



LEGISLATIVE SUMMARY

Outdoor Dining in Annapolis

O-10-24

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 adopted a mix of temporary and permanent outdoor dining programs in March 2020, immediately after the national COVID-19 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 the popular COVID-era outdoor dining programs permanent 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, R-2-23, and R-2-224. The program expires on January 24, 2025.

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



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SUMMARY OF BILL

- ✓ The Outdoor Dining Bill recognizes the success of emergency outdoor dining authorizations during the COVID-19 pandemic and the popular change they made for the City of Annapolis.
- ✓ It 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, already allowed, is *not* included in this legislation and remains an additional use option for restaurants under the City's zoning laws.



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The proposed Outdoor Dining Bill:

- **STANDARDIZES THE OUTDOOR DINING CRITERIA.**

The criteria will be in the City Code, where the public has easy access. It places the new Outdoor Dining section in a Title that will enable expedited City Council corrections if unexpected issues arise.

- **STREAMLINES OUTDOOR DINING PERMITTING PROCESS.**

Applicants will file applications with the City but go before the Board of Appeals for final site approval, giving the public the right to speak on outdoor dining proposals.

- **EASES ZONING RESTRICTIONS.**

Restaurants will be able to use their outdoor space, giving them the most significant amount of flexibility in serving capacity.

- **MAINTAINS AMERICANS WITH DISABILITIES (ADA) REQUIREMENTS.**

Restaurants may repurpose parking spaces for outdoor dining, but they must comply with the Americans with Disabilities Act's requirements.

- **SITE CONFIGURATION FLEXIBILITY.**

Outdoor dining can be adapted to the restaurant's site configurations, such as courtyards, patios, plazas, and other private property spaces.

- **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 to assist with parking and transportation issues caused by any loss of parking spaces through the program.

- **CONTAINS "GOOD NEIGHBOR" POLICIES.**

Hours of operation, limits on noise-producing activities, and requirement for maintenance of the outdoor dining space are included.



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Part 1 - *Outdoor Dining Requirements & Standards*

New City Code Sections

7.35.010 **Purpose**

Explains the intent behind the Outdoor Dining program.

7.35.020 **Definitions of outdoor dining**

Explains terms unique to this Chapter of the City Code.

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

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

- A. All restaurants are eligible to participate in the programs.
 - ❖ Restaurants applying for Seasonal Parking Lot Dining permits go through the Planning and Zoning Department, and those applying for Sidewalk or Street Café leases go through the Public Works Department.
- B. Restaurants are required to get a permit or lease from the City before offering outdoor dining.
 - ❖ Exceptions to the regulations of this Chapter are allowed
 - ❖ Any appeals of department decisions go to the Board of Appeals for resolution.
 - ❖ Restaurants must update their liquor licenses before starting outdoor dining.



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C. Outdoor Dining Standards

- ❖ City food and beverage regulations also apply to dining outside the restaurant.
- ❖ The size of the outdoor dining space can be used to decide the restaurant's floor and occupancy requirements during the permitted time.
- ❖ Outdoor dining space must be next to the restaurant.
- ❖ Outdoor dining hours: 7 a.m. to 10 p.m. The downtown Annapolis area around Market House and Ego Alley can serve until 11 p.m.
- ❖ Alcoholic beverages can be served, but it depends on the restaurant's liquor license.
- ❖ Live entertainment, unamplified music, and dancing are allowed, but the noise must be mitigated to reduce adverse impacts on nearby residential areas.
- ❖ Lighting must be directed away from adjoining properties.
- ❖ Furniture must be secured and stored away nightly.
- ❖ Outdoor dining areas must meet city buildings, health, safety, fire, zoning and environmental requirements, and they must be cleaned up each night.
- ❖ The Historic Preservation Commission must review outdoor dining plans in the historic district to ensure the plan meets the City's vision for the area. The City's historic restaurants can keep their current outdoor dining structures, and the Appeals Board is given the flexibility to consider the City's unique design.
- ❖ The departments with oversight are allowed to create regulations to resolve issues outside the scope of this Chapter.

D. Fees

- ❖ Restaurants must pay fees to cover implementing and regulating outdoor dining costs.

E. Indemnification and Insurance

- ❖ Restaurants with outdoor dining on City property must hold the City harmless for legal claims due to their dining areas
- ❖ Restaurants must be fully insured to qualify for a permit or lease.



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F. Limits and Revocation

- ❖ Restaurants must use the space allocated for outdoor dining or risk losing it after 30 days of non-use.
- ❖ Violating outdoor dining regulations can be a municipal infraction leading to a fine and revocation. Restaurants must get a three-day notice of a violation before incurring a penalty.
- ❖ The city manager can suspend outdoor dining without notice for emergencies.

Additional Requirements as they apply to each dining type

7.35.040 **Seasonal Parking Lot Dining (dining in private parking lots).**

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 their restaurant space must get permission from the property owner
- ❖ Use of tents requires a separate Tent Permit

B. Standards

- ❖ The number of outside seats and tables depends on what the department and Board of Appeals decide is appropriate for the space and the restaurant's ability to handle additional customers.
- ❖ Restaurants that reduce the number of required parking spaces must inform customers of alternative nearby parking options, provide bicycle and scooter parking, and plan for a drop-off area for seniors and handicapped customers.
- ❖ 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



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Application process:

- ❖ Restaurants must pay a fee to apply for a permit or lease.
- ❖ Restaurants using private property 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 departments review the application for completeness, it goes to the Board of Appeals, which holds a public hearing to consider the application and receive community input on the restaurant's plan.
- ❖ Once a permit is approved, the Liquor Board is notified to ensure that the restaurant has updated its liquor license to cover the outdoor dining space.

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.
- Current regulations are maintained but reformatted and copyedited to match the Street Café section since the Department of Public Works will have oversight of both.

7.35.070 **Street Cafés**

A. Permits

- ❖ Street Cafés are allowed between April 15 and November 1 for a three-month or six-month period.
- ❖ 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



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- ❖ An expanded alcohol license is required

C. Exceptions

The downtown area around Market Space (near Ego Alley) is exempted from the Outdoor Dining program due to its unique plaza-like qualities and is subject to lease requirements.

The area of West Street may also be exempted due to Dining Under the Stars or other such programs.

Part 2 - Creates a Fund

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

Part 3 - Updates City Code Sections Tied to Outdoor Dining

Chapter 7.42 - Sidewalk Café

This chapter is removed in its entirety. The information is located in the new Outdoor Dining Chapter, § 7.35.



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Section 21.64.170 - Coffee shops.

Allows coffee shops to participate in the Outdoor Dining program.

Section 21.64.540 - Restaurants, standard.

This section has been removed and replaced with a reorganized section that eliminates duplications.

Current standards remain, except for Outdoor Dining. In those cases, the regulations are moved to the new Chapter 7.35, and the reader is referred to the new Chapter.

- A. Standards for all zoning districts are placed under "General Standards."
- B. Standards apply specifically to B1, B2, B3, B3-CD, and PM Districts.
- C. Standards that apply specifically to BCE and BR Districts.
- D. Standards that apply specifically to the MX District.
- E. Standards that apply generally to the WMC, WME, WMI, and WMM Districts
- F. Breaks down additional standards for each of the WMC, WME, WMI, and WMM Districts

Section 21.64.540 - Sidewalk cafés.

Maintains Sidewalk Café as a zoning "use" and points the reader to Chapter 7.42 for information on Sidewalk Café regulations.

Section 21.64.640 - Wine bars.

Reformatting the section for easier reading and points the reader to the new Outdoor Dining chapter.