



Legislation Details (With Text)

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**On agenda:** 12/7/2015      **Final action:** 12/7/2015

**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.

**Sponsors:** Michael J. Pantelides, Joe Budge, Rhonda Pindell Charles, Sheila Finlayson

**Indexes:** Economic Matters Committee, Maritime Advisory Board, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-40-15 Waterfront Maritime Conservation District.pdf, 2. O-40-15 Staff Report.pdf, 3. O-40-15 Fiscal Impact .pdf, 4. O-40-15 PC Signed Findings.pdf, 5. O-40-15 Staff Report to PC.pdf, 6. O-40-15 Pantelides, Budge, Arnett Proposed Amendments.pdf, 7. O-40-15 Pantelides, Budge, Arnett Track Changes Proposed Amended Ordinance.pdf, 8. O-40-15 MAB Recommendations.pdf, 9. O-40-15 Signed.pdf

Date	Ver.	Action By	Action	Result
12/7/2015	1	City Council	adopt on second reader	Pass
12/7/2015	1	City Council	amendment(s) approved	Pass
12/7/2015	1	City Council	amended	Pass
12/7/2015	1	City Council	adopt on third reader	Pass
12/7/2015	1	City Council	approve	Pass
12/7/2015	1	City Council		
12/1/2015	1	Economic Matters Committee	recommend with amendments	Pass
12/1/2015	1	Rules & City Government Committee	recommend with amendments	Pass
11/23/2015	1	City Council	declare the public hearing closed	
11/20/2015	1	City Council	refer	
11/16/2015	1	Economic Matters Committee	postpone	Pass
11/9/2015	1	City Council	declare the public hearing left open	
10/26/2015	1	City Council	declare the public hearing left open	
10/19/2015	1	Maritime Advisory Board	recommend with amendments	
7/27/2015	1	City Council	adopt on first reader	Pass
7/27/2015	1	City Council	refer	
7/27/2015	1	City Council	refer	

**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.**

**CITY COUNCIL OF THE  
City of Annapolis**

## Ordinance 40-15

Sponsored by: Mayor Pantelides, Alderman Budge

Referred to  
Rules and City Government

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 21.46.020B  
Section 21.48.040B  
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 WMC zoning district was established to preserve the maritime industry 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**, 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 I: 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 uses found in 21.46.020B are amended. No other changes are made to this Section.

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.
2. 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.

**21.48 - USE TABLES**

**21.48.040 - Waterfront Maritime Zoning Districts**

REVISOR’S NOTE: In this Section, the use found in 21.48.040B - “Retail sales of non maritime-related goods” is amended. No other changes are made to this Section.

	District WMC	District WMM <sup>3</sup>	District WMI <sup>3</sup>	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.
2. ~~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., SEVEN DAYS A WEEK.
  - c. NO 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. 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.
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 21.62.020130, 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 ~~thirty~~SIXTY percent of the total gross floor area of development of the lot.
2. ~~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 SHALL CONSTRUCT AND MAINTAIN A PUBLIC PEDESTRIAN WALKWAY 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 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.

**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