



Legislation Details (With Text)

**File #:** O-11-22      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 2/23/2022      **In control:** Environmental Matters Committee

**On agenda:** 4/10/2023      **Final action:** 4/10/2023

**Title:** Standard Restaurants - B1 District Special Exceptions - For the purpose of modifying additional standards for food and beverage-related uses in the B1 District that are subject to special exception.

**Sponsors:** Karma O'Neill, Brooks Schandelmeier

**Indexes:** Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-11-22 First Reader, 2. O-11-22 Amendment 1 - Arnett, 3. O-11-22 Amendment 2 - O'Neill, 4. O-11-22 Amendment 3 - O'Neill-Arnett, 5. O-11-22 Staff Report, 6. O-11-22 Fiscal Impact Note, 7. O-11-22 Staff Report to Planning Commission, 8. O-11-22 Planning Commission Findings and Recommendations, 9. O-11-22 Signature Copy as amended

Date	Ver.	Action By	Action	Result
4/10/2023	1	City Council	adopt on second reader	Pass
4/10/2023	1	City Council	amended	Pass
4/10/2023	1	City Council	adopt as amended	Pass
4/10/2023	1	City Council	adopt on third reader	Pass
3/31/2023	1	Rules and City Government Committee	recommend with amendments	Pass
3/14/2023	1	Economic Matters Committee	postpone	Pass
3/3/2023	1	Rules and City Government Committee	postpone	Pass
2/13/2023	1	City Council	declare the public hearing closed	
2/13/2023	1	City Council	refer to Annapolis Education Commission	
2/13/2023	1	City Council	presented	
11/28/2022	1	City Council	postpone	Pass
9/19/2022	1	City Council	postpone	Pass
3/14/2022	1	City Council	adopt on first reader	Pass
3/14/2022	1	City Council	refer to Annapolis Education Commission	
3/14/2022	1	City Council	refer to Annapolis Education Commission	

**Standard Restaurants - B1 District Special Exceptions - For the purpose of modifying additional standards for food and beverage-related uses in the B1 District that are subject to special exception.**

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 11-22**

**Introduced by: Karma O'Neill**  
**Co-sponsored by: Alderman Schandelmeier**

**Referred to**  
**Planning Commission**  
**Rules and City Government Committee**

AN ORDINANCE concerning

**Standard Restaurants - B1 District Special Exceptions**

**FOR** the purpose of modifying additional standards for food and beverage-related uses in the B1 District that are subject to special exception.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2022 Edition  
21.64.540

**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 21.64 - STANDARDS FOR USES SUBJECT TO STANDARDS**

**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.
- 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.~~

32. In the B1, 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 of the floor area of the indoor restaurant area and may not have more than twenty-five percent 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.
- 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 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 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.
- H. WMM and WMI Districts. In the WMM 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,
  - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members, or
  - e. Fuel dock.
- I. WMM District.
  1. In structures in existence as of October 25, 2021, this use may not exceed thirty percent 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 fifty percent of the number of seats of the indoor restaurant area.
- J. WMI District. In the WMI district the following additional standards apply:
  1. Restaurant use may occupy no more than four thousand 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 amplified sound system shall be allowed.
    - d. The outdoor dining area may not have more than fifty percent of the number of seats of the indoor restaurant area.
- 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 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.

**Explanation:**

UPPERCASE indicates matter added to existing law.  
~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.