

O-11-22

Standard Restaurants – B1 District Special Exceptions

Amendment 3 - O'Neill-Arnett

PURPOSE OF AMENDMENT: To allow restaurants in B1 districts to have an inside bar, limit rooftop and outside dining to 10pm, and ensure indoor music stays indoors.

- Subsections A-C have been reorganized & renumbered for clarity.
- Subtitles added for clarity.
- Rooftop dining is moved to a separate section that applies to all Districts, so that BCE, BR, WMM and WMI Districts are not referring to a B1, B2, B3 subsection.
- General standards and exceptions remain the same except for those mentioned above.
- Other Subsections of the chapter have been renumbered to conform.
- Sections D-K amended to current Office of Law style recommended by the MD Legislative Drafting Manual

Amendment 3:

Replace sections A through D:

On page 1 strike lines 38-46, and on page 2 strike lines 1-50 and insert Subsections A-D (below).

Sections D-K edits:

On page 2: in line 35 strike "d" and insert "D"; in line 36 strike "fifty" and insert "50", and strike the comma and insert a semicolon; in line 38 strike ".64.540C.1.d." and insert "§ 64.540(C)(4)"; in line 39 strike the comma and insert a semicolon; in line 40 strike " Rooftop dining may be permitted by special exception subject to the standards 41 enumerated in Section 21.64.540C.3.d." and insert " Rooftop dining is subject to § 64.540A(3) of this Section."; in line 42 strike "d" and insert "D"; in line 44 strike the comma and insert a semicolon;

On page 3: in line 1 strike "with the exception of" and insert "other than"; in line 2 strike ".64.540C.1.d." and insert "§ 64.540(C)(4)"; in line 5 strike "Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.540C.3.d." and insert "Rooftop dining is subject to § 64.540A(3) of this Section."; in line 7 after "a.m." strike "A" and insert "a"; in line 10 before "In the" insert the subtitle "**WMM, WME, WMI, and WMC.**" and strike "d" and insert "D"; in line 11 strike "must" and insert "shall"; in line 13 make "WMC District." bold and strike "d" and insert "D"; in line 17-18 strike "shall be"; and in lines 19 and 22 strike "seventy-five" and insert "75";

Explanation:

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On page 4: in line 35 bold the subtitle " WMM and WMI Districts."; and strike "d" and insert "D"; in 37 strike "twenty thousand" and insert "20,000" and strike "thirty" and insert "30"; and in line 38 strike "nine thousand" and insert "9,000"; in line 39 strike "twenty-five thousand" and insert "29,000"; and in line 43 bold the subtitle " WMM District"; and in line 44 strike "thirty" and insert "30";

On page 4: in line 3 bold subtitle " WMI District." And strike "d" and insert "D"; and in line 4 strike "four thousand" and insert "4,000"; and in line 8 strike "midnight" and insert "10 p.m."; and in line 10 strike "fifty percent" and insert "50%"; and in line 12 bold "WME District" and strike "d" and insert "D"; in line 14 strike twenty thousand" and insert "20,000"; and strike "thirty" and insert "30"; and in line 16 strike "nine-thousand" and insert "9,000"; and in line 17 strike "twenty thousand" and insert "20,000"; and in line 18 strik "two thousand" and insert "2,000"; and in line 19 strike " 4. The use may only be permitted by special exception."

And renumber subsections E through L accordingly.

21.64.540 Restaurants, standard.

Standard restaurants, as defined in Title 21 § 72.010, are subject to food- and beverage-related uses set in Title 21 § 64.300, but the following additional standards shall also apply:

A. General Standards for Standard Restaurants. Except as otherwise provided in this Section the following standards apply:

1. Drive-through service is not permitted
2. Catering or delivery service may be permitted as an accessory use.
3. Rooftop dining where allowed is 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 10:00 p.m., seven days a week.
 - c. No bar, dancing or live entertainment and no speakers or public address system is permitted.
 - d. No portion of a rooftop dining area may be located any closer than 75 feet from a residential structure, measured horizontally at grade.
 - e. The rooftop dining area may not exceed 25% of the floor area of the indoor restaurant area and may not have more than 25% of the number of seats in the indoor restaurant area.

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- f. Access to the rooftop dining area shall be through the interior of the restaurant. Exterior access shall be allowed only as emergency access for fire and life safety purposes.
- g. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.
- h. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

B. B1, B2, B3, B3-CD, and PM Districts - General Standards

- 1. No more than 50 seats are permitted;
- 2. Alcohol is permitted with the service of food;
- 3. Hours of operation are limited to midnight seven days a week;
- 4. No bar, dancing, or live entertainment is permitted, except in the PM District [Section § 64.540(B)]where indoor, live, non-amplified, acoustical musical entertainment is permitted
- 5. Recorded music is allowed indoors and shall be limited to background music only;
- 6. Outdoor dining -- other than 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 10:00 p.m., seven days a week;
 - c. No speakers or public address system shall be allowed.
 - d. All music and all noise generated indoors shall be contained indoors, to the fullest extent possible.

C. B1, B2, B3, B3-CD, and PM Districts - Exceptions to General Standards

- 1. PM Districts shall be permitted indoor, live, non-amplified acoustical musical entertainment.
- 2. In the B1 District:
 - a. More than 50 seats may be permitted by Special Exception; and
 - b. Indoor bars are permitted; and
 - c. Outdoor dining is limited to 10:00 p.m., seven days per week;

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D. B2, B3, B3-CD, and PM Districts - Requiring Special Exceptions. In the B2, B3, B3-CD, and PM Districts, the following may be permitted by Special Exception:

1. More than 50 seats;
2. Bar, dancing, and live entertainment indoors;
3. Hours of operation extending past midnight, except for outdoor dining, which may not operate later than 10:00 p.m.;
4. Rooftop dining, subject to § 64.540A(3) of this Section.

DE. BCE and BR Districts. In the BCE and BR ~~d~~Districts the following may be permitted:

1. More than ~~forty~~50 seats;
2. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section ~~21.64.540C.1.d.~~§ 64.540(C)(4);
3. Bar, dancing, and live entertainment;
4. Rooftop dining, subject to § 64.540A(3) of this Section

EF. MX District. In the MX ~~d~~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 other than~~ rooftop dining, subject to the standards enumerated in Section ~~21.64.540C.1.d.~~§ 64.540(C)(4)
 - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining, subject to § 64.540A(3) of this Section
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.

FG. WMM, WME, WMI, and WMC. In the WMM, WME, WMI, and WMC ~~d~~Districts, new restaurant uses which front waterways shall provide public water access. The public water access ~~must~~shall be consistent with the definition provided in Section 21.72.010.

GH. WMC District. In the WMC ~~d~~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.

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- 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~~75 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~~75% 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.

HI. WMM and WMI Districts. In the WMM and WMI ~~d~~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~~20,000 square feet and a ~~thirty~~30-ton boat lift,
 - b. Seafood processing of at least ~~nine thousand~~9,000 square feet,
 - c. On-land boat storage of at least ~~twenty-five thousand~~25,000 square feet,
 - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members, or
 - e. Fuel dock.

IJ. WMM District.

- 1. In structures in existence as of October 25, 2021, this use may not exceed ~~thirty percent~~30% 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~~50% of the number of seats of the indoor restaurant area.

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~~J~~K. WMI District. In the WMI ~~d~~District the following additional standards apply:

1. Restaurant use may occupy no more than ~~four thousand~~4,000 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~~10 p.m., seven days a week.
 - c. No amplified sound system shall be allowed.
 - d. The outdoor dining area may not have more than ~~fifty percent~~50% of the number of seats of the indoor restaurant area.

~~K~~L. WME District. In the WME ~~d~~District the following ~~apply~~may be permitted by special exception:

1. This use may be permitted only in combination with one of the following:
 - a. A working boatyard of at least ~~twenty thousand~~20,000 square feet and a ~~thirty~~30-ton boat lift, or
 - b. Seafood processing of at least ~~nine thousand~~9,000 square feet.
2. The lot on which the use is proposed must be at least ~~twenty thousand~~20,000 square feet.
3. The use may occupy no more than ~~two thousand~~2,000 square feet of gross floor area on the lot.
4. ~~The use may only be permitted by special exception.~~

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