

City of Annapolis

*160 Duke Of Gloucester Street
Annapolis, MD 21401*



Standing Committee Meeting Minutes

Thursday, October 21, 2021

3:00 PM

Special Meeting

**Mayor John T. Chambers, Jr.
City Council Chambers**

Rules & City Government Committee

Call To Order

Chairwoman Finlayson called the meeting to order at 3:07 p.m.

Roll Call

Present: 3 - Finlayson, Savidge and Arnett

Approval of Agenda (any changes to the agenda should be made here)

Alderman Savidge moved to adopt the Special Meeting Agenda as amended move O-34-21 and O-34-21 to the top of the legislation section. Seconded. The motion carried by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

1. Business and Miscellaneous

Approval of Minutes

[RCG10.13.21](#) Approval of minutes for the Special Meeting

Attachments: [RCG10.13.21](#)

Alderman Arnett moved to approve the minutes from the Special Meeting. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

2. Legislation before Committee

O-25-21

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.

Attachments: [O-25-21 First Reader](#)
[O-25-21 Staff Report](#)
[O-25-21 Fiscal Impact Note](#)
[O-25-21 MAB Recommendations](#)
[O-25-21 Maritime Task Force Strategy - Executive Summary - 6-25-21](#)
[O-25-21 PC Findings for Maritime Task Force Strategy 9-2-21](#)
[O-25-21 PC Findings and Recommendations 9-2-21](#)
[O-25-21 Amendments 1-9 Buckley, Tierney 10-13-21](#)
[O-25-21 Amendments 10-11 Arnett](#)
[O-25-21 Amendment 12 Schandelmeier WITHDRAWN](#)
[O-25-21 Amendment 13 Schandelmeier WITHDRAWN](#)
[O-25-21 Amendment 14 Schandelmeier, Finlayson](#)
[O-25-21 Amendment 15 Schandelmeier WITHDRAWN](#)
[O-25-21 Amendment 16 Arnett 10-15-21](#)
[O-25-21 Amendment 17 Arnett 10-15-21](#)
[O-25-21 Amendment 18 Savidge 10-15-21](#)
[O-25-21 Amendment 19 Finlayson, Arnett 10-19-21](#)
[O-25-21 MAB Recommendations on Amendments 10-20-21](#)

Alderman Arnett moved to Recommend Favorably-Amendment 16:

On Page 21, after line 20, insert “ “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 PADDLE CRAFT;**
- 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.”. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

Alderman Savidge moved to Recommend Favorably-Amendment 17:

On page 3 strike lines 32 down through line 17 on Page 4 and insert:

“D. WATERFRONT ACCESS INCENTIVES. THE TERM “GFA” MEANS THE GROSS FLOOR AREA OF BUILDINGS EXISTING ON THE LOT AS OF THE EFFECTIVE DATE OF THIS ORDINANCE NOT INCLUDING 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 GROSS FLOOR AREA OF THE DEVELOPMENT ON THE LOT IN EXISTENCE OF THE EFFECTIVE DATE OF THIS ORDINANCE AND AN ADDITIONAL 25% OF TOTAL GFA [A CUMULATIVE TOTAL OF 55% IN THE WMM DISTRICT], 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)

- f. 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.

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. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 2 - Savidge and Arnett

Nay: 1 - Finlayson

Alderman Savidge moved to Recommend Favorably-Amendment 18. A roll call vote was taken. The motion DEFEATED by the following vote:

Aye: 1 - Savidge

Nay: 2 - Finlayson and Arnett

Alderman Savidge moved to Recommend Favorably-Amendment 19:

On Page 21 in line 45 insert "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 AN INTER-DEPARTMENTAL 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." and renumber subsequent uncodified enacting clauses. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 2 - Finlayson and Arnett

Nay: 1 - Savidge

Planning and Zoning Director Nash, Comprehensive Planner Leshinsky, were present and answered questions from the Committee.

Public Testimony:

Robert Waldman, 1001 Poplar Avenue, Annapolis, MD 21401

Eileen Fogarty, 1106 Maple Avenue, Annapolis, MD 21401

James Nolan, 55 Arundel Rd

Seth Laynor, 105 Eastern Avenue, Annapolis, MD 21403

Cardie Templeton 222 Severn Ave, Annapolis, MD 21403

Phil Dales 181 Harry S. Truman Parkway, Annapolis, MD 21401

Tarrant Lomax , 700 Chesapeake Avenue, Annapolis, MD 21403

Alderman Arnett moved to recommend with amendments O-25-21. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

[O-32-21](#)

Zoning Code - Use and Occupancy Permits - For the purpose of providing

procedures for issuance of use and occupancy permits under the Zoning Code; providing timelines for the approval of a permit; requiring a maintenance bond; and generally relating to the use and occupancy permitting process.

Attachments: [O-32-21 First Reader](#)
[O-32-21 Staff Report](#)
[O-32-21 Fiscal Impact Note](#)
[O-32-21 Staff Report to PC](#)
[O-32-21 PC Findings to CC](#)
[O-32-21 Amendments 1-2 Finlayson, Savidge, Arnett](#)

Alderman Savidge moved to Recommend Favorably-Amendment1:
On page in line 11 strike “SINGLE DWELLING” and insert “NON-MULTIFAMILY RESIDENTIAL”. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

Alderman Savidge moved to Recommend Favorably-Amendment 2:
On page 4 in lines 4 after “PERMITS” insert “AS APPLICABLE”. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

Planning and Zoning Director Nash was present and answered questions from the Committee.

Alderman Arnett moved to recommend with amendments O-32-21. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

O-34-21 **Forest Conservation - Reforestation** - For the purpose of requiring reforestation in certain circumstances to maintain the City’s current tree canopy percentage; and generally relating to reforestation requirements.

Attachments: [O-34-21 First Reader](#)
[O-34-21 Staff Report](#)
[O-34-21 Fiscal Impact Note](#)
[O-34-21 Staff Report to PC](#)
[O-34-21 PC Findings and Recommendations](#)
[O-34-21 Amendments 1-3 - Savidge](#)

Alderman Savidge moved to Recommend Favorably-Amendments 1 and 2:
On page 5, strike lines 16 down through 18 and insert “ESTABLISHES A FOREST OF THE EQUIVALENT AREA OF THE REMOVED FOREST REQUIRING MITIGATION, BUT AT LEAST THIRTY-FIVE FEET WIDE AND COVERING AT LEAST TWO THOUSAND FIVE

HUNDRED SQUARE FEET OF AREA.”

On page 1 in line 43 after “21.71.045” insert “AND SHALL NOT BE IMPACTED BY CHANGE

IN OWNERSHIP OF THE PROPERTY.”. Seconded. A roll call vote was taken.

The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

Alderman Savidge moved to take no action on Amendment 3. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

Planning and Zoning Director Nash was present and answered questions from the Committee.

Alderman Arnett moved to recommend with amendments O-34-21. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Finlayson, Savidge and Arnett

Adjournment

Upon motion duly made, seconded and adopted, the meeting was adjourned at 5:28 p.m.

**Teekia Green
City Council Associate**