



STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: October 9, 2024

Subject: O-10-24: Outdoor Dining Requirements in Annapolis

Purpose of legislation

The purpose of this legislation is to codify and consolidate the City's outdoor dining programs; define outdoor dining and its different types; require permits for outdoor dining; set common standards for outdoor dining; create a fund for outdoor dining permit fees to be used for alternative transportation options when restaurants use their parking lot for outdoor dining; make technical corrections to the various code sections to conform with the outdoor dining section; and generally dealing with restaurant standards for outdoor dining.

Impact of legislation on operations

The City of Annapolis enacted the Outdoor Dining Pilot Program during the COVID pandemic to help restaurants remain open while still adhering to social distancing guidelines. The pilot program has been successful, with both restaurants and non-restaurant businesses voicing support for the program. This ordinance, O-10-24, would replace that temporary pilot program with permanent changes to City Code and therefore is a fairly extensive revision to this portion of City Code.

Impact of legislation on staffing

In its first six months, the legislation will likely create a surge of applications for special exceptions as restaurants seek approval for parking lot outdoor dining plans. This will burden the Department and may delay applicants seeking variances or other plan approvals.

Department of Planning and Zoning staff will be required to study each previously approved restaurant special exception now seeking an outdoor dining option, review each proposal and its site plan against the standards for special exceptions set forth in Title 21, prepare technical memorandums for the Board of Appeals, organize and assist the Board of Appeals and the applicants in each case (building agendas, supplying and explaining documents, doing public notices and signs, and providing the customary assistance to applicants), and we will need to staff the Board's hearings. The initial impact will likely be substantial and it's important to note that the Board of Appeals has had and will continue to have an exceptionally busy agenda into Spring 2025.

Because proposed outdoor dining venues may alter patron circulation routes and other physical or programmatic aspects of sites and buildings, a building, life safety (fire), and accessibility code analysis may also be required. The Department's Architectural Plans review is currently weeks behind schedule on most plan reviews because of the amount of permit activity. (Note: The Fire Marshall will likely have done review responsibilities too.)

The Department will also need to support the work of the Alcohol Control Board because we provide a zoning evaluation and compliance report to the Board in each license case.

The Department will also have to do the initial "as-built" inspection of each site to confirm compliance with the approved special exception plans, and then inspect when changes are inevitably proposed. The Department will of course need to respond to complaints and may need to conduct regular inspections to ensure compliance over time.

The Department has recently hired a Planner in our Development and Design Review Division and will soon hire another Architectural Plans Reviewer. The Architectural Plans Reviewer should be on staff before this legislation is adopted. These staff additions are timely in light of this legislation.

In the immediate future, upon referral of the bill to the Planning Commission, the Department will also prepare a staff memo and assist the Planning Commission in its review of the bill and with formulating its recommendations.

Upon passage, the Department will promulgate rules for administering the legislation. At that time we will aim to promote efficiencies where appropriate and possible. We interpret this legislation to require only one special exemption approval for each outdoor parking lot dining venue. Once that special exemption is obtained, the restaurant will be free to operate its outdoor dining provided it remains in compliance with its plan requirements and City regulations.

The legislation will require review time at the Department of Public Works too as that agency will review and process sidewalk cafes.

Prepared by Christopher Jakubiak, Director, Department of Planning and Zoning