



LEGISLATIVE SUMMARY

Outdoor Dining in Annapolis

Amendment 11 to O-49-22

This summary was prepared by the City of Annapolis Office of Law for use by members of the Annapolis City Council during consideration of the legislation.

BACKGROUND

The City of Annapolis has a mix of temporary and permanent outdoor dining programs adopted immediately after the national COVID shutdown.

Types of Outdoor Dining in Annapolis

- Sidewalk Cafés - dining on sidewalks and may be on the street (created in 1995, street clarification in 2022)
- Street Dining - outdoor dining on City-owned parking spaces & dining on private parking lots (created in 2022)
- Rooftop Dining - outdoor dining on the top level of a restaurant (added to City Code in 2011)
- Outside Dining - outdoor dining on private property, including parking lots (allowed on lawns & patios in 2004, use of parking lots added in 2022)

COVID-era programs

In 2022, efforts were made to make permanent the popular COVID-era outdoor dining programs and eliminate program overlap.

"**Seasonal Parklets**" is the name the City Council gave the program in Resolution 16-22, allowing restaurants to lease on-street parking spaces for dining.

"**Outdoor Dining**" on private restaurant parking lots is a pilot program authorized by resolution and extended in R-30-22 and again in R-2-23. The program expires in February 2024.

The Council has been working to make these programs a permanent fixture of the Annapolis lifestyle through Ordinance 49-22, first introduced on October 10, 2022.

Through this substitute bill, sponsors Ald. Arnett and Ald. Tierney seek to move the issue forward with a comprehensive Outdoor Dining plan.



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SUMMARY OF ALD. ARNETT SUBSTITUTE BILL

- ✓ **The Outdoor Dining Substitute recognizes the success of emergency outdoor dining authorizations during the COVID-19 pandemic.**
- ✓ **This amendment seeks to make permanent the temporary zoning relief measures introduced during the pandemic that allowed restaurant operators to 1) use their private parking spaces for dining, 2) expand dining into city streets, and 3) clarify that the already existing Sidewalk Cafés law may be used for restaurant expansion outdoors.**
- ✓ **Rooftop Dining, which was also already allowed, is included in the legislation to simplify Outdoor Dining rules and regulations by keeping them in the same section of the City Code.**

The proposed Outdoor Dining bill:

- STANDARDIZES THE OUTDOOR DINING CRITERIA. This amendment also allows special measures in each category to meet individual needs. It places the new Outdoor Dining section in the City Code in a Title that will enable expedited City Council corrections if unexpected issues arise.
- STREAMLINES OUTDOOR DINING PERMITTING PROCESS. Applicants will go before the Board of Appeals for permits, which also gives the public the right to speak on outdoor dining proposals;
- EASES ZONING RESTRICTIONS. Restaurants will be able to use their outdoor space, giving restaurants the most significant amount of flexibility in terms of serving capacity;
- MAINTAINS AMERICANS WITH DISABILITIES (ADA) REQUIREMENTS. Restaurants may repurpose parking spaces for outdoor dining, but they must be in keeping with Americans with Disabilities Act requirements;



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- **SITE CONFIGURATION FLEXIBILITY.** Outdoor dining is allowed in courtyards, patios, plazas, and other private property spaces so that outdoor dining can be adapted to the city's variety of site configurations;
- **STREAMLINED PROCESS FOR EXPANDED LIQUOR LICENSES.** Allows restaurants that meet the eligibility criteria to serve alcohol in outdoor dining areas through a streamlined administrative verification or clearance instead of a costly and lengthy discretionary review process;
- **CREATES A SPECIAL FUND FOR PARKING AND PEDESTRIAN ISSUES.** Fees collected through the Outdoor Dining program will pay for programs aimed at assisting residential areas overcrowded with additional cars and pedestrians get from their parking spot to the restaurant and back.
- **CONTAINS "GOOD NEIGHBOR" POLICIES.** That includes hours of operation, prohibition of noise-producing activities and maintenance of the outdoor dining space.

Part 1 - Outdoor Dining Requirements & Standards

New City Code Sections

7.35.020 Definitions of outdoor dining

1. Rooftop Dining - dining on rooftops
2. Seasonal Parking Lot Dining - dining on private parking lots
3. Sidewalk Café - dining on public sidewalks
4. Street Café (currently "Seasonal Parklets") - dining on public streets



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7.35.030 **General requirements for *all* Outdoor Dining**

- A. All restaurants are eligible to participate in the programs.
- B. Restaurants are required to get a permit or lease from the City.

Application process:

- ❖ Restaurants must go through the "special exception process that allows a property owner to use their property for a purpose not generally permitted in that zoning district.
- ❖ After the Planning and Zoning Dept. reviews the plan to ensure it meets the required criteria, it goes to the Board of Appeals, which holds a public hearing to consider the application and receive input from the community.
- ❖ The City's historic restaurants can keep their current outdoor dining structures; the Board is given the flexibility to consider the City's unique design.

C. Sets standards for all Outdoor Dining:

- ❖ Restaurants must follow their current zoning requirements
- ❖ Outdoor Dining must be next to the restaurant
- ❖ Hours are 8 a.m. to 10 p.m. for the outdoor area; restaurant hours inside are unchanged, and the hours for serving alcohol in a particular restaurant don't change. That depends on the alcohol license.
- ❖ Restaurants must update their alcohol licenses to cover the outside area



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- ❖ Noise restrictions: must mitigate outside noise, cannot hear excess noise past the restaurant property lines, no live music; but the City Council can give an exception for special occasions.
 - ❖ Lighting must be directed inwards and minimize glare
 - ❖ Furniture must be secured against lousy weather, removed when not used, and no storage in the outdoor dining space
 - ❖ Dining outside must meet the same City requirements as indoor dining
 - ❖ The outside dining space must be kept clean
 - ❖ Restaurants must still meet federal Americans with Disability Act access and parking requirements
 - ❖ The Historic Preservation Commission must review Outdoor Dining applications in the Annapolis Historic District
- D. Restaurants must pay a fee for each parking space repurposed for outdoor dining. Fees are also charged for dining on public sidewalks and city streets.
- E. Restaurants using City property must have insurance for the use of the space and indemnify the City for all claims
- F. Outdoor Dining is a privilege that the City grants restaurants and will take away if problems or conflicts arise.



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Additional Requirements

7.35.040 **Rooftop Dining**

Most restaurants receive permission for rooftop dining when approved for zoning and building. That doesn't change.

This substitute bill considers that, in the future, a restaurant might be able to utilize the building's rooftop for outdoor dining. An example might be a restaurant that leases the bottom floor of a multi-story building.

7.35.050 **Seasonal Parking Lot Dining**

A. Permits

- ❖ Allowed between April 15 and November 1
- ❖ Permits are for three or six months; there is no restriction on renewing during the season
- ❖ Restaurants that lease must get permission from the property owner
- ❖ Use of tents requires a separate Tent Permit

B. Standards

- ❖ Landlords that lease parking to restaurants must consider the rest of their tenants before allocating outdoor dining space.
- ❖ Restaurants must obtain an expanded alcohol license

C. Historic District

- ❖ The Historic Preservation Commission reviews applications from restaurants in the Historic District



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7.35.060 **Sidewalk Cafés**

Moves Sidewalk Café permitting and standards from its own section in Title 7 to under the new Outdoor Dining chapter, also in Title 7, under a unique chapter number.

7.35.070 **Street Cafés**

A. Permits

- ❖ Street Cafés are allowed between April 15 and November 15
- ❖ Restaurants can rent up to two parking spaces
- ❖ There is a fee for each parking space leased
- ❖ Use of tents requires a separate Tent Permit

B. Standards

- ❖ Outside dining should be in front of the restaurant, but the Planning and Zoning Director can limit or increase the footage of the street dining
- ❖ An expanded alcohol license is required

C. Historic District

- ❖ The Historic Preservation Commission reviews applications from restaurants in the Historic District



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Part 2 - Create a Fund

- 6.16.080 Creates a Mobility and Transportation Fund
- All Outdoor Dining fees go into the fund
 - The money will be used for items such as minibuses to transport patrons from parking lots to restaurant areas, sidewalks and walkways, bicycle infrastructure, and demand-response transportation.

Part 3 - Update Title 21

- 21.48 Updates Title 7, Sidewalk Cafés, and Title 21, Planning and Zoning, to conform with the new Outdoor Dining chapter in the City Code
- ❖ Removes Sidewalk Cafés from § 7.42 of Title 7
 - ❖ Updates Table of Uses in Title 21
 - ❖ Strikes Title 21 requirements that are moving to Title 7