



# City of Annapolis

Planning Commission  
Department of Planning & Zoning  
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January 19, 2023

To: **Annapolis City Council**

From: **Planning Commission**

Re: **O-11-22: Food Service Standards - For the purpose of modifying additional standards for food and beverage-related uses in the B1 District that are subject to special exception ZTA2022-003**

## Findings and Recommendations

This legislation modifies the requirements related to standard restaurants in the B1, Community Shopping District. O-11-22 would expand the use to make the B1 Districts consistent with the B2, B3, B3-CD, and PM Districts by adding additional standards for food and beverage-related uses that may be allowed by Special Exception. The adoption of O-11-22 would permit the following restaurant uses, by special exception, across all zones in the City:

1. Having more than fifty seats;
2. Bar, dancing, and live entertainment indoors;
3. Hours of operation extending past midnight;
4. Rooftop dining

The staff report provides a sufficient summary of the proposed legislation and assurance that the existing Special Exception process is in place to sufficiently “ameliorate any impacts that the proposed legislation might facilitate.”

The Planning Commission held public hearings on December 15, 2022, and January 5, 2023. Commissioners asked clarifying questions to staff and considered their answers, along with testimony from Council members who commented on the proposed legislation. In addition, public comment included written testimony from several citizens and local business organizations, who expressed concern with the proposed legislation, and potential negative impacts on surrounding residential zones.

The Planning Commission had questions and recommendations specifically related to the noise generated by the business activities and the potential impact on neighbors. As B1 Districts are different from the other districts in the proposed legislation due to proximity to residential areas, the existing B1 standards contain appropriate restrictions that limit the food and beverage-related uses that may be allowed by Special Exception. Removing these “guardrails” presents a concern, for example allowing rooftop dining in the B1 district even within the limits of the existing standards is likely to result in significant noise to surrounding residences. Also of concern are the current trends in outdoor dining post-pandemic (i.e., open walls, garage doors, etc.) that blur what noise can feasibly be contained “indoors”. While the legislation aims to provide consistency and flexibility across all zones, it fails to consider the nuances of B1 District and the current limitations in place to distinguish B1 Districts from the others in the proposed legislation.

The Planning Commission voted 6-0 to **DENY** the proposed legislation, O-11-22 with the further recommendation that the Council make amendments to the standards for Special Exceptions for restaurants to include the following:

1. Consider current trends in outdoor dining (i.e., open walls, garage doors, etc.) and establish restrictions to ensure that noise and/or music generated indoors will be contained indoors.
2. Amend legislation on outdoor dining standards similar to those of rooftop dining standards.
3. Amend legislation to allow indoor bars in B1 District by Special Exception.

Adopted this 19<sup>th</sup> day of January, 2023

Approved and submitted on behalf of the Planning Commission

Alex Pline, Chair

Teresa Rubio-Dorsey, Vice-chair

Robert Waldman, Member

Ben Sale, Member

David Iams, Member

Diane Butler, Member

Thomas Sfaykanudis, Member