City of Annapolis

160 Duke Of Gloucester Street
Annapolis, MD 21401

Legislation Details (With Text)

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Title: Waterfront Maritime Zoning Districts - Uses - For the purpose of requiring certain annual reporting on maritime and non-maritime uses, providing for certain waterfront access incentives for non-maritime uses, modifying the requirements for certain uses deemed conforming, modifying certain uses for Waterfront Maritime Zoning Districts, allowing uses in certain districts subject to standards, modifying off-street parking requirements for certain uses, adding definitions, and generally relating to uses in Waterfront Maritime Zoning Districts.

Sponsors: Gavin Buckley, Rob Savidge, Elly Tierney, Sheila Finlayson, Rhonda Pindell Charles, Brooks Schandelmeier, Fred Paone

Indexes: Maritime Advisory Board, Planning Commission, Rules and City Government Committee

Code sections:

Attachments: 1. O-25-21 First Reader, 2. O-25-21 Staff Report, 3. O-25-21 Fiscal Impact Note, 4. O-25-21 MAB Recommendations, 5. O-25-21 Maritime Task Force Strategy - Executive Summmary - 6-25-21, 6. O-25-21 PC Findings for Maritime Task Force Strategy_9-2-21, 7. O-25-21 PC Findings and Recommendations 9-2-21, 8. O-25-21 Amendments 1-9 Buckley, Tierney 10-13-21, 9. O-25-21 Amendments 10-11 Arnett, 10. O-25-21 Amendment 12 Schandelmeier WITHDRAWN, 11. O-25-21 Amendment 13 Schandelmeier WITHDRAWN, 12. O-25-21 Amendment 14 Schandelmeier WITHDRAWN, 13. O-25-21 Amendment 15 Schandelmeier WITHDRAWN, 14. O-25-21 Amendment 16 Arnett 10-15-21, 15. O-25-21 Amendment 17 Arnett 10-15-21, 16. O-25-21 Amendment 18 Savidge 10-15-21, 17. O-25-21 Amendment 19 Finlayson, Arnett 10-19-21, 18. O-25-21 MAB Recommendations on Amendments 10-20-21, 19. O-25-21 Amendment 20 Schandelmeier, Finlayson, 20. O-25-21 SIGNED

Date	Ver.	Action By	Action	Result
10/25/2021	1	City Council	adopt on second reader	Pass
10/25/2021	1	City Council	amended	Pass
10/25/2021	1	City Council	confirm	Pass
10/25/2021	1	City Council	amended	Pass
10/25/2021	1	City Council	amended	Pass
10/25/2021	1	City Council	amended	Pass
10/25/2021	1	City Council	amended	Pass
10/25/2021	1	City Council	amended	Pass
10/25/2021	1	City Council	adopt as amended	Pass
10/25/2021	1	City Council	adopt on third reader	Pass
10/21/2021	1	Rules and City Government Committee	recommend with amendments	Pass
10/21/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/21/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass

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10/21/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Fail
10/21/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	postpone	Pass
10/13/2021	1	Rules and City Government Committee	recommend unfavorably	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	reconsider	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Fail
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Fail
10/13/2021	1	Rules and City Government Committee	recommend unfavorably	Pass
10/13/2021	1	Rules and City Government Committee	recommend unfavorably	Pass
10/5/2021	1	Rules and City Government Committee	postpone	Pass
10/5/2021	1	Rules and City Government Committee	Recommend Favorably-Amendment	Pass
9/27/2021	1	City Council	declare the public hearing closed	
6/28/2021	1	City Council	adopt on first reader	Pass
6/28/2021	1	City Council	refer to Annapolis Education Commission	
6/28/2021	1	City Council	refer to Annapolis Education Commission	
6/28/2021	1	City Council	refer to Annapolis Education Commission	

Waterfront Maritime Zoning Districts - Uses - For the purpose of requiring certain annual reporting on maritime and non-maritime uses, providing for certain waterfront access incentives for non-maritime uses, modifying the requirements for certain uses deemed conforming, modifying certain uses for Waterfront Maritime Zoning Districts, allowing uses in certain districts subject to standards, modifying off-street parking requirements for certain uses, adding definitions, and generally relating to uses in Waterfront Maritime Zoning Districts.

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CITY COUNCIL OF THE
City of Annapolis

Ordinance 25-21

Introduced by: Mayor Buckley
Co-sponsored by: Alderman Savidge, Alderwoman Tierney, Alderwoman Finlayson, Alderwoman Pindell Charles, Alderman Schandelmeier, ~~Alderman Gay,~~ Alderman Paone

Referred to
Planning Commission
Rules and City Government
Maritime Advisory Board

AN ORDINANCE concerning

Waterfront Maritime Zoning Districts - Uses

FOR the purpose of requiring certain annual reporting on maritime and non-maritime uses, providing for certain waterfront access incentives for non-maritime uses, modifying the requirements for certain uses deemed conforming, modifying certain uses for Waterfront Maritime Zoning Districts, allowing uses in certain districts subject to standards, modifying off-street parking requirements for certain uses, adding definitions, and generally relating to uses in Waterfront Maritime Zoning Districts.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition
21.46.010
21.46.030
21.46.040
21.46.050
21.48.040
21.64.310
21.64.520
21.64.540
21.64.550
21.64.600
21.64.630
21.66.030
21.66.130
21.72.010

WHEREAS, the adopted comprehensive plan for the City of Annapolis recommends that the City conduct a review of the maritime zoning districts in light of current economic and other conditions affecting the maritime industry; and

WHEREAS, the City Council recognizes that waterfront uses contribute directly to the liveliness and

maritime feel of Annapolis's waterways and to the convenience of the boating public; and

WHEREAS, the maritime industry is a vital part of Annapolis's economy and has created upwards of 3,000 jobs; and

WHEREAS, to ensure the preservation of the maritime industry in light of changing economic conditions, the Annapolis City Council deems that there is a need to provide some additional flexibility for maritime properties; and

WHEREAS, the City Council is committed to preserving the maritime industry as a vibrant part of Annapolis's heritage and contributor to the local economy and has determined that greater flexibility will ensure the continuation in these working waterfront uses for the benefit of all citizens; and

WHEREAS, the City Council through Resolution R-46-20 established a Maritime Task Force charged with conducting a comprehensive review of the waterfront maritime zoning districts in the City of Annapolis and making recommendations to the City Council; and

WHEREAS, the Maritime Task Force has come to a general consensus concerning zoning code changes that are necessary to preserve, protect, and enhance the Annapolis maritime industry pursuant to R-46-20.

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

Title 21 - PLANNING AND ZONING
Chapter 21.46 - WATERFRONT MARITIME DISTRICTS

Section 21.46.010 - Regulations applicable to all waterfront districts.

Administrative Adjustment to Buffer and Planting Standards.

A. Where the buffer and planting standards in Chapter 21.62 conflict with necessary maritime access, the Planning and Zoning Director may adjust these standards pursuant to the procedures set forth in Chapter 21.18 where it is found that:

1. The overall amount of internal landscaping equals or exceeds seven percent of the parking area;
2. Perimeter buffer requirements have been met; and
3. The interior planting standards cannot physically be implemented due to the use of the area for permitted maritime uses that require access and mobility for the servicing or storage of boats.

B. Uses Not Specifically Enumerated in the Tables of Uses for Waterfront Districts. For any waterfront maritime district, the Director of Planning and Zoning may approve as a permitted use other uses not specifically enumerated in the Tables of Uses for Waterfront Districts but determined to be similar in character and use to one or more of the uses enumerated in the Table of Uses for that district and compatible with the purposes of the district. In order to make such a determination, procedures for

Administrative Interpretations in Chapter 21.16 shall be followed.

~~C. ANNUAL REPORTS. 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. 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 REPORT GIVEN TO THE PLANNING COMMISSION ON THE COMPREHENSIVE PLAN. THE ECONOMIC DEVELOPMENT MANAGER WILL PROVIDE INFORMATION FOR THE REPORT REGARDING THE EFFORTS TO RECRUIT MARITIME BUSINESSES AND THE HEALTH OF THE MARITIME INDUSTRY.~~

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 CITY 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.

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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.

D. WATERFRONT ACCESS INCENTIVES. THE TERM "GFA" MEANS THE GROSS FLOOR AREA OF BUILDINGS EXISTING ON THE LOT AS OF OCTOBER 25, 2021, NOT INCLDUING RESIDENTIAL STRUCTURES. THE TOTAL PERCENTAGE OF PROFESSIONAL OFFICE AND RETAIL SALES OF NONMARITIME GOODS ALLOWED IN WMM, WMI, OR WME ZONING DISTRICTS MAY BE INCREASED BY THE FOLLOWING PERCENTAGES IF THE INCENTIVE IS PROVIDED, BUT THE PERCENTAGE OF PROFESSIONAL OFFICE AND RETAIL SALES OF NON-MARITIME GOODS SHALL NOT EXCEED IN THE WMM 30% OF TOTAL GFA OF THE DEVELOPMENT ON THE LOT IN EXISTANCE AS OF OCTOBER 25, 2021, AND AN ADDITIONAL 25% OF TOTAL GFA, 20% OF GFA IN THE WMI DISTRICT, OR 20% OF GFA IN THE WME DISTRICT. THE INCENTIVES ARE:

CATEGORY I (MAXIMUM OF 5% TOTAL)

a. WATER TAXI LANDING AT 2.5% OF GFA ("WATERFRONT ACCESS INCENTIVE")
b. PUBLIC ACCESS FOR WALKING DURING DAYLIGHT HOURS AT 2.5% OF GFA ("WATERFRONT ACCESS INCENTIVE")
c. RENTING TO TENANTS THAT PROVIDE RECREATIONAL WATER ACCESS AT 2.5% OF GFA
d. A LOCATION FOR THE LAUNCH AND RECOVERY OF PADDLECRAFT DURING DAYLIGHT HOURS FOR BELOW MARKET FEE AT 2.5% OF GFA ("WATERFRONT ACCESS INCENTIVE")
e. A LOCATION FOR CRABBING AND FISHING DURING DAYLIGHT HOURS AT 2.5% OF GFA ("WATERFRONT ACCESS INCENTIVE")

CATEGORY II (MAXIMUM OF 10% TOTAL)

g. PROVISION OF AT LEAST 150 ON-SITE PARKING SPACES AT A REASONABLE FEE ON EVENINGS AND WEEKENDS AT 10% OF GFA ("PARKING INCENTIVE")
g. A ONE-TIME PAYMENT OF $250,000 TO THE CITY FOR IMPROVING STREET END PARKS AT 5% OF GFA ("PARK DONATION INCENTIVE")
h. COMMUNITY BOATING FACILITY WITH SMALL VESSEL STORAGE AND LAUNCH AREAS, LOCKERS, RESTROOM FACILITIES AND PARKING AT 10% OF GFA ("COMMUNITY BOATING FACILITY INCENTIVE").

A "WATERFRONT ACCESS INCENTIVE" DOES NOT REQUIRE ON-SITE PARKING BUT MUST BE ADA-COMPLIANT AS REQUIRED BY LAW, AND MUST PROVIDE A CLEAR PEDESTRIAN PASSAGE FROM THE CLOSEST PUBLIC ROADWAY. THE ACCESS MAY BE SUBJECT TO REASONABLE RESTRICTIONS TO ADDRESS PUBLIC SAFETY CONCERNS AND SHALL INCLUDE CLEAR SIGNAGE DENOTING THE ALLOWED PUBLIC USE AND ANY SUCH REASONABLE RESTRICTIONS, AS DETERMINED BY THE DIRECTOR OF PLANNING

AND ZONING.

E. 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 SHALL BE ASSESSED TO THE PROPERTY OWNER FOR THE PURPOSES OF SUPPORTING THE ANNAPOLIS MARITIME INDUSTRY FUND AND ASSOCIATED PROGRAMS.

Section 21.46.030 - WMM Waterfront Mixed Maritime district.

A. Purpose. The WMM Waterfront Mixed Maritime district is intended to reserve areas along the water's edge for maritime uses, provide an environment for supporting maritime merchandising efforts and to encourage the preservation of existing buildings and uses. In support of specified maritime uses, the WMM district also provides for some non-maritime uses. The visual image of this area as an active maritime center is to be encouraged and maintained.

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

C. Development Standards.

1. Chapter 21.50 contains the bulk regulations table for the WMM district.

2. One Hundred-Foot Maritime Use Setback. A one hundred-foot maritime use setback applies in the WMM district.

   a. Except as provided for in Subsection (C)(2)(b) of this section, only water-dependent structures and associated parking are permitted within the one hundred-foot maritime use setback.

   b. Non-water-dependent buildings, structures, or parking are permitted within the one hundred-foot maritime use setback only in accordance with a site plan incorporating the following criteria:

      i. Buildings and structures must be set back at least one hundred feet from the bulkhead for at least ~~fifty percent~~50% of the lot width, and

      ii. The total gross open area contiguous to the waterfront and continuous on the site remains equal in square footage to one hundred times the lineal shoreline frontage of the zoning lot.

   c. Structures for the rack storage of boats are permitted within the one hundred-foot maritime use provided they are no taller than eight feet and do not use motorized lifts.

3. Parking in Structures. In cases where parking is provided within or beneath a structure, all exterior views of the structure shall resemble a working façade.

D. Uses Deemed Conforming. The following uses are deemed conforming pursuant to Section 21.68.030 of this Zoning Code:

1. Single-family residential attached and detached dwellings and two-family dwellings, lawfully existing on August 24, 1987, may be expanded WITHIN THE EXISTING FOOTPRINT, BUT NOT RELOCATED, for residential use if the expansion otherwise meet the requirements of the R2-NC Single-Family Residence Neighborhood Conservation district, including the setback and height limitations in accordance with single-family detached dwellings. Unlawful uses occupying such residences on August 24, 1987, are not deemed to be conforming.

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2. Single-family attached and detached dwellings and two-family dwellings deemed conforming may be expanded BUT NOT RELOCATED for residential use if they otherwise meet the requirements of this district, including the setback and height limitations in accordance with single-family detached dwellings.

3. Buildings or structures ~~designed and intended for seafood industrial, in-water boat storage, on-land boat storage, boat repair and maintenance or marine fabrication uses~~ existing as of August 24, 1987, are exempt from the requirement to provide a waterway yard. Expansion of such a building or structure is permitted only for uses allowed within the one hundred-foot maritime use setback.

4. Buildings or structures located within the one hundred-foot maritime use setback, lawfully existing on August 24, 1987, ~~designed, maintained and continuously used for seafood industrial, boat repair, storage, and maintenance or marine fabrication uses, including principal buildings or structures,~~ may be continued, repaired and altered, provided that such alterations do not increase the exterior bulk of the building or structure through further encroachment on the maritime use setback area contiguous to the waterfront or through increased height.

5. Restaurants existing prior to August 24, 1987, are permitted provided that they comply with all of the use standards for standard restaurants in the WMM district, or provided that seafood industrial, on-land boat storage, boat repair and maintenance or marine fabrication uses are maintained such that the square footage of the existing restaurant use does not exceed the square footage of the other enumerated maritime uses.

6. USES EXISTING PURSUANT TO BUSINESS PLANNED DEVELOPMENT (BPD) APPROVALS, EXISTING PRIOR TO AUGUST 24, 1987, ARE PERMITTED TO CONTINUE EXCEPT THAT ONCE THE SQUARE FOOTAGE OF PROFESSIONAL OFFICE EXCEEDS THE GROSS FLOOR AREA OTHERWISE PERMITTED BY BPD APPROVAL, THE BPD APPROVAL IS RESCINDED. 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.

Section 21.46.040 - WMI Waterfront Maritime Industrial district.

A. Purpose. The WMI Waterfront Maritime Industrial district is intended to provide a location for land intensive maritime and accessory uses which require or clearly benefit from a waterfront location. It is the further intent of this district to support the City's maritime industry by limiting competing land uses and buffering adjacent uses from the adverse effects of permitted uses.

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

C. Development Standards.

1. Chapter 21.50 contains the bulk regulations table for the WMI district.

2. One Hundred-Foot Maritime Use Setback. A one hundred-foot maritime use setback applies in the WMI district.

a. Except as provided for in Subsection (C)(2)(b) of this section, only water-dependent structures and associated parking are permitted within the one hundred-foot maritime use setback.

b. Non- non water-dependent buildings, structures, or parking are permitted within the one hundred-foot maritime use setback only in accordance with a site plan incorporating the following criteria:

i. Buildings and structures must be set back at least one hundred feet from the bulkhead for at least fifty percent of the lot width, and

ii. The total gross open area contiguous to the waterfront and continuous on the site remains equal

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in square footage to one hundred times the lineal shoreline frontage of the zoning lot.

c. Structures for the rack storage of boats are permitted within the one hundred-foot maritime use provided they are no taller than eight feet and do not use motorized lifts.

D. Additional Standards. Reserved.

E. Uses Deemed Conforming. The following uses are deemed conforming pursuant to Section 21.68.030 of this Zoning Code:

1. Single-family residential attached and detached dwellings and two-family dwellings, lawfully existing on August 24, 1987 ~~AS OF THE EFFECTIVE DATE OF THIS ORDINANCE~~, may be expanded WITHIN THE EXISTING FOOTPRINT, BUT NOT RELOCATED, for residential use if the expansion otherwise meets the requirements of the R2 district, including the setback and height limitations in accordance with single-family detached dwellings. Unlawful uses occupying such residences ~~on August 24, 1987~~ AS OF OCTOBER 25, 2021, are not deemed to be conforming.
2. Buildings or structures located within the one hundred-foot maritime use setback, lawfully existing on August 24, 1987, which were designed and intended for seafood industrial, boat repair and maintenance or marine fabrication use, including principal buildings or structures, may be continued, repaired and altered, provided that such alterations do not increase the bulk of the building or structure through further encroachment on the maritime use setback area contiguous to the waterfront or through increased height, and the alteration is designed, intended and used for one or more of the enumerated maritime uses.

Section 21.46.050 - WME Waterfront Maritime Eastport district.

A. Purpose. The WME Waterfront Maritime Eastport district is intended to provide a location for maritime and accessory uses in conjunction with single-family residences in areas where the existing lot configuration limits the effective functioning of maritime industrial operations.

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

C. Development Standards.

1. Chapter 21.50 contains the bulk regulations table for the WME district.
2. In cases where parking is provided within or beneath a structure, all exterior views of the structure shall resemble a working façade.

D. Additional Standards. Reserved.

E. Uses Deemed Conforming. The following uses are deemed conforming pursuant to Section 21.68.030 of this Zoning Code:

1. Multifamily dwellings in structures of five units or less lawfully existing on August 24, 1987 if duly licensed in accordance with City codes and with an occupancy permit.
2. Single-family residential attached and detached dwellings and two-family dwellings, lawfully existing on August 24, 1987, ~~AS OF THE EFFECTIVE DATE OF THIS ORDINANCE,~~ may be expanded WITHIN THE EXISTING FOOTPRINT, BUT NOT RELOCATED, for residential use if the expansion otherwise meets the requirements of the R2-NC Single-Family Residence Neighborhood Conservation district, including the setback and height limitations in accordance with single-family detached dwellings; properties on Shipwright Street may be expanded for residential use if the expansion otherwise meets the requirements of the C1 Conservation Residence district, including the setback and height limitations in accordance with single-family detached dwellings. Unlawful uses occupying such residences AS OF OCTOBER 25, 2021, ~~on August 24, 1987~~ are not deemed to be conforming.
3. Buildings or structures designed and intended for seafood industrial, in-water boat storage, on-land boat storage, boat repair and maintenance or marine fabrication uses existing as of August

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24, 1987 are exempt from the requirement to provide a waterway yard. Expansion of such a building or structure is permitted only for uses allowed within the one hundred-foot maritime use setback.

Chapter 21.48 - USE TABLES
Section 21.48.040 - Table of Uses-Waterfront Maritime Zoning Districts.

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

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

Uses		District WMC	District WMM[3]	District WMI[3]	District WME
A. Maritime uses					
1. In-water boat storage:		P	P	P	P
	a. Docks, slips, piers and other facilities at which boats are berthed, only in conjunction with other maritime uses	P	P		
	b. Docks, slips, piers and other facilities at which boats are berthed, in conjunction with other maritime uses		P	P	P
	c. Yacht and sailing clubs, and member services	P	P	P	P
	d. Sailing schools	P	P	P	P
2. On-land boat storage:		P	P	P	P
	a. Open areas, paved or unpaved, and structures providing for on-land boat and marine equipment storage and display	P		P-Std	
	b. Open areas, paved or unpaved, providing for on-land boat and marine equipment storage and display		P		P
	c. Structures existing as of August 24, 1987 providing for on-land boat and marine equipment storage and display		P		P
3. Boat repair and maintenance:		P	P	P	P
	a. Vessel repair and maintenance	P	P	P	P
	b. Maritime engineer/mechanical repair	P	P	P	P

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	c. Boat, yacht and watercraft haul-out facilities and maintenance operations	P	P	P	P
	d. Fuel storage and refueling facilities for marine craft	P	P	P	P
	e. Accessory on-land material storage	P	P	P	P
4. Marine fabrication:		P	P	P	P
	a. Sail and canvas accessory manufacture	P	P	P	P
	b. Spar and rigging construction	P	P	P	P
	c. Maritime carpentry	P	P	P	P
	d. Construction and laying up of marine molds	P	P	P	P
	e. Metal casting for marine use	P	P	P	P
	f. Marine industrial welding and fabrication	P	P	P	P
	g. Boat manufacture	P	P	P	P
5. Maritime services: functions necessary to serve in-water and on-land boat storage and working boatyards, including, but not limited to:		P	P	P	P
	a. Boat dealers, brokers and manufacturers' representatives	P	P	P	P
	b. Boat rentals, charters, and charters services	P	P	P	P
	c. Marine parts, supplies, accessory distributors	P	P	P	P
	d. Marine transportation and water taxis	P	P	P	P
	e. Marine documentation	P	P	P	P
	f. Boat show management and promotion	P	P	P	P
	g. Nautical component servicing	P	P	P	P
	h. Yacht designers	P	P	P	P
	i. Marine surveyors	P	P	P	P
6. Maritime retail: display, sale and storage of marine parts, supplies, accessories, and provision of other goods including, but not limited to:		P	P	P[1,]	P[2]
	a. Marine hardware	P	P	P[1,]	P[1, 2]

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	b. Fishing tackle	P	P	P[1]	P[1, 2]
	c. Marine chandleries	P	P	P[1]	P[1, 2]
	d. Yacht furniture	P	P	P[1]	P[1, 2]
	e. Marine maps, magazines, catalogues and other publications	P	P		P[1, 2]
	f. Maritime retail	P	P	A-Std	A-Std
7. General maritime: general office and research functions contributing to maritime activities including, but not limited to:		P	P	P	P[2]
	a. Marine salvage, testing, research and environmental services	P	P		
	b. Marine salvage, testing, and environmental services				P[1, 2]
	c. Maritime associations	P	P		P[1, 2]
	d. Oceanographic laboratories and experimental facilities	P	P		P[1, 2]
	e. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	P	P		P[1, 2]
	f. Tugboat, vessel towing services, fireboat, pilotboat, harbormaster and similar services	P	P		P[1, 2]
	g. Specialized professional services to the maritime industry	P	P		P[1, 2]
	h. Marine transport operations, including shipping offices	P	P		P[1, 2]
	i. Marine photography, printmaking and chart-making	P	P		P[1, 2]
	j. Yacht and sailing club offices	P	P		P[1, 2]
	k. Yacht finance	P	P		P[1, 2]
	l. Maritime service organizations		P		P[1]
8. Maritime institutions:		P	P	P	P[2]
	a. Marine educational facilities	P	P		P[2]
	b. Marine museums and aquariums	P	P		P[2]
	c. Maritime service organizations	P	P		

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9. Seafood industrial:	Landing, distribution, processing, brokerage, wholesale and retail sales of fish and shellfish	P	P	P	P

	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	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~~ P-STD[1]	P-STD[1]	P-STD[1]
Restaurant, standard	S-Std	S-Std	S-STD	S-Std
Retail sales of non-maritime-related goods	S-Std	S-Std[1]	S-STD[1]	S-STD[1]
Small cell system	P-Std	P-Std	P-Std	P-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	A-Std	A-STD

1 ~~This use is permitted only on lots without waterfront frontage as of August 24, 1987.~~ THE STANDARDS REQUIRE A LISTED MARITIME TRIGGER TO ESTABLISH THE USE.
2 This use is permitted in buildings located within one hundred feet of the shoreline, provided that the use does not exceed ~~twenty-five percent~~25% of the gross floor area of the lot.
3 In the WMM and WMI districts non-water-dependent buildings, structures, or parking are permitted within the one hundred-foot maritime use setback only if they meet certain bulk requirements. See Division III Chapter 21.46.

Chapter 21.64 - STANDARDS FOR USES SUBJECT TO STANDARDS
Section 21.64.310 Food service marts.

Food service marts are subject to the general standards for food and beverage-related uses. The following additional standards apply:

A. Bars, dancing or live entertainment are not permitted.

B. The service of alcoholic beverages is limited to beer and wine only and sold prepackaged for off-premises consumption, except in the WMC district where service and sale of alcoholic beverages is not allowed.

C. The service of food items for immediate consumption, off the premises, may occur accessory to the principal use.

D. In the WMI district, this use is only permitted as an accessory use on lots without access to the bulkhead and is limited to one thousand square feet gross floor area.

E. In the WME, WMM and WMC districts, this use is only permitted as an accessory use on lots greater than ten thousand square feet in area, and is limited to one thousand square feet gross floor area.

Section 21.64.520 - Professional offices.

A. This use is permitted only in combination with one of the following MARITIME TRIGGERS:
1. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift,
2. Seafood processing of nine thousand square feet,
3. On-land boat storage of at least twenty-five thousand square feet, ~~or~~
4. Yacht and sailing clubs providing in-water and on-land boat storage to their members, OR
5. FUEL DOCK.

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

~~C. In THE WMM ZONE, FOR structures constructed after August 24, 1987, the use is also subject to the following:~~
~~1. The use may not exceed twenty-five percent25% of the total gross floor area of development BUILDINGS on the lot.~~
~~2. The use is not permitted in buildings or structures within one hundred feet of the waterfront or mean high waterline.~~

B. IN THE WMM, WME, AND WMI DISTRICTS, FOR STRUCTURES CONSTRUCTED AFTER OCTOBER 25, 2021, THE USE IS NOT PERMITTED IN BUILDINGS OR STRUCTURES LOCATED WITHIN 100 FEET OF THE WATERFRONT OR MEAN HIGH WATERLINE.

~~DC. PROFESSIONAL OFFICE USE MAY BE EXPANDED BEYOND THE APPLICABLE PERCENTAGE OF GROSS FLOOR AREA OF THE BUILDINGS ON THE LOT IF PROPERTY OWNER PROVIDES ONE OR MORE INCENTIVE USES LISTED IN 21.46.010 (D) TO A MAXIMUM (CUMULATIVE WITH RETAIL SALES OF NON-MARITIME GOODS) AS FOLLOWS:~~

~~WMM: MAXIMUM 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~~

~~IN THE WMM ZONE, THIS USE MAY NOT EXCEED 45% OF THE TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE ON THE LOT AS OF THE EFFECTIVE DATE OF THIS ORDINANCE. IN THE WMI AND WME ZONES, THIS USE MAY NOT EXCEED 15% OF THE TOTAL GROSS FLOOR AREA OF A BUILDING 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. 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 SHALL BE ASSESSED TO THE PROPERTY OWNER FOR THE PURPOSES OF SUPPORTING THE ANNAPOLIS MARITIME INDUSTRY FUND AND ASSOCIATED PROGRAMS.~~

C. IN THE WMM DISTRICT, THIS USE MAY NOT EXCEED 30% OF TOTAL GROSS FLOOR AREA OF DEVELOPMENT ON THE LOT IN EXISTENCE ON OCTOBER 25, 2021, AND AN ADDITIONAL 15% OF TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE ON OCTOBER 25, 2021. 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 ON OCTOBER 25, 2021. RESIDENTIAL USES WILL NOT BE COUNTED TOWARD THE GROSS FLOOR AREA FOR PURPOSES OF CALCULATING THE ADDITIONAL 15% PROFESSIONAL OFFICE SQUARE FOOTAGE.

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.

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% 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.

Section 21.64.540 - Restaurants, standard.

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

A. Drive-through service is not permitted.

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

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

1. Where the use is permitted subject to standards:
   a. No more than fifty seats are permitted,
   b. Alcohol is permitted with the service of food,
   c. Hours of operation are limited to midnight seven days a week,
   d. Outdoor dining with the exception of rooftop dining may be permitted subject to the following:
      i. Alcoholic beverages shall be served only in conjunction with the service of food.
      ii. Hours of operation shall be limited to 10:00 p.m., seven days a week.
      iii. No speakers or public address system shall be allowed.
   e. No bar, dancing, or live entertainment is permitted, except in the PM district where indoor, live, non-amplified acoustical musical entertainment may be permitted.
   f. Recorded music shall be limited to background variety only indoors.
2. In the B1 district, more than fifty seats may be permitted by special exception.
3. In the B2, B3, B3-CD and PM districts, the following may be permitted by special exception:
   a. More than fifty seats; and
   b. Bar, dancing, and live entertainment indoors;
   c. Hours of operation extending past midnight;
   d. Rooftop dining, subject to the following:
      i. Alcoholic beverages shall be served only in conjunction with the service of food.
      ii. Hours of operation shall be limited to 10:00 p.m., seven days a week.
      iii. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.
      iv. No portion of a rooftop dining area may be located any closer than seventy-five feet from a residential structure, measured horizontally at grade.
      v. The rooftop dining area may not exceed ~~twenty-five~~ ~~percent~~25% of the floor area of the indoor restaurant area and may not have more than ~~twenty-five~~ ~~percent~~25% of the number of seats in the indoor restaurant area.
      vi. Access to the rooftop dining area shall be through the interior of the restaurant. An exterior access shall be allowed only as an emergency access for fire and life safety purposes.
      vii. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.
      viii. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:

1. More than fifty seats,
2. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540C.1.d.,
3. Bar, dancing, and live entertainment,
4. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.540C.3.d.

E. MX District. In the MX district:

1. The following are permitted by right:
   a. Any number of seats,
   b. Alcohol with the service of food,
   c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540C.1.d.,

d. Accessory bars.

2. Dancing and live entertainment may be permitted by special exception.

3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.540C.3.d.

4. Two a.m. Alcoholic beverage licenses shall not be permitted for properties within the MX-2 or MX-3 Height Districts, but such licenses shall be allowed for properties within the MX-1 Height District.

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.

~~F~~G. WMC District. In the WMC District the following standards apply:

1. 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 midnight, seven days a week.
   c. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.
   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~~75% 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~~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.
2. In conjunction with approval of this use, the 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.

~~G~~H. WMM ~~District~~AND WMI DISTRICTS. In the WMM ~~district~~AND WMI DISTRICTS the following standards apply:

1. This use is permitted only in combination with one of the following MARITIME TRIGGERS:
   a. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift,
   b. Seafood processing of at least nine thousand square feet,
   c. On-land boat storage of at least twenty-five thousand square feet, ~~or~~
   d. Yacht and sailing clubs providing in-water and on-land boat storage to their members~~.~~, OR
   E. FUEL DOCK.

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

~~H~~I. WMM District.

1. IN STRUCTURES IN EXISTENCE AS OF ~~AUGUST 24, 1987~~OCTOBER 25, 2021, THIS USE MAY NOT EXCEED 30% OF THE TOTAL GROSS FLOOR AREA OF DEVELOPMENT ON THE LOT
2. NEITHER THE OUTDOOR DINING AREA NOR THE ROOFTOP DINING AREA MAY HAVE MORE THAN 50% OF THE NUMBER OF SEATS OF THE INDOOR RESTAURANT AREA.

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~~I~~J. WMI DISTRICT. IN THE WMI DISTRICT THE FOLLOWING ADDITIONAL STANDARDS APPLY:

1. RESTAURANT USE MAY OCCUPY NO MORE THAN 4,000 TOTAL SQUARE FEET COMBINED FOR INDOOR AND OUTDOOR DINING.
2. OUTDOOR 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 MIDNIGHT, SEVEN DAYS A WEEK.
   ~~c.~~ ~~NO BAR, DANCING OR LIVE ENTERTAINMENT AND NO SPEAKERS OR PUBLIC ADDRESS SYSTEM SHALL BE ALLOWED~~ NO AMPLIFIED SOUND SYSTEM SHALL BE ALLOWED.
   d. THE OUTDOOR DINING AREA MAY NOT HAVE MORE THAN 50% OF THE NUMER OF SEATS OF THE INDOOR RESTAURANT AREA.

~~H~~K. WME District. In the WME district the following standards apply:

1. This use may be permitted only in combination with one of the following:
   a. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift, or
   b. Seafood processing of at least nine thousand square feet.
2. The lot on which the use is proposed must be at least twenty thousand square feet.
3. The use may occupy no more than two thousand square feet of gross floor area on the lot.
4. THE USE MAY ONLY BE PERMITTED BY SPECIAL EXCEPTION.

Section 21.64.550 - Retail sales of non-maritime-related goods.

A. WMC District.

1. In conjunction with approval of this use, the 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.

B. WMM District.

1. This use is permitted only in combination with one of the following MARITIME TRIGGERS:

   i. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift,
   ii. Seafood processing of nine thousand square feet
   iii. On-land boat storage of at least twenty-five thousand square feet~~, or~~
   iv. Yacht and sailing clubs providing in-water and on-land boat storage to their members, OR
   V. FUEL DOCK.

~~2. In structures in existence as of August 24, 1987, THE DATE OF THIS ORDINANCE this use may not exceed thirty percent 45% of the total gross floor area of development BUILDINGS on the lot. RESIDENTIAL USES DO NOT COUNT AS BUILDINGS ON THE LOT FOR THIS CALCULATION.~~

2. THIS USE MAY NOT EXCEED 30% OF TOTAL GROSS FLOOR AREA OF DEVELOPMENT ON THE LOT IN EXISTENCE ON OCTOBER 25, 2021, AND AN ADDITIONAL 15% OF TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE ON OCTOBER 25, 2021. RESIDENTIAL USES WILL NOT BE COUNTED TOWARD THE GROSS FLOOR AREA OF BUILDINGS FOR PURPOSES OF CALCULATING THE ADDITIONAL 15% PROFESSIONAL OFFICE SQUARE FOOTAGE.

~~3. In structures constructed after August 24, 1987 THE DATE OF THIS ORDINANCE the use is also~~

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~~subject to the following:~~

~~i. The use may not exceed twenty-five percent25% of the total gross floor area of development on the lot. RESIDENTIAL USES DO NOT COUNT TOWARDS AS BUILDINGS ON THE LOT FOR THIS CALCULATION.~~

~~ii. The use is not permitted in buildings or structures within one hundred feet of the waterfront or mean high waterline.~~

3. IN THE WMM, WME, AND WMI DISTRICTS, FOR STRUCTURES CONSTRUCTED AFTER OCTOBER 25, 2021, THE USE IS NOT PERMITTED IN BUILDINGS OR STRUCTURES LOCATED WITHIN 100 FEET OF THE WATERFRONT OR MEAN HIGH WATERLINE.

C. WME AND WMI DISTRICTS.

1. THIS USE IS PERMITTED ONLY IN COMBINATION WITH ONE OF THE FOLLOWING MARITIME TRIGGERS:
   i. A WORKING BOATYARD OF AT LEAST TWENTY THOUSAND SQUARE FEET AND A THIRTY-TON BOAT LIFT,
   ii. SEAFOOD PROCESSING OF NINE THOUSAND SQUARE FEET,
   iii. ON-LAND BOAT STORAGE OF AT LEAST TWENTY-FIVE THOUSAND SQUARE FEET,
   iv. YACHT AND SAILING CLUBS PROVIDING IN-WATER AND ON-LAND BOAT STORAGE TO THEIR MEMBERS, OR
   v. FUEL DOCK.

~~2. IN STRUCTURES IN EXISTENCE AS OF THE DATE OF THIS ORDINANCE THIS USE MAY NOT EXCEED 15% OF THE TOTAL GROSS FLOOR AREA OF BUILDINGS ON THE LOT. RESIDENTIAL USES DO NOT COUNT TOWARDS BUILDINGS ON THE LOT FOR THIS CALCULATION.~~

2. THIS USE MAY NOT EXCEED 15% OF THE TOTAL GROSS FLOOR AREA OF BUILDINGS IN EXISTENCE ON OCTOBER 25, 2021. RESIDENTIAL USES WILL NOT BE COUNTED TOWARD THE GROSS FLOOR AREA FOR PURPOSES OF CALCULATING THE ADDITIONAL 15% PROFESSIONAL OFFICE SQUARE FOOTAGE.

D. RETAIL SALES OF NON-MARITIME GOODS USE MAY BE EXPANDED BEYOND THE APPLICABLE PERCENTAGE OF GROSS FLOOR AREA OF THE BUILDINGS ON THE LOT IF PROPERTY OWNER PROVIDES 1 OR MORE INCENTIVE USES LISTED AT 21.46.010 (D) TO A (CUMULATIVE WITH PROFESSIONAL OFFICE) MAXIMUM ~~50~~55 % IN THE WMM ZONE AND 20 % IN THE WMI AND WME ZONES.

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.

Section 21.64.600 - Temporary uses.

The following temporary uses are permitted in the zoning districts indicated:

A. All Zoning Districts.

1. Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of the building permit. No yards are required provided that there shall not be undue interference with the use and enjoyment of neighboring property.
2. Use of governmental property, including the erection of a tent or other temporary structure, for a

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carnival, circus or other activity.

3. Use of non-governmental property for up to five days by a nonprofit, educational, cultural, or civic organization for a carnival, street fair, circus or similar activity including the erection of a tent or other temporary structure. The operator must obtain all permits required by law.
4. Model homes and real estate tract offices for rental or sale of buildings in a project. A real estate office shall be removed upon the initial sales of all units in a project.
5. Yard sales and garage sales, up to six days in a calendar year.
6. Use of a trailer as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time construction or development is actively underway.

B. Waterfront Maritime Districts.

1. Temporary festivals in conjunction with maritime uses up to thirty days' duration.
2. IN THE WMI DISTRICT, SPECIAL EVENTS SUCH AS WEDDINGS ARE PERMITTED FOR UP TO 3 CONSECUTIVE DAYS IN A ROW.

C. Hawker, peddler, and itinerant merchant sales as temporary uses pursuant to Chapter 7.40 of the City Code.

21.64.630 - Transient boater services.

A. This use in only permitted when such services are provided in conjunction with in-water boat storage and at least one of the following other maritime uses: seafood industrial, boat repair and maintenance or marine fabrication.

B. In no case shall such accessory services be located within the one hundred-foot maritime use setback.

C. IN THE WMM AND WME ZONES, THE SUM OF SQUARE FOOTAGE FOR ALL TRANSIENT BOATER SERVICES MAY NOT EXCEED 800 SQUARE FEET.

Chapter 21.66 - PARKING AND LOADING REGULATIONS
Section 21.66.030 - Number of required parking spaces.

A. Standards. Off-street parking spaces accessory to uses allowed in zoning districts shall be provided in accordance with the standards set forth in the Table of Off-Street Parking Requirements at the end of this chapter.

B. Vehicles Owned by or Used in a Business. The required spaces in the Table of Off-Street Parking Requirements shall be provided in addition to any area used for parking of vehicles owned by or used in a business.

C. Drive-In Businesses. Vehicle stacking spaces shall be provided in accordance with the standards set forth in the Table of Off-Street Parking Requirements at the end of this chapter.

D. Spaces for Physically Handicapped. Spaces for the physically handicapped shall be provided pursuant to the provisions of the Americans with Disabilities Act and the Maryland Accessibility Code.

E. Bicycles. Parking spaces for bicycles shall be provided. For non-residential uses the following shall be provided:

1. One to twenty automobile spaces: one bicycle parking space.
2. For each additional thirty automobile spaces: one additional bicycle parking space.

F. Collective Facilities. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces meets the sum of the separate requirements.

G. Shared Parking. Parking spaces may serve more than one use provided documentation is provided to the satisfaction of the Planning and Zoning Director that:

1. The parking facility has sufficient capacity to meet the parking requirements of all the uses requiring the parking at any one time.

2. Only the number of parking spaces approved for shared use will be so used.
3. All other applicable requirements of this chapter will be met.
4. IN MARITIME ZONES THE PLANNING AND ZONING DIRECTOR MAY ALTERNATIVELY ALLOW SHARED PARKING BASED UPON THE TIME OF DAY, DAY OF THE WEEK OR SEASON, RATHER THAN USE.

H. Changes of Use.

1. Except as specified under Subsection (H)(2) of this section, when the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for the new use.
2. Unless otherwise provided for under the specific provisions for a particular zoning district in Division III, if a building or structure was erected prior to August 10, 1970, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this chapter.

I. Additions and Expansions of Non-residential Property. When the intensity of use of non-residential property is increased, additional parking facilities need be provided only for the increase in intensity of use. Intensity of use means increases in measures such as gross floor area, seating capacity, addition of dwelling units, or other units of measurement specified in this Zoning Code for required parking facilities.

J. Expansion or Alteration of Residential Buildings. When a residential building, with the exception of a single-family detached dwelling, is expanded or altered, required parking facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the building.

K. Reconstructed or Reestablished Uses. A nonconforming structure or use that has been damaged or destroyed by fire, explosion, or other causes and which is restored, repaired, or rebuilt shall provide parking or loading facilities equivalent to any maintained at the time of the damage or destruction. However, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.

Section 21.66.130 - Table of off-street parking requirements.

Use	Standard	Additional Provisions
Offices, business and professional, and nonprofit, educational, cultural, or civic	~~WMM district: One space per 200 square feet. Other districts: one space per 300 square feet.~~ ONE SPACE PER 300 SQUARE FEET	

REVISOR'S NOTE: In this section, the Standard for the Use "Offices, business and professional, and nonprofit, educational, cultural, or civic" is amended.

No other changes are made.

Division VI - GENERAL TERMS AND RULES OF MEASUREMENT
Chapter 21.72 - TERMS AND DEFINITIONS

Section 21.72.010 - Terms.

“BOAT REPAIR AND MAINTENANCE” MEANS, INCLUDING BUT NOT LIMITED TO, VESSEL REPAIR AND MAINTENANCE; MARITIME ENGINEER/MECHANICAL REPAIR; BOAT, YACHT AND WATERCRAFT HAUL-OUT FACILITIES AND MAINTENANCE OPERATIONS; FUEL STORAGE AND REFUELING FACILITIES FOR MARINE CRAFT; AND ACCESSORY ON-LAND MATERIAL STORAGE.

“Boatyard, working. "Working boatyard" means ~~an arrangement of piers, slips, mooring piles, wharves, and buoys, not to exceed 30 slips, intended to be used for the repair, construction and temporary storage of watercraft, and which slips are not available for occupancy or rental by the general public.~~ AREAS ON LAND AND IN THE WATER CONSISTING OF SPACES USED FOR THE REPAIR, CONSTRUCTION, MAINTENANCE, AND TEMPORARY STORAGE OF VESSELS TO INCLUDE: PIERS, SLIPS, MOORING PILES, WHARVES OR BUOYS TOGETHER WITH FACILITIES FOR LAUNCHING AND HAULING VESSELS SUCH AS TRAVELLIFT, MARINE RAIL, CRANE, OR RAMP.

“FUEL DOCK” MEANS A FACILITY OFFERING FUEL FOR SALE FOR WATERCRAFT FROM A DOCK LOCATED IN OR OVER NAVIGABLE WATERWAY.

“GENERAL MARITIME” MEANS GENERAL OFFICE AND RESEARCH FUNCTIONS CONTRIBUTING TO MARITIME ACTIVITIES INCLUDING, BUT NOT LIMITED TO, MARINE SALVAGE, TESTING, RESEARCH AND ENVIRONMENTAL SERVICES; ~~MARINE SALVAGE, TESTING, AND ENVIRONMENTAL SERVICES;~~ MARITIME ASSOCIATIONS; OCEANOGRAPHIC LABORATORIES AND EXPERIMENTAL FACILITIES; FACILITIES FOR MARINE POLLUTION CONTROL, OIL SPILL CLEANUP, AND SERVICING OF MARINE SANITATION DEVICES; TUGBOAT, VESSEL TOWING SERVICES, FIREBOAT, PILOTBOAT, HARBORMASTER AND SIMILAR SERVICES; SPECIALIZED PROFESSIONAL SERVICES TO THE MARITIME INDUSTRY; MARINE TRANSPORT OPERATIONS, INCLUDING SHIPPING OFFICES; MARINE PHOTOGRAPHY, PRINTMAKING AND CHART-MAKING; YACHT AND SAILING CLUB OFFICES; YACHT FINANCE; RECREATIONAL BOATING CLUBS AND OFFICES; AND MARITIME SERVICE ORGANIZATIONS.

“IN-WATER BOAT STORAGE” MEANS DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED, ONLY IN CONJUNCTION WITH OTHER MARITIME USES; ~~DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED, IN CONJUNCTION WITH OTHER MARITIME USES;~~ YACHT AND SAILING CLUBS, AND MEMBER SERVICES; AND SAILING SCHOOLS.

“MARINE FABRICATION” MEANS, INCLUDING BUT NOT LIMITED TO, SAIL AND CANVAS ACCESSORY MANUFACTURE; SPAR AND RIGGING CONSTRUCTION; MARITIME CARPENTRY; CONSTRUCTION AND LAYING UP OF MARINE MOLDS; METAL CASTING FOR MARINE USE; MARINE INDUSTRIAL WELDING AND FABRICATION; AND BOAT MANUFACTURE.

“MARITIME INSTITUTIONS” MEANS MARINE EDUCATIONAL FACILITIES; MARINE MUSEUMS AND AQUARIUMS; AND MARITIME SERVICE ORGANIZATIONS.

“MARITIME RETAIL” MEANS DISPLAY, SALE, AND STORAGE OF MARINE PARTS, SUPPLIES, ACCESSORIES, AND PROVISION OF OTHER GOODS INCLUDING, BUT NOT LIMITED TO MARINE HARDWARE; FISHING TACKLE; MARINE CHANDELIERS; YACHT FURNITURE; MARINE MAPS, MAGAZINES, CATALOGUES AND OTHER PUBLICATIONS~~; AND MARITIME RETAIL~~.

“MARITIME SERVICES” MEANS FUNCTIONS NECESSARY TO SERVE IN-WATER AND ON-LAND

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BOAT STORAGE AND WORKING BOATYARDS, INCLUDING, BUT NOT LIMITED TO BOAT DEALERS, BROKERS AND MANUFACTURERS' REPRESENTATIVES; BOAT RENTALS, CHARTERS, AND CHARTERS SERVICES; MARINE PARTS, SUPPLIES, ACCESSORY DISTRIBUTORS; MARINE TRANSPORTATION AND WATER TAXIS; MARINE DOCUMENTATION; BOAT SHOW MANAGEMENT AND PROMOTION; NAUTICAL COMPONENT SERVICING; YACHT DESIGNERS; AND MARINE SURVEYORS.

"MARITIME TRIGGER" MEANS ONE OR MORE OF THE FOLLOWING:

1. A WORKING BOATYARD OF AT LEAST TWENTY THOUSAND SQUARE FEET AND A THIRTY -TON BOAT LIFT,
2. SEAFOOD PROCESSING OF NINE THOUSAND SQUARE FEET,
3. ON-LAND BOAT STORAGE OF AT LEAST TWENTY-FIVE THOUSAND SQUARE FEET, OR
4. YACHT AND SAILING CLUBS PROVIDING IN-WATER AND ON-LAND BOAT STORAGE TO THEIR MEMBERS, OR
5. FUEL DOCK.

"ON-LAND BOAT STORAGE" MEANS OPEN AREAS, PAVED OR UNPAVED, AND STRUCTURES PROVIDING FOR ON-LAND BOAT AND MARINE EQUIPMENT STORAGE AND DISPLAY; ~~OPEN AREAS, PAVED OR UNPAVED, PROVIDING FOR ON-LAND BOAT AND MARINE EQUIPMENT STORAGE AND DISPLAY;~~ AND STRUCTURES EXISTING AS OF AUGUST 24, 1987, PROVIDING FOR ON-LAND BOAT AND MARINE EQUIPMENT STORAGE AND DISPLAY.

"PUBLIC WATER ACCESS" MEANS THE RIGHT FOR THE GENERAL PUBLIC TO ACCESS BY FOOT AN AREA FRONTING A WATERWAY ON PROPERTY WITH A BUSINESS OPEN TO THE GENERAL PUBLIC. THE AREA OF ACCESS MAY BE USED FOR ONE OR MORE OF THE FOLLOWING:

1. A WATER TAXI PICK-UP AND DROP-OFF LOCATION;
2. A WALKWAY, BENCH OR OTHER AREA FROM WHICH THE PUBLIC MAY VIEW ACTIVITIES ON THE WATER;
3. A LOCATION FOR THE LAUNCH AND RECOVERY OF PADDLECRAFT; OR
4. A LOCATION FOR CRABBING OR FISHING

PUBLIC WATER ACCESS SHALL BE AVAILABLE DURING SUCH TIMES AS THE RESTAURANT OR RETAIL BUSINESS ON THAT SAME PROPERTY IS OPEN TO THE GENERAL PUBLIC, BUT AT A MINIMUM DURING DAYLIGHT HOURS. WATER ACCESS DOES NOT REQUIRE AVAILABLE PARKING BUT MUST BE ADA-COMPLIANT AS REQUIRED BY LAW, AND MUST PROVIDE A CLEAR PEDESTRIAN PASSAGE FROM THE CLOSEST PUBLIC ROADWAY. THE ACCESS MAY BE SUBJECT TO REASONABLE RESTRICTIONS TO ADDRESS PUBLIC SAFETY CONCERNS AND SHALL INCLUDE CLEAR SIGNAGE DENOTING THE ALLOWED PUBLIC USE AND ANY SUCH REASONABLE RESTRICTIONS, AS DETERMINED BY THE DIRECTOR OF PLANNING AND ZONING. A FEE FOR PUBLIC ACCESS MAY NOT BE IMPOSED. THE PROVISIONS OF MD. ANN. CODE, NATURAL RESOURCES ARTICLE, SECTIONS 5-1101-1109, AS MAY BE AMENDED, GOVERN THOSE PROPERTIES PROVIDING PUBLIC ACCESS.

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"PUMPOUT STATION" MEANS A FACILITY THAT PUMPS OR RECEIVES HUMAN BODY WASTES OUT OF TYPE III MARINE SANITATION DEVICES INSTALLED ON BOARD VESSELS.

"SAILING SCHOOL" MEANS INSTRUCTION OF ACCREDITED SAILING PROGRAMS FOR 200 OR MORE STUDENTS WITH VESSELS THAT HAVE KEELS ON A MINIMUM 2 ACRE PARCEL SUBJECT TO STANDARDS.

"SAILMAKER" MEANS A PERSON OR COMPANY THAT CUTS, ASSEMBLES, SEWS, AND REPAIRS SAILS AND CANVAS PARTS FOR BOATS.

"SEAFOOD INDUSTRIAL" MEANS LANDING, DISTRIBUTION, PROCESSING, BROKERAGE, WHOLESALE AND RETAIL SALES OF FISH AND SHELLFISH.

"TRANSIENT BOATER SERVICES" MEANS SERVICES SUCH AS LAUNDRY, POOL, RECREATION AND/OR EXERCISE FACILITIES, AND SALES OF CONVENIENCE ITEMS.

"YACHT AND SAILING CLUB" MEANS AN ORGANIZATION WITH AT LEAST 300 MEMBERS WHICH PROVIDES AT THE CLUB FACILITY ON-SITE IN-WATER AND/OR ON-LAND BOAT STORAGE TO AT LEAST 150 KEEL BOATS OVER 20 FEET IN LENGTH (SAID VESSELS CONSTITUTING A YACHT AND SAILING CLUB NOT INCLUDING BOATS SUCH AS KAYAKS, CANOES, DINGHIES, PADDLEBOARDS, PERSONAL WATERCRAFT AND THE LIKE) AND INTERIOR MEETING/SOCIAL SPACE EXCLUSIVE TO THE YACHT AND SAILING CLUB OF AT LEAST 1,000 SQ. FT. AND RESTROOM FACILITIES TO ITS MEMBERS. THIS DEFINITION APPLIES TO THE MARITIME TRIGGER ASSOCIATED WITH YACHT AND SAILING CLUBS.

REVISOR'S NOTE: In this section, these Terms have been added.

No other changes are made.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANAPOLIS CITY COUNCIL THAT UPON THE ADOPTION OF THIS ORDINANCE, THE DIRECTOR OF PLANNING AND ZONING SHALL FORM A WORK GROUP TO ANALYZE THE IMPACT OF THIS ORDINANCE ON SMALL MARITIME OPERATIONS. THE DIRECTOR SHALL SUBMIT THE FINDINGS AND RECOMMENDATIONS OF THE WORK GROUP TO THE CITY COUNCIL NO LATER THAN SIX MONTHS AFTER THE DATE OF PASSAGE OF O-25-21.

SECTION ~~II~~ III: 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:
UPPERCASE indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.