IN THE WMM, WME, AND WMI DISTRICTS, FOR STRUCTURES CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, THE USE IS NOT PERMITTED IN BUILDINGS OR STRUCTURES LOCATED WITHIN 100 FEET OF THE WATERFRONT OR MEAN HIGH WATERLINE.”

On Page 17, strike lines 1 down through 4 and insert “2. THIS USE MAY NOT EXCEED 15% OF THE TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ORDINANCE. RESIDENTIAL USES WILL NOT BE COUNTED TOWARD THE GROSS FLOOR AREA FOR PURPOSES OF CALCULATING THE ADDITIONAL 15% PROFESSIONAL OFFICE SQUARE FOOTAGE.”

*~~Purpose: Maximum Allowable Retail Sales of Non-Maritime-Related Goods with Triggers and Water Access Incentives~~*

On Page 17, in line 10, strike “MAXIMUM 50% IN THE WMM ZONE” and substitute “MAXIMUM 55% IN THE WMM ZONE”

*Purpose: Maritime Fund Fee*

On Page 17, after line 10 insert “E. IN THE WMM, WMI, AND WME DISTRICTS, A FEE BASED ON THE SQUARE FOOTAGE OF NON-MARITIME USES, ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, AND SET FORTH IN THE FEES SCHEDULE,

SHALL BE ASSESSED TO THE PROPERTY OWNER FOR THE PURPOSES OF SUPPORTING THE ANNAPOLIS MARITIME INDUSTRY FUND AND ASSOCIATED PROGRAMS ADMINISTERED BY THE CITY OF ANNAPOLIS.”

**Amendment 9: (Revised on 10/13/21)**

*Purpose: Clarification of Terms and Definitions*

On Page 19, in line 27, after “MEANS” insert “INCLUDING, BUT NOT LIMITED TO,”

On Page 20, in line 18, after “FINANCE;” insert “RECREATIONAL BOATING CLUBS AND OFFICES;”

On Page 20, line 10, strike “MARINE SALVAGE, TESTING, AND ENVIRONMENTAL SERVICES”

On Page 20, in line 22, strike “DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED, IN CONJUNCTION WITH OTHER MARITIME USES;”

On Page 20, in line 26, after “MEANS” insert “INCLUDING, BUT NOT LIMITED TO,”

On Page 20, in line 38, strike the “semicolon” followed by “AND MARITIME RETAIL”

On Page 21, in line 17, strike “OPEN AREAS, PAVED OR UNPAVED, PROVIDING FOR ON-LAND BOAT AND MARINE EQUIPMENT STORAGE AND DISPLAY;”

*Purpose: Adding Definition for Public Water Access*

On Page 21, after line 20, insert “PUBLIC WATER ACCESS” MEANS THE RIGHT FOR THE GENERAL PUBLIC TO ACCESS BY FOOT AN AREA FRONTING A WATERWAY THAT MAY BE USED FOR LEISURE ACTIVITIES ALLOWED BY LAW. ~~AND MUST BE ADA COMPLIANT.~~ PUBLIC WATER ACCESS DOES NOT REQUIRE AVAILABLE PARKING BUT MUST INCLUDE CLEAR SIGNAGE DENOTING THE ALLOWED PUBLIC USE AND MUST PROVIDE A CLEAR PEDESTRIAN PASSAGE FROM BOTH THE ADJACENT PROPERTY TO THE WATERFRONT AND THE CLOSEST PUBLIC ROADWAY. WHEN SEPARATELY-OWNED ADJACENT PROPERTIES BOTH PROVIDE PUBLIC WATER ACCESS, A CLEAR AND DEMARCATED PEDESTRIAN CONNECTION MUST BE PROVIDED.”

*Purpose: Clarifying Yacht and Sailing Club Definition for Trigger*

On Page 21, after the “period” insert “THIS DEFINITION APPLIES TO THE MARITIME TRIGGER ASSOCIATED WITH YACHT AND SAILING CLUBS.”