



City of Annapolis

Planning Commission
Department of Planning & Zoning
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June 16, 2022

To: Annapolis City Council
From: Planning Commission

Re: Findings for O-9-22: Food Establishments - For the purpose of eliminating off-street parking requirements for bars, taverns, delicatessens, restaurants, and social clubs; and generally relating to off-street parking requirements. ZTA2022-002

SUMMARY

The Planning Commission devoted two evenings of public hearings in addition to an informal work session to the legislation.

This ordinance, if passed, simply will eliminate the required minimum off-site parking for food establishments and would apply citywide. The ordinance expresses a policy that businesses know best how to manage themselves with respect to how much parking is required to insure success of the business. For example, if a business owner finds he or she has extraneous parking and the parking footage could be better devoted to other uses (such as outdoor dining, the subject of separate but tangential legislation) or if a business owner intends to cater to people who do not arrive in automobiles, the decision of how much parking is appropriate is better made by the business owner than by rigid minimum requirements imposed by the City.

Many written comments were received. The commanding majority of the comments either applauded outdoor dining or feared repercussions to residential parking from outdoor dining in Eastport. In addition, the Eastport Civic and Business Associations asked for more time for study the effect of the legislation. The Commission also heard proposals for Eastport parking solutions. It is important to separate the policy change (removal of minimum parking requirements) and any solutions to mitigate any effects of the policy (parking regulation). The policy as stated in the legislation is straightforward and one-sized fits all, the mitigating solutions however are not and need to be tailored to the specific context. In its deliberation, the Commission separated the policy from the solutions.

The effects, if passed, are difficult to forecast across all contexts in the City. There are numerous small, strip shopping centers and some parking in those places may be devoted to outdoor dining or to a small outdoor market or to the display of goods. If the absence of parking diminishes their business, they will return the space to parking. There are a few large,

generously parked shopping centers and it has been argued these parking lots are rarely if ever fully occupied; they could be devoted either to more stand-alone businesses or even to housing on the outer edges. That land will then become more valuable to the City than used as parking. In places with less available parking, a business could open without parking, thus lowering the barrier to entry, but needs to realize their success must not be dependent on parking. This legislation enacts a policy that empowers the business owners to make those decisions.

Other issues arose and must be addressed.

The effect of this legislation on the maritime zones could be profound. The over-arching goal of the recent maritime rezoning was to maintain the maritime industries in the maritime zones. The introduction of restaurants into maritime zones where there now are trades, crafts and businesses devoted to boats will effectively remove those supporting trades and the rezoning effort will come to naught. While requiring minimum parking for restaurants in the maritime zones is perhaps not the best regulatory tool - the Commission suggests this is changed in the next Maritime Zones update - it does serve to minimize the intrusion of food establishments into the maritime zones. As such, the Commission specifically recommends the exception of maritime zones from this legislation.

The existence of potential “shared parking” was revealed in the hearings. Also revealed was a cumbersome process of administrative approval to shared parking in applications for new businesses. This process must be accelerated. Also revealed are the numerous informal arrangements between business owners and owners of parking spaces. These arrangements are to be encouraged and supported.

There are other, administrative aspects to this legislation. These other aspects include noise, hours, and capacity of kitchens in the event of added seats for outdoor dining, capital facility fees, fire suppression, disability access, and possible re-evaluations of special exceptions granted for a certain number of seats and/or parking spaces. The legislation does not address these aspects. An orderly transition to the regime envisioned by this legislation would include Council attention to these aspects.

There are various City and citizen studies of Eastport parking strategies underway. Since the deadlines for them are approximately coincident with the time the Council will be taking final votes on the legislation, the Commission does not recommend delaying this legislation until those are complete

Finally, the report prepared by the Planning & Zoning staff is thorough, well written, and a definite help in addressing this legislation.

RECOMMENDATION

The Planning Commission held public hearings on May 19 and June 7, 2022. By a vote of 6-0, the Commission voted to recommend APPROVAL of O-9-22 with the following conditions:

1. All maritime zones shall be excepted from this legislation.
2. This legislation should not be considered by the City Council until after the study ordered by R-22-22 is delivered to and considered by the Council.
3. A review of the “shared parking” law with a view to efficiently permit currently unused private off-street parking to be used as paid off-street shared parking should be promptly drafted and submitted.
4. The Council should review regulations and standards addressing noise, hours, sanitation ADA accessibility, building codes, fire codes health codes, etc... and special exception status and change any as necessary in coordination with passage of this legislation.

Adopted this 16th day of June, 2022

Approved and submitted on behalf of the Planning Commission

Alex Pline, Chair

Robert Waldman, Vice-chair

Ben Sale, Member

David Iams, Member

Diane Butler, Member

Thomas Sfaykanudis, Member

Teresa Rubio-Dorsey, Member