

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-26-09**

4 **Introduced by Mayor Moyer**

LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	180 Day Rule:
05/18/09			N/A
Referred to:	Meeting Date:	Action Taken:	
Rules & City Gov't Planning Commission			

7
8 **AN ORDINANCE** concerning

9
10 **Open Space Zoning District**

11
12 **FOR** the purpose of creating an Open Space Zoning District within the City of
13 Annapolis.

14 * * * * *

15
16 **BY** creating new the following portions of the Code of the City of Annapolis, 2009
17 Edition:
18 Section 21.47
19 Section 21.48.050
20 Section 21.50.320
21 Section 21.64.025

22
23 **BY** repealing and re-enacting with amendments the following portions of the Code of
24 the City of Annapolis, 2009 Edition:
25 Section 21.66.130

26
27 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
28 **COUNCIL** that the Code of Annapolis shall read as follows:

29
30 **Chapter 21.47 OPEN SPACE DISTRICT**

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32 **21.47.010 Open space district.**

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34 A. Purpose. The purpose of the Open Space district is to provide for the preservation
35 and enhancement of areas in the City that are designated as open space and includes
36 areas such as floodplains, parks, and environmental preservation areas.

- 1 B. Uses. Uses that may be permitted in the OS Open Space district are set forth in the
- 2 tale of uses for an Open Space district in Chapter 21.48.
- 3 C. Development Standards
- 4 1. Bulk regulations. Except as provided in Chapter 21.50 bulk regulations table for the
- 5 OP Open Space district the following shall apply:
- 6 (a) Setbacks. A use or structure other than a pier, conservation use, passive
- 7 recreational use, or beach, shall be located at least 50 feet from any lot line and 75 fee
- 8 from any road right-of-way.
- 9 (b) Height limitation. The maximum height for a principal structure is 45 feet. The
- 10 maximum height for an accessory structure is 25 feet.

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12 **Chapter 21.48 USE TABLES**

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14 Add to **Chapter 21.48 USE TABLES** a new table of uses:

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16 **21.48.050 Table of Uses—Open Space Zoning District.**

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18 P=Permitted Use; S=Special Exception use; -Std=Use subject to standards (Chapter 21.64);
19 A=Accessory Use

Uses	District OS
Alcoholic beverage uses accessory to other uses	A-Std
Antenna towers	S
Barns, stables and kennels for the sheltering, breeding, hiring, or selling of an animal, and for storage of crops raised on the premises	P
Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities	P
Conservation uses, practices, and structures for the maintenance of the natural environment	P
Farming or nurseries, including truck gardening, grazing of livestock, and other similar activities if the use does not change the stability of the land	P
Golf courses	P
Home occupations	A-Std
Mooring slip or dock, private	P-Std
Public utility essential services	P-Std
Residential uses, existing	P
Structures for administrative and custodial uses of the principal use of the site if building coverage, including parking, does not exceed 20% of the site and the structures are not located in the natural drainage system	P
Structures, permanent, for hunting, golf courses, ice skating, nature study, picnic areas, play areas, and stables	P
Structures, temporary, for boating, swimming, fishing, hunting, gold courses, ice skating, nature study, picnic areas, play areas, stables, and stands for the sale of products raised on the premises	P
Telecommunications facilities	A-Std

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21 **Chapter 21.50 BULK REGULATIONS TABLES**

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2 Add to **Chapter 21.50 BULK REGULATIONS TABLES** a new table:

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4 **21.50.320 Bulk Regulations Table OS District.**

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

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum) Area (sq. ft.)	Lot Dimensions (minimum) Width (ft)	Lot Dimensions (minimum) Depth (ft)	Yards (minimum) Front (ft)	Yards (minimum) Interior Side (ft)	Yards (minimum) Corner Side (Adjacent to a public street, ft)	Yards (minimum) Rear (ft)	Yards (minimum) Waterway	Coverage, Height, Floor Area Ratio (maximum) Coverage
Alcoholic beverage uses accessory to other uses				75	50	75	50		45 ¹
Antenna towers				75	50	75	50		45
Barns, stables and kennels for the sheltering, breeding, hiring, or selling of an animal and for storage of crops raised on the premises				75	50	75	50		45
Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities				75	50	75	50		45

Conservation uses, practices, and structures for the maintenance of the natural environment				75	50	75	50		45
Farming or nurseries, including truck gardening, grazing of livestock, and other similar activities if the use does not change the stability of the land				75	50	75	50		45
Golf courses				75	50	75	50		45
Home occupations				75	50	75	50		45
Mooring slip or dock, private				75	50	75	50		45
Public utility essential services				75	50	75	50		45
Residential uses, existing				75	50	75	50		45

Structures for administrative and custodial uses of the principal use of the site if building coverage, including parking, does not exceed 20% of the site and the structures are not located in the natural drainage system				75	50	75	50		45
Structures, permanent, for hunting, golf courses, ice skating, nature study, picnic areas, play areas, and stables				75	50	75	50		45
Structures, temporary, for boating, swimming, fishing, hunting, golf courses, ice skating, nature study, picnic areas, play areas, stables, and stands for the sale of products				75	50	75	50		45

raised on the premises									
Telecommunications facilities				75	50	75	50		45

1 1. The maximum height for an accessory structure is 25 feet.

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3 **Chapter 21.64 STANDARDS FOR USES SUBJECT TO STANDARDS**

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5 **21.64.025 Alcoholic beverage uses accessory to other uses.**

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7 If the use is conducted out of doors or will include live entertainment or dancing, the
8 area used for the activity shall be located at least 100 feet from all residentially zoned
9 property.

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11 **Chapter 21.66 PARKING AND LOADING REGULATIONS**

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13 **21.66.130 Table of Off-Street Parking Requirements.**

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

Use	Standard	Additional Provisions
Amusement establishments, indoor.	Number of spaces to be determined through the use and site development plan approval process. Guidelines for determining the appropriate number of parking spaces are: Amusement Arcades: one vehicle parking space per four amusement machines, plus one bicycle parking space per machine. Pools and rinks: Spaces sufficient to serve 30 percent of the capacity in persons of the facility. Additional spaces for auxiliary uses such as bars, and restaurants: one space per 300 hundred square feet.	
Animal hospitals, including veterinarian offices	Two spaces per employee.	
Apartment hotels	One space per dwelling unit or lodging room.	
Lodging rooms located in apartment hotels	One space per three rooms.	
Bakeries	One space per 200 square feet.	
Banks and financial institutions	One space per 300 square feet.	

Bars and taverns	Spaces equal to 30 percent of the capacity in persons.	
Bed and Breakfast Homes		
C1 and C1A districts	None required.	Bed and breakfast homes without off-street parking must purchase city garage parking passes for guests.
R2-Neighborhood Conservation district, R3-Neighborhood Conservation 2 district	One or two guest rooms: one space. Three guest rooms: three spaces. Four guest rooms: four spaces. Five guest rooms: five spaces.	
R3-Neighborhood Conservation district	One space per guest room, one space for owner and one space per nonresidential employee.	
Boat showrooms	Two spaces per employee.	
Building material sales	One space per two employees, plus one space for each 300 square feet of gross floor area in excess of 4,000 square feet	
Clubs, lodges and meeting halls.	Spaces sufficient to serve 30 percent of the capacity in persons of the facility, plus one space per lodging room, if provided.	
Conference facilities	Spaces sufficient to serve 30 percent of the capacity in persons of the facility.	
Contractors', architects' and engineers' offices, shops and yards	I-1 district: one space per two employees. Other districts: one space per employee.	
Day care, family	One space per nonresidential employee.	
Day care centers, group	One space per five children.	
Delicatessens	See Restaurants.	
Dwellings		
Dwellings, multi-family	C1, C2P, P, PM2 districts: one space per dwelling unit. BCE district: 1.8 spaces per dwelling unit. Other districts 1.5 spaces per dwelling unit.	
Dwellings, multi-family containing six or fewer dwelling units	One space per dwelling unit.	This use is permitted subject to standards in the R3-Neighborhood Conservation district.
Dwellings, single-family attached	Two spaces per dwelling unit	
Dwellings, single-family detached	R1B District: Two spaces per	

	dwelling unit. Other districts: One space per dwelling unit.	
Dwellings, two-family	One space per dwelling unit.	
Dwellings above the ground floor of nonresidential uses	One space per dwelling unit.	
Dwellings for watchmen	One space per dwelling unit.	
Educational Facilities and Schools		
Colleges, private	One space per six students	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
Fraternities, sororities and dormitories	One parking space for each three active members or dormitory residents, plus one space for the manager.	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
Gymnasiums, stadiums and grandstands	One space per eight seats.	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
School, nursery or elementary	One space per two employees.	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
Schools, middle, or high	One space per two employees, plus one space per ten (non-boarding) students	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
School auditoriums	One space per eight seats.	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.

Schools, commercial, trade, vocational, music, dance, or art	BCE district: one space per employee. Other districts: one space per two employees, plus one space per five students.	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
Health and Medical Institutions		
Hospitals and sanitariums	One space per two beds, plus one space per two employees, plus one space per doctor assigned to the staff	
Institutions for the care of the aged,	0.75 spaces per unit.	
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	0.75 spaces per unit.	
Rest homes and nursing homes	One space per four beds, plus one space for every two employees, plus one space per doctor assigned to the staff.	
Governmental and government-related uses	Number of spaces to be determined through the use and site design plan approval process.	
Greenhouses and nurseries	I-1 district: one space per employee. Other districts: two spaces per employee.	
Home occupations	One space per nonresidential employee	
Hotels	One space per three lodging rooms, plus additional parking for auxiliary/accessory uses.	For conference room facilities to be used by persons other than guests of the hotel: parking spaces equal to 30 percent of the maximum capacity in persons of the facilities.
Inns	One space per lodging room, plus one space for the owner/manager, plus one space per employee.	On-site parking may be substituted with a contract with a valet service or a parking garage
Laboratories, including medical, dental, research and testing	Two spaces per employee.	
Manufacturing, packaging, and processing and similar uses	One space per two employees plus one space per 300 square feet of accessory retail.	
Maritime Uses		
Fabrication and repair	One space per two employees.	
General maritime	One space per 300 square feet.	
In-water boat storage (leased	One space per two slips.	Where removal of boats from

slips) Slips used for boat display and repair of boats	Parking shall be calculated pursuant to their respective uses.	in-water boat slips occurs during the period of November 15th through April 15th, the dry, on-land storage of boats may take place in parking spaces otherwise allocated to wet slips provided the corresponding wet slips shall not be used for the storage or parking of boats for the period of time in which on-land boat storage occurs in the required parking spaces.
Maritime retail	One space per 300 square feet.	
Maritime service organizations	One space per 800 square feet.	
Maritime services	One space per two employees.	
Mooring slips or dock, public	One space per boat.	
Retail sales in waterfront districts of non maritime-related goods	One space per 200 square feet.	
On-land boat storage	One space per two employees.	
Seafood industrial	One space per two employees.	
Motels	One space per dwelling unit or lodging room, plus one space for the owner or manager.	
Motor Vehicle and Automobile Uses		
Car wash	One space per three employees, one space for the owner or manager, and vehicle stacking spaces, equal to five times the maximum capacity of the use.	
Motor vehicle rental	Two spaces per employee.	
Motor vehicle sales	One space per 200 square feet retail/showroom area, plus one space per 300 square feet of office.	
Motor vehicle storage, repair and service facilities	BCE and B3-CD districts: one space per employee. I-1 district: one space per 200 square feet. Other districts: one space per two employees, plus one space for the owner or manager.	
Service stations, including fuel sales	One space per two employees, plus one space for the owner or manager.	
Museums and art galleries	C1 and P districts: one space per 800 square feet. Other districts: one space per 400 square feet.	

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.	
Offices, medical	One space per 200 square feet.	
Office or studio of a professional person	One space per 400 square feet of office or studio area.	
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	C1, C2P and P districts: one space per two employees. Other districts: one space per employee. All districts: plus additional spaces as determined through the use and site design plan approval process.	
Physical health facilities including health clubs, gymnasiums, and weight control centers	One space per two employees, plus one space per 100 square feet exclusive of space devoted to courts (such as tennis or racquetball), plus four parking spaces per court.	
Planned developments	Parking spaces shall be provided on the basis of the required spaces for each use.	
Printing and publishing establishments	One space per three employees.	
Recreational buildings and community centers, noncommercial	Spaces sufficient to serve 30 percent of capacity in persons of the facility.	
Religious institutions, including churches, chapels, mosques, temples, and synagogues.	PM2 district: one space per four seats. Other districts: one space per six seats.	
Restaurants and Delicatessens	Spaces equal in number to 30 percent of the seating and standing capacity in persons.	Standing capacity is computed as one person per seven square feet in front of all counter and service areas. Seating capacity is computed as the number of seats provided.
Restaurants with delivery service	One additional parking space per delivery vehicle owned or leased by the business owner and stored on site during closing hours, plus one space per two delivery vehicles which are not owned or leased by the business owner, but utilized for the delivery service.	Spaces shall be based on the maximum number of delivery vehicles used by the business.
Social clubs, noncommercial	One space per lodging room (if provided) plus spaces sufficient to serve 30 percent of the capacity in	

	persons of the facility.	
Retail Uses		
Department stores	One space per 200 square feet.	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Food stores	One space per 200 square feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Retail goods stores	One space per 200 square feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Specialty convenience retail goods stores	One space per 200 square feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Supermarkets	One space per 200 square feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Theaters, indoor	MX district: 30 percent of the maximum seating capacity. Other districts: one space per six seats up to 400 seats, plus one space for each four seats above 400.	
Undertaking establishments and funeral parlors	Eight spaces per chapel or parlor, plus one space per funeral vehicle.	
Veterinarian offices	Two spaces per employee.	
Warehousing, storage and distribution facilities, including moving and storage establishments	One space per three employees.	
Open Space Uses		
Barns, stables and kennels for the sheltering, breeding, hiring, or selling of an animal and for storage of crops raised on the premises	Number of spaces to be determined through the use and site development plan approval process.	
Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities	Number of spaces to be determined through the use and site development plan approval process.	
Farming or nurseries, including truck gardening, grazing of	Number of spaces to be determined through the use and	

livestock, and other similar activities if the use does not change the stability of the land	site development plan approval process.	
Golf courses	Number of spaces to be determined through the use and site development plan approval process.	
Structures for administrative and custodial uses of the principal use of the site if building coverage, including parking, does not exceed 20% of the site and the structures are not located in the natural drainage system	Number of spaces to be determined through the use and site development plan approval process.	
Number of spaces to be determined through the use and site development plan approval process.	Number of spaces to be determined through the use and site development plan approval process.	
Structures, temporary, for boating, swimming, fishing, hunting, golf courses, ice skating, nature study, picnic areas, play areas, stables, and stands for the sale of products raised on the premises	Number of spaces to be determined through the use and site development plan approval process.	

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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.

ADOPTED this _____ day of _____, 2009.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Regina C. Watkins-Eldridge, CMC
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:
<p>Highlighting indicates matter added to existing law. Strike Out indicates matter deleted from existing law. Underlining indicates amendments.</p>

O-26-09
Open Space Zoning District
Staff Report

The proposed ordinance establishes an Open Space Zoning District within the City of Annapolis. The Open Space district would provide for the preservation and enhancement of areas in the City that are designated as open space and includes areas such as floodplains, parks, and environmental preservation areas.

The following uses are permitted within the district:

- Alcoholic beverage uses accessory to other uses
- Antenna towers
- Barns, stables and kennels for the sheltering, breeding, hiring, or selling of an animal, and for storage of crops raised on the premises
- Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities
- Conservation uses, practices, and structures for the maintenance of the natural environment
- Farming or nurseries, including truck gardening, grazing of livestock, and other similar activities if the use does not change the stability of the land
- Golf courses
- Home occupations
- Mooring slip or dock, private
- Public utility essential services
- Residential uses, existing
- Structures for administrative and custodial uses of the principal use of the site if building coverage, including parking, does not exceed 20% of the site and the structures are not located in the natural drainage system
- Structures, permanent, for hunting, golf courses, ice skating, nature study, picnic areas, play areas, and stables
- Structures, temporary, for boating, swimming, fishing, hunting, golf courses, ice skating, nature study, picnic areas, play areas, stables, and stands for the sale of products raised on the premises
- Telecommunications facilities

The Open Space district would also be subject to bulk regulations, setbacks, and a height limitation of 45 feet for a principal structure and 25 feet for an accessory structure.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 263-7945