



**City of Annapolis**  
**Planning Commission**  
**Department of Planning and Zoning**  
145 Gorman Street, 3rd Fl  
Annapolis, MD 21401-2529

410-260-2200 • Fax 410-263-1129 • TDD use MD Relay or 711 • [www.annapolis.gov](http://www.annapolis.gov)

December 5, 2024

**Ordinance O-10-24**  
**Outdoor Dining Requirements**  
**Findings & Recommendations**

**Factual Background**

The staff report provides a concise summary of the background and elements of this legislation. The staff report is appended to and incorporated into this Recommendation.

This legislation intends to stabilize, regularize and clarify what has become an annual extension of what began as emergency legislation during the pandemic.

**Planning Commission Hearings**

The Planning Commission held a public hearing on November 7, 2024. Eric Leshinsky, Chief of Comprehensive Planning for the City of Annapolis, introduced the legislation. The primary sponsor, Alderman Arnett, spoke at length. He summarized the community and business participation which guided the legislation and the balancing which it reflects. Four persons testified in person; two are owners of restaurants on Fourth Street, one is a maritime business owner in Eastport, and one is a customer of the restaurants. Written testimony was also received; copies are appended and incorporated herein. No residents spoke.

- Michael Tomasini - Pirate Ship owner
- Cam Bowdren - Forward Brewing owner
- Dick Franyo - Boatyard owner
- Will Cuna - Resident

Extensive discussions followed. A final vote was taken.

### **Planning Commission Findings**

Because the Commission's task was to make a recommendation and not to render a final judgment, no formal votes on findings were taken. Nonetheless, several facts stood out:

1. Of all the wards across the City, this legislation affects Ward 8 most significantly.
2. The restaurants in Ward 8 are often embedded in residential areas.
3. The pressures on residents – parking and noise especially – are most acute in the Eastport peninsula but are and can be true across the city.
4. Outdoor dining is very popular.
5. The restaurant businesses have come to rely on the extra capacity.
6. According to the study of outdoor dining conducted on behalf of the City by BAE urban economics research firm in 2022, most, 74%, of the customers to Eastport restaurants arrived by car; 20% walked or biked, which indicates these customers are also nearby residents. 77% of those arriving by car parked on a public street and 21% in a parking garage. Hence, the parking pressure on nearby residents.
7. Different restaurants prosper during different times of the year. Some do better in the winter months and others in the summer months.
8. The restaurant owners seek permission for outdoor dining throughout the year. Not surprisingly, residents would like some relief for some part of the year
9. This legislation establishes significant progress towards integrating outdoor dining into the city fabric. As experience is gained towards mobility options in lieu of neighborhood parking and as experiments are made towards noise mitigation, the Commission and the Council will and should revisit the legislation.

### **City of Annapolis Comprehensive Plan**

Both the 2009 and the current comprehensive plans encourage outdoor dining. They also encourage walkability, protection of neighborhood “characters,” and mobility options to reduce auto pressures.



## **Compliance With Zoning and Code Requirements of Titles 20 and 21**

The legislation changes the parking code requirements in zones across the city and substitutes the permitting and compliance requirements as specified in the legislation.

### **Recommendation**

The Planning Commission voted 5-0 to approve the legislation.

However, it makes the following recommended changes:

1. The applicant can choose any 6 months of the year they like for outdoor dining. The months chosen do not have to be contiguous.
2. The definition of Water Access must include direct physical access to the water. Viewing the water alone is not enough.
3. Insert language on page 13 of 20 and B 4 - Seventy-five percent (75%) of the money collected from the fund must be directly spent on multimodal forms of transportation, including but not limited to scooters, bikes, and small electric cruisers that circulate between parking areas and Eastport restaurants
1. Clarify that the special exception approvals do not require annual renewal provided the applicant is compliant. Page 7, Line 21. (??)
2. The Board of Appeals shall not have the responsibility of proposing alternative parking access and dropoff areas; rather, that shall be the responsibility of staff. Page 8, Line 32.
3. The prohibition of any amplification in any outdoor dining area in any zone shall be made clear and up front in the legislation. The prohibition is currently sprinkled throughout in the sections specific to each zone.
4. The public water access that must be available must be clarified. Page 17, Lines 1-3, The correct code number is 21.72.010.
5. The proceeds of the Mobility Fund should be solely and directly allocated to mobility options.
6. Finally, and most importantly, the months available for outdoor dining shall be year-round, from January 1 to December 31, and the applicant can choose the three or six months in which there can be outdoor dining at their establishment.

Approved on this 5<sup>th</sup> day of December, 2024:

Robert H. Waldman

Robert H. Waldman, Chairman

\_\_\_\_\_

Diane Butler

Quentin Cummings

Quentin Cummings

Alex Pline

Alex Pline

\_\_\_\_\_

Stephen Reilly

\_\_\_\_\_

Thomas Sfakiyunadis