

1 **..Title**

2 **Seasonal Outdoor Sales** – For the purpose of amending the zoning code to address
3 seasonal outdoor sales.

4
5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Ordinance 6-14**

10
11 **Introduced by: Alderman Arnett**

12
13 **Referred to**
14 **Rules and City Government**
15 **Planning Commission**

16
17 **A ORDINANCE** concerning

18 **Seasonal Outdoor Sales**

19 **FOR** the purpose of amending the zoning code to address seasonal outdoor sales.

20 **BY** repealing and re-enacting with amendments the following portions of the Code of
21 the City of Annapolis, 2013 Edition
22 Section 21.48.020
23 Section 21.48.030
24 SECTION 21.64.150
25 SECTION 21.64.380
26 Section 21.72.010

27
28 **BY** adding the following portions to the Code of the City of Annapolis, 2013 Edition
29 Section 21.64.555
30

31
32 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
33 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as
34 follows:

35
36 **CHAPTER 21.48 – USE TABLES**

37
38 **21.48.020 – Table of Uses – Commercial and Industrial Zoning Districts**
39

40 P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter
41 21.64); A = Accessory Use; Blank = Not Permitted

42 A use, including a special exception use, that is not normally permissible as a permitted use
43 or use subject to standards in a zoning district may be permitted in that district as a planned
44 development use pursuant to Section 21.24.020.

45 Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A
Adult book stores			S-Std	S-Std	S-Std					
Amusement establishments, indoor			P	P	P					
Animal hospitals, including veterinarian offices			S	S	P					
Antenna towers										P-Std, S-Std
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Antique stores	P	P	P	P	P	P	P	P	P ¹	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P	P	P	P	P	P	P	P ¹	
Arts and crafts stores	P	P	P	P	P	P	P	P	P ^{1,2}	
Arts or cultural centers					P					
Arts and crafts studios	P	P	P	P	P					
Auction rooms			P	P	P					
Bake shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std ¹	
Bakeries										P
Banks and financial institutions	S-Std	P	P	P	P	P	P	P	P ^{1,2}	
Bars and taverns		S	S	S	S		S			
Bicycle sales, rental and repair stores	P	P	P	P	P	P	P	P		
Boat showrooms			P	P	P					
Building materials sales and storage			S	S	P					P
Cab stands including dispatch offices and related parking facilities					S					

Candy stores, where only candy prepackaged off the premises is sold	P	P	P	P	P	P	P-Std			
Candy stores including candy making	S-Std	S-Std	S-Std	S-Std		P-Std	P-Std		P-Std ¹	
Carpet and rug stores, retail sales only		P	P	P	P	P	P	P	P ¹	
Catering establishments, where no food, beverages and/or desserts are sold on the premises	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std			P-Std
Christmas tree and greens sales		P-Std	P-Std	P-Std	P-Std					P-Std
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities		P	P	P	P	P	P	P		
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		S-Std	S-Std	S-Std		P-Std				
Coffee shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	
Contractors', architects' and engineers' offices, shops and yards			S	S						P
Convenience stores	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std			P-Std ¹	
Day care centers, group					P				P-Std	
Day care centers, group, in conjunction with a principal religious institution		S-Std								
Delicatessen	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std ^{1,2}	
Department stores		P	P	P	P		P			

Other government and government-related structures, facilities and uses	S	S	S	S	S	S	S	S	S	S
Public schools and colleges	P	P	P	P	P	P	P	P	P	P
Greenhouses and nurseries			P	P	P					P
Group homes	S	S	S	S			S			
Home improvement stores		P			P				P ¹	
Hotels		S	S	S	S		S			
Ice cream stores	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std ¹	
Inns		S	S	S	S		S			
Institutions for the care of the aged					P-Std					
Kennels			S	S						
Laboratories, including medical, dental, research and testing			P	P	P	P			P ¹	P
Launderettes, automatic, self-service	P	P	P	P	P	P	P	P	P ¹	
Light manufacturing										P
Liquor store		P	P	P	S		P	P		
Mailing service establishments				P						P
Markets, open air, including farmers' markets and produce markets					P-Std	P-Std	P-Std	P-Std		
Massage parlors			S	S						
Motels		S	S	S	S		S			
Motor vehicle and automobile uses										
Automobile parts and accessory stores					P		P	P		
Car wash		S	S	S	S					
Motor vehicle storage, repair and service facilities		S	P	P	P					P
Motor vehicle sales			P	P	P					

Motor vehicle rental					P					
Service stations, including fuel sales		S	S	S	S					
Museums and art galleries		P	P	P	P	P	P	P	P	
Nautical shops, retail trade					P	P	P	P	P ¹	
Office and business service establishments		P	P	P	P	P	P	P	P ^{1,2}	
Offices, business and professional, and nonprofit, educational, cultural, or civic	P	P	P	P	P	P	P	P	P	
Offices, medical		P	P	P	P				P ^{1,2}	P
Parking lots, other than accessory	S	S	S	S	S		S			P
Parking garages							S			
Personal care establishments	P	P	P	P	P	P	P	P	P ⁻ Std ^{1,2}	
Pet grooming facility	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std ^{1,2}	
Photocopying and reproduction services, including blueprinting						P				
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P	P	P	P	P			P ^{1,2}	
Planned developments, business and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std					P-Std
Printing and publishing establishments										P
Religious institutions, including churches, chapels, mosques, temples, and synagogues		S	S	S	P	P			P	

Research and development businesses						S				
Restaurant, fast food		S-Std	S-Std	S-Std	S-Std					
Restaurant, standard	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std	P-Std	S-Std		P-Std ^{1,2}	
Retail goods stores		P	P	P	P	P	P	P	P-Std ¹	
SEASONAL OUTDOOR SALES	P-STD	P-STD	P-STD		P-STD	P-STD	P-STD			
Schools, private, elementary, middle, or high					P					
Schools, commercial, trade, vocational, music, dance, or art		P	P	P	P	P	P	P		P
Sidewalk cafés	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std	P-Std
Specialty convenience retail goods stores	P	P	P	P	P	P	P	P	P-Std ^{1,2}	
Storage other than accessory to permitted uses			S	S						
Supermarkets	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std				P-Std ¹	
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P	P		P				P	P
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		S	S	S	P		S	S		
Theaters, indoor, located in shopping centers		P-Std	P-Std	P-Std	P					
Tobacco shops		P	P	P	P	P	P	P	P ¹	
Undertaking establishments and funeral parlors		P	P	P	P					
Veterinarian offices					P					

Warehousing, storage and distribution facilities, including moving and storage establishments			S	S	P					P
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Notes:

Uses in the PM2 district are subject to the following provisions as indicated in the table:

1 This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.

2 This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed 33 percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in 21.64.420

3 If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.

4 ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted.

21.48.030 – Table of Uses – Office and Mixed Use Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	District P	District MX	District PM	District C2P
Accessory structures and uses	A	A ⁶	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Antique stores		P	P-Std	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P		
Arts and crafts studios		P	P-Std	
Arts and crafts stores		P	P-Std	
Banks and financial institutions		P		

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Bake shops		P-Std		
Cab stands including dispatch offices and related parking facilities		S		
Candy stores, where only candy prepackaged off the premises is sold		P		
Candy stores including candy making		P-Std		
Carpet and rug stores, retail sales only		P		
Catering establishments		P-Std		
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities	S	P	S	S
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		P-Std		
Coffee shops		P-Std		
Conference facilities		S		
Convenience stores		P-Std		
Day care centers, group	S		S	S
Delicatessens		P-Std	P-Std	
Department stores		P		
Drive-through facilities associated with permitted or special exception uses			S-Std ⁵	
Dry cleaning and laundry drop off and pick up stations			P	
Dry cleaning and laundry establishments		P		
Dwellings, multi-family	S	P-Std	S	S
Dwellings, multi-family, containing 12 or fewer units			P-Std	
Dwellings, single-family attached	P	P-Std	P	
Dwellings, single-family detached	P	P	P	P
Dwellings, two-family	P	P	P	P
Dwellings above the ground floor of nonresidential uses		P		
Food service marts		P-Std	P-Std	
Furniture stores		P		
Garden supply, tool and seed stores		P		
Governmental uses				
Offices	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S
Public schools and colleges	P		P	
Group homes	S		S	S

Hotels with up to forty rooms, including restaurants and conference room facilities.		P-Std		
Hotels with more than forty rooms		S		
Ice cream stores		P-Std		
Inns	S			S
Institutions for the care of the aged	S			S
Laboratories, including medical, dental, research and testing		P		
Launderettes, automatic, self service		P		
Liquor stores		S		
Markets, open air, including farmers' markets and produce markets		P-Std		
Medical appliance stores			P-Std	
Motor vehicle service stations, including fuel sales		S		
Museums and art galleries	P	P	P	
Nautical shops, retail trade		P		
Office and business service establishments		P		
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std or S-Std, depending on lot size	P	P-Std	P
Offices, medical	P	P	P	P
Parking garages	S	P-Std, S-Std	S	
Parking lots, other than accessory	S	P-Std	P-Std	
Personal care establishments	S	P	P-Std	
Pet grooming facility	S-Std	P-Std	P-Std	
Photocopying and reproduction services, including blueprinting		P		
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P		
Planned developments, business and special mixed	P-Std	P-Std		
Religious institutions, including churches, chapels, mosques, temples and synagogues	P	P	P	
Research and development businesses, provided that there is no significant assemblage of goods or products		P		
Rest homes and nursing homes	S			S
Restaurant, fast food		S-Std		

Restaurant, standard		P-Std ⁴ S-Std ⁴	P-Std, S-Std	
Retail goods stores		P		
SEASONAL OUTDOOR SALES		P-STD		
Schools, commercial, trade, vocational, music, dance, or art		P		
Schools, private, elementary, middle, or high	P			
Sidewalk cafés	P-Std	P-Std	P-Std	
Specialty convenience retail store		P	P-Std	
Supermarkets		P-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P		
Temporary uses	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		P-Std		
Tobacco shops		P		
Undertaking establishments and funeral parlors	S			
Wine bars		P-Std		

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Notes:

The following regulations apply to all uses in the MX District:

1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the following:

a. Either 25 percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses, alternatively, the entire ground level front façade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses. Retail use along the front façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;

b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen; and

c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.

2. Buildings in excess of 46 feet, but less than 65 feet in height require special exception approval except as provided in note No. 1 above.

3. Uses and combinations of uses located on zoning lots of 40,000 square feet or more require special exception approval, unless such uses are approved as part of a planned development.

- 1 4. Two a.m. alcoholic beverage licenses shall not be permitted for properties within the MX-2 or
2 MX-3 height districts, but such licenses shall be allowed for properties within the MX-1 Height
3 District.
- 4 5. If the principal use with which the drive-thru facility is associated is a special exception use,
5 then the drive-thru facility requires special exception approval.
- 6 6. The following apply only to the uses specified: In the MX-1 area only, in planned
7 developments with a minimum lot size of five acres, "Accessory Structures" such as clock towers
8 attached to office and/or retail structures and "Theaters, Indoor" shall not exceed one hundred
9 feet in height. See the Bulk Regulations Table in Section 21.50.260

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11 **Chapter 21.64 STANDARDS FOR USES SUBJECT TO STANDARDS**

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13 **21.64.150 Christmas tree and greens sales.**

14 ~~A. Sales are allowed only on a seasonal basis.~~

15 ~~B. No permanent structures shall be erected in conjunction with the sales.~~

16 ~~C. Portable tables and umbrellas may be utilized for the sales.~~

17 ~~D. Site design review under Chapter 21.62 is required.~~

18 ~~E. Where it can be demonstrated that there is no negative impact on the availability of~~
19 ~~parking for such other uses as may occupy the site, an adjustment to the parking~~
20 ~~requirement may be granted at the discretion of the Planning and Zoning Director in~~
21 ~~order to utilize those parking spaces for the temporary use.~~

22 ~~F. No use may be made of buffers for sales.~~

23 ~~G. The Department of Planning and Zoning may establish requirements for hours of~~
24 ~~operation, refuse removal and deliveries.~~

25 ~~H. Refuse containers shall be provided and the cleanliness of the site and adjacent~~
26 ~~areas, as defined by the Department of Planning and Zoning, shall be maintained.~~

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28 **21.64.380 Markets, open air.**

29 ~~See Food and beverage related uses~~

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31 21.64.555 - SEASONAL OUTDOOR SALES

32 A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.

33 ~~B. THE DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE THE~~
34 ~~LENGTH OF TIME THAT THE SEASONAL USE MAY REMAIN OPEN, THE NUMBER~~
35 ~~OF DAYS AND NUMBER OF HOURS IN A DAY THAT THE SEASONAL USE MAY~~
36 ~~REMAIN OPEN, REQUIREMENTS FOR REFUSE REMOVAL AND DELIVERIES FOR~~
37 ~~EACH SEASONAL USE AND ANY OTHER STANDARDS REQUIRED BY THIS~~
38 ~~CHAPTER FOR EACH SEASONAL USE.~~

39 ~~B. C. A USE PERMIT IS REQUIRED AND SHALL NOT BE ISSUED WITHOUT THE~~
40 ~~PRIOR WRITTEN CONSENT OF THE OWNER OF THE PROPERTY ALLOWING USE~~
41 ~~OF THE PROPERTY FOR SEASONAL OUTDOOR SALES. A LETTER FROM THE~~
42 ~~OWNER OF THE PROPERTY GIVING HIS/HER CONSENT TO USE THE SUBJECT~~
43 ~~PROPERTY SHALL BE PROVIDED.~~

44 ~~G. D. NO PERMANENT STRUCTURES SHALL BE ERECTED IN CONJUNCTION~~
45 ~~WITH THE SALES. TEMPORARY STRUCTURES, PORTABLE TABLES, AND~~
46 ~~UMBRELLAS MAY BE UTILIZED FOR THE SALES.~~

47 ~~D. E. SITE DESIGN REVIEW AND APPROVAL UNDER CHAPTER 21.62 IS~~
48 ~~REQUIRED. A SITE DESIGN REVIEW APPLICATION SHALL INCLUDE THE~~

1 PRODUCTION OF A SCALED SITE PLAN INDICATING THE LOCATION OF THE
2 TEMPORARY STRUCTURES, TRASH STORAGE AREAS, LOCATION OF AND
3 SIGNS AND THE LOCATION OF ADJACENT STREETS, AVENUES AND ALLEYS;.

4 E. F. NO SEASONAL OUTDOOR THE USE SHALL NOT OBSTRUCT THE VISIBILITY
5 OF ANY MOTORISTS, NOR OBSTRUCT THE OR PARKING LOT CIRCULATION OR
6 BLOCK ACCESS TO A PUBLIC STREET, AVENUE, OR ALLEY.;

7 F. G. WHERE THE DEPARTMENT OF PLANNING AND ZONING DETERMINES
8 THAT A SEASONAL OUTDOOR USE WILL RESULT IN WHERE IT CAN BE
9 DEMONSTRATED THAT THERE IS NO NEGATIVE ONLY MINIMAL IMPACT ON THE
10 AVAILABILITY OF PARKING FOR SUCH OTHER USES OCCUPYING THE SAME
11 PROPERTY. THE DIRECTOR MAY, IN HIS OR HER DISCRETION, ALLOW AN
12 ADJUSTMENT TO THE EXISTING PARKING REQUIREMENTS FOR THAT
13 PROPERTY AS MAY OCCUPY THE SITE, AN ADJUSTMENT TO THE EXISTING
14 PARKING REQUIREMENT MAY BE GRANTED AT THE DISCRETION OF THE
15 PLANNING AND ZONING DIRECTOR IN ORDER TO UTILIZE THOSE PARKING
16 SPACES FOR THE TEMPORARY SEASONAL OUTDOOR USE.

17 G. H. NO USE MAY BE MADE OF LANDSCAPE BUFFERS SHALL NOT BE USED IN
18 ANY MANNER FOR, OR IN CONNECTION WITH, ANY SEASONAL OUTDOOR
19 SALES. FOR SALES. THE USE SHALL BE AT LEAST FIFTY (50) FEET FROM ANY
20 RESIDENTIAL ZONE;

21 I. NO SEASONAL USE SHALL BE LOCATED WITHIN FIFTY (50) FEET FROM ANY
22 RESIDENTIAL ZONE.

23 J. A SEASONAL OUTDOOR USE SHALL INCLUDE SUFFICIENT REFUSE
24 CONTAINERS, AND RESPONSIBILITY FOR THE MAINTENANCE AND
25 CLEANLINESS OF THE SITE AND ADJACENT AREAS.

26 H. THE DEPARTMENT OF PLANNING AND ZONING MAY SHALL ESTABLISH
27 REQUIREMENTS FOR OF HOURS OF OPERATION, REFUSE REMOVAL AND
28 DELIVERIES FOR EACH SEASONAL USE. REFUSE CONTAINERS SHALL BE
29 PROVIDED AND THE CLEANLINESS OF THE SITE AND ADJACENT AREAS, SHALL
30 BE MAINTAINED.

31 I. K. NO TRUCK-TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED
32 ON OR ADJACENT TO THE SEASONAL OUTDOOR SALES AREA; AND

33 J. L. NO SEASONAL OUTDOOR SALES SHALL BE PERMITTED ON ANY ZONE LOT
34 WHERE ANY TYPES OF CHEMICALS, OR GASOLINE OR OTHER HAZARDOUS
35 MATERIAL ARE ARC STORED OR SOLD.

36 M. THE DEPARTMENT OF PLANNING AND ZONING MAY IMPOSE ADDITIONAL
37 CONDITIONS AS DEEMED NECESSARY TO INSURE THE SAFE OPERATION OF A
38 SEASONAL OUTDOOR USE AND CODE COMPLIANCE.

39
40 **Chapter 21.72 TERMS AND DEFINITIONS**

41 **21.70.010 – Definitions**

42 "Food and beverage-related use" means a commercial or nonprofit enterprise engaged
43 in the preparation and sale of food, beverages or frozen desserts. Food service may or
44 may not be the principal business of the establishment. Food and beverage-related uses
45 include the following uses:

- 46 a. Bake shops,
47 b. Candy stores,
48 c. Catering establishments,

- 1 d. Clubs, lodges and meeting halls, with on-premises food or beverage preparation
- 2 facilities,
- 3 e. Coffee shops,
- 4 f. Convenience stores,
- 5 g. Delicatessens,
- 6 h. Fast food restaurants,
- 7 i. Food service marts,
- 8 j. Ice cream stores,
- 9 k. ~~Markets, open air,~~
- 10 ~~l.~~ Standard restaurants,
- 11 ~~m.~~ L. Supermarkets,
- 12 ~~n.~~ M. Wine bars.
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15 "SEASONAL OUTDOOR SALES" MEANS A DIRECT MARKETING OPERATION ON
16 PUBLIC OR PRIVATE PROPERTY WITHOUT A PERMANENT STRUCTURE AND
17 ONLY OFFERING OUTDOOR SHOPPING. SUCH AN OPERATION IS SEASONAL IN
18 NATURE AND FEATURES ON-FARM PRODUCED AS WELL AS LOCALLY
19 PRODUCED AND RELATED AGRICULTURAL PRODUCTS AND HANDMADE
20 CRAFTS.
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22 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
23 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
24 passage.
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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.