

1 **..Title**

2 **Outdoor Dining Requirements in Annapolis** – For the purpose of codifying and consolidating
3 the City's outdoor dining programs; defining outdoor dining and its different types; requiring
4 permits for outdoor dining; setting common standards for outdoor dining; creating a fund for
5 outdoor dining permit fees to be used for alternative transportation options when restaurants use
6 their parking lot for outdoor dining; making technical corrections to the various code sections to
7 conform with the outdoor dining section; and generally dealing with restaurant standards for
8 outdoor dining.

9 **..Body**

10 **CITY COUNCIL OF THE**
11 **City of Annapolis**

12
13 **Ordinance 10-24**

14
15 **Introduced by: Ald. Arnett**
16 **Co-sponsored by: Aids. Savidge, O'Neill**

17
18 **Referred to:**

19 Planning Commission
20 Finance Committee
21 Economic Matters Committee.
22 Rules and City Government Committee

23
24 **AN ORDINANCE** concerning

25
26 **Outdoor Dining Requirements in Annapolis**

27
28 **FOR** the purpose of codifying and consolidating the City's outdoor dining programs; defining
29 outdoor dining and its different types; requiring permits for outdoor dining; setting
30 common standards for outdoor dining; creating a fund for outdoor dining permit fees to be
31 used for alternative transportation options when restaurants use their parking lot for
32 outdoor dining; making technical corrections to the various code sections to conform with
33 the outdoor dining section; and generally dealing with restaurant standards for outdoor
34 dining.

35
36 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,
37 2024 Edition:

38 **7.35**

39 **6.30**

40 **6.30.020**

41
42 **BY** repealing and reenacting with amendments the following portions of the Code of the City
43 of Annapolis, 2024 Edition:

44 **21.48.020**

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1 21.64.025
2 21.64.170
3 21.64.540
4 21.64.560
5 21.64.640
6 7.42
7

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

10
11 **Title 7 - BUSINESS LICENSES, TAXES AND REGULATIONS**

12 **Chapter 7.35 - Outdoor Dining**

13
14 **Section 7.35.010 - Purpose.**

15 The purpose of this outdoor dining chapter is to allow restaurants to expand their dining areas
16 into outdoor spaces, creating a vibrant and pedestrian-friendly atmosphere in our commercial
17 districts and shopping centers that enhances the Annapolis dining experience for residents and
18 visitors. It also aims to ensure that outdoor dining spaces are well-designed, taking into account
19 public safety, health, and welfare.

20
21 **Section 7.35.020 - Definitions.**

- 22 1. "ADA" refers to the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 (1990).
23 2. "Dining" means food and beverages consumed while seated at a table.
24 3. "Outdoor dining" refers to the practice of having a meal at a restaurant that offers indoor
25 seating but also serves and allows patrons to consume food and drinks at outdoor tables
26 or other designated areas such as patios, courtyards, plazas, decks, rooftops, sidewalks,
27 streets, and parking lots.
28 4. "Person" includes any natural person or business entity.
29 5. "Seasonal Parking Lot Dining" is outdoor dining at a restaurant that has expanded into a
30 private parking lot owned or leased by a restaurant and permitted by the City only during
31 limited times of the year.
32 6. "Sidewalk Café" is an outdoor dining authorized by the City via a permit on a public
33 sidewalk fronting the restaurant requesting the permit.
34 7. "Street Café" is outdoor dining authorized by the City via permit on a public street
35 designated for public consumption of food and beverages to seated patrons of the
36 adjoining restaurant.

37

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1 **Section 7.35.030 - General Requirements.**

2 **A. Applicability.**

- 3 1. Any person owning, leasing, managing, or operating a restaurant may establish
4 and operate Outdoor Dining, provided the City grants them a permit.
- 5 2. Outdoor Dining:
- 6 a. Includes Seasonal Parking Lot Dining, Sidewalk Cafés, and Street Cafés;
7 b. Shall be permitted in any zone where restaurants are permitted as
8 designated in § 21.64.540 under the regulations in this chapter;
9 c. Must meet all zoning requirements of Title 21 before an applicant can
10 apply for a permit;
- 11 3. The following City departments shall have oversight of Outdoor Dining:
- 12 a. The Planning and Zoning Director for dining on private property, which
13 includes Seasonal Parking Lot Dining; or
- 14 b. The Public Works Director for dining on City property, which includes
15 Sidewalk Cafés and Street Cafés.

16 **B. Permits or Lease Required.**

17 **1. Outdoor Dining.**

- 18 a. A person shall not construct, maintain, use or operate Outdoor Dining
19 without first obtaining a permit or lease, as provided in this chapter.
- 20 b. Outdoor Dining shall operate only as authorized under this chapter.

21 **2. Exception Requests.**

- 22 a. Not including liquor license requirements, exemption from other
23 requirements of this Chapter may be requested from the department that
24 issues the permit or lease.
- 25 b. Departmental decisions regarding permit or lease applications shall be
26 appealed to the Board of Appeals.
- 27 c. Additional fees may apply for any such requests.

28 **3. Liquor License.**

- 29 a. Restaurants with an alcoholic beverage license shall request an upgrade or
30 modification to their license to cover the Outdoor Dining area.
- 31 b. The request to upgrade or modify an alcoholic beverage license shall be
32 made with the Alcoholic Beverage Control Board.

33 **C. Outdoor Dining Standards.**

34 **1. Standards and Uses.**

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- 1 a. Outdoor Dining is subject to the standards set forth in the following
2 sections of the City Code:
- 3 i. Restaurant use subject to standards in § 21.64.540; and
4 ii. Food and beverage-related uses in § 21.64.300.
- 5 b. Except for minimum parking requirements in Title 21, Outdoor Dining
6 shall be considered part of the restaurant's gross floor area and occupancy
7 for calculating fees and building development regulations unless indoor
8 dining seating is reduced to the establishment's authorized seating count
9 during the permit or lease duration.
- 10 2. **Location.** Outdoor Dining areas shall be located within outdoor areas adjacent to
11 restaurants, such as private sidewalks, walkways, off-street parking, patios, etc.
- 12 3. **Hours of Operation.**
- 13 a. **Generally.** Outdoor Dining hours shall be restricted to the hours of
14 7 a.m. to 10 p.m., seven days a week, or the time restrictions set forth in
15 the liquor license for the establishment, whichever is less.
- 16 b. **Exceptions.** Outdoor Dining hours shall be restricted to the hours of
17 7 a.m. to 11 p.m., seven days a week, for the following areas:
- 18 i. Streets and sidewalks contiguous to Annapolis Market House (25
19 Market Space);
- 20 ii. Pinkney Street, from 25 Market Space to 12 Market Space; and
21 iii. Dock Street, from Market Space to Susan Campbell Park.
- 22 4. **Alcoholic Beverages.**
- 23 a. The restaurant shall not sell, serve or allow consumption of alcoholic
24 beverages in the Outdoor Dining areas without first obtaining a
25 modification to its approved Alcohol Beverage Control Board license to
26 cover any expanded outdoor dining areas.
- 27 b. The ability to serve alcohol outdoors is restricted based on the types of
28 liquor license the serving business has been permitted.
- 29 c. Alcoholic beverages and food shall be served only to patrons seated at
30 tables.
- 31 5. **Noise.**
- 32 a. **Mitigation.** The design of the Outdoor Dining area shall include noise
33 mitigation measures to minimize adverse impacts on adjoining or
34 neighboring residential properties.
- 35 b. **Sound Equipment, Musical Instruments and Similar Devices.** Noise of
36 sounds generated by the Outdoor Dining area shall be subject to the

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standards set in the noise prohibition section of the City Code, §
11.12.020.

c. **Live Entertainment and Dancing.** Live entertainment, unamplified music, and dancing shall be permitted in the area designated for Outdoor Dining.

6. **Lighting.** Lighting shall be directed away from adjoining properties and streets and designed to minimize glare and light pollution.

7. **Furniture.** Any furniture used for Outdoor Dining shall meet the permit or lease requirements.

a. Outdoor Dining furniture shall be secured as weather conditions require.

b. Outdoor Dining furniture shall be removed nightly or secured overnight by a means suitable to the City.

c. Outdoor Dining areas shall not be used for storage.

8. **City Compliance.**

a. Outdoor Dining shall comply with all applicable building, health, safety, fire, zoning and environmental standards.

b. Outdoor Dining areas shall be cleaned nightly, and adjoining sidewalk areas shall be kept free of debris, litter, vermin and unsanitary conditions.

9. **Historic District.**

a. Restaurants in the historic district shall follow outdoor furniture guidelines from the Annapolis Historic District Design Manual, with comments by the Historic Preservation Commission.

b. The Historic Preservation Commission shall review and approve the type of furniture and shading proposed for use in the Historic District

c. Outdoor Dining, as defined in this chapter, that was in existence in the C2 district as of November 13, 1995, under the authority of a ~~permit or lease~~ with the City, may, at the option of the lessee, continue to operate under either the existing terms of such ~~permit or lease~~ or the terms of this chapter.

10. **Additional Standards.**

a. Additional standards for each type of Outdoor Dining are located in the following sections of this chapter.

b. Departments designated by subsection A(3) may promulgate rules to enforce the purpose of this chapter.

D. Fees.

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- 1 1. Fees associated with activities permitted under this chapter will be determined by
2 annual resolution of the City Council; and
- 3 2. All fees generated shall be placed into the "Sustainable Mobility Services Fund"
4 as described in § 6.16.020.

5 **E. Indemnification Agreement and Insurance Required.**

6 Any establishment providing additional outside seating for outdoor dining/café
7 use shall, if the seating is on city-owned or public property, agree to indemnify
8 the city for all claims and shall fully insure, defend and hold harmless the City
9 and in their capacity as such, the officers, agents and employees thereof from and
10 against any claims and damages in any way arising out of or through the acts or
11 omissions of the permit or lease holder or its employees in the construction,
12 operation, maintenance, use, placement or condition of the outdoor dining,
13 specifically including claims arising from or in any way related to the
14 establishment's sale or provision of alcoholic beverages.

15 **F. Permit Limits and Revocation.**

16 **1. Limitations.**

- 17 a. A Sidewalk Café, Street Café, or Seasonal Parking Lot Dining area must
18 be used and occupied for outdoor dining only.
- 19 b. Where a permitted Outdoor Dining area remains unused for outdoor
20 dining for 30 consecutive days or more, the City Manager may order it
21 removed by the licensee.

22 **2. Violations.**

- 23 a. The provisions of this chapter shall be enforced by either the Department
24 of Planning and Zoning or the Department of Public Works.
- 25 b. A person or establishment in violation of any provisions of this chapter
26 may be deemed guilty of a municipal infraction and shall be issued a
27 citation and fined for each violation as established by resolution of the
28 City Council plus costs.

29 **3. Revocation of Permits.**

- 30 a. Outdoor dining is a privilege, not a right; therefore, permits and leases can
31 be revoked for cause, including, but not limited to:
 - 32 i. Conflicts such as scheduled festivals, parades, marches,
33 demonstrations, right-of-way repairs, or emergencies occurring in
34 the area;
 - 35 ii. Any breach of this chapter's provisions, Federal, State, or local
36 law, or the specific terms of the Outdoor Dining permit or lease;
37 and

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1 iii. A second or subsequent conviction under this chapter within any
2 12-month period.

3 b. The City Manager has the authority to suspend an Outdoor Dining permit
4 or lease immediately, without prior notice, in situations deemed
5 emergencies.

6 c. Except when dealing with emergencies as described in subsection b, the
7 permit or leaseholder shall be given notice and an opportunity to respond
8 within three business days before any action per this subsection is taken.

9
10 **Section 7.35.040—Seasonal Parking Lot Dining.**

11 **A. Generally.**

12 1. This section's requirements are in addition to those of § 7.35.030.

13 2. Where permitted, vehicle parking spaces known as "off-street parking" in a
14 private restaurant parking lot may be replaced by Seasonal Parking Lot Dining.

15 **B. Permits.** Unless an exception is allowed pursuant to § 7.35.030(B)(2), a permit is
16 required for a restaurant to provide additional seating for Seasonal Parking Lot Dining
17 based on the following requirements:

18 **1. Permit Issuance.**

19 a. The Planning and Zoning Director shall issue Seasonal Parking Lot Dining
20 permits.

21 b. Seasonal Parking Lot Dining requires a special exception pursuant to the
22 Zoning Code, §21.26.

23 c. Approval of the Outdoor Dining permit shall be immediately submitted by
24 the Director to the Alcoholic Beverage Control Board and made a part of
25 the licensee's file.

26 **2. Permit Duration.** The Seasonal Parking Lot Dining permit shall be valid for
27 either three months or six months between April 15 and November 1 each year.

28 **3. Application Requirements.** The application shall include, but is not limited to,
29 the following:

30 a. A letter from the parking lot owner authorizing the lot's use for Seasonal
31 Parking Lot Dining;

32 b. The number of impacted parking spaces.

33 c. A picture of the space and a site plan with measurements;

34 d. The types of barricades proposed for use to protect patrons;

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1 e. Furnishings, shading, tent sizes, noise mitigation devices, and other plan
2 information and placement, as the Director requires.

3 **4. Application Review.**

4 a. The Planning and Zoning Department shall review applications.

5 b. Upon completion and Department review, the application shall be referred
6 to the Board of Appeals for a special exception to zoning criteria.

7 **5. Zoning Modification.** A modification to the amount of previously approved
8 restaurant seating that results from the addition of Outdoor Dining areas shall not
9 require new zoning permits.

10 **6. Fees.** Fees in lieu of off-street parking requirements must be paid with the original
11 permit application and the request for a permit renewal.

12 **7. Tents.**

13 a. The use of tents requires a Temporary Structure (tent) Permit.

14 b. Applicants shall provide certification of a flame retardance application for
15 all tents and umbrellas demonstrating compliance with City standards
16 provided by the Planning and Zoning Department, and stating that such
17 materials do not include polyfluoroalkyl substances (PFAS).

18 **C. Standards.** Seasonal Parking Lot Dining, where allowed in § 21.64.540, is subject to the
19 following:

20 **1. Dining in Parking Lots.**

21 a. **Lots Owned by the Restaurant.** Required off-street parking may be
22 reduced or eliminated to accommodate new or expanded outdoor dining
23 areas into existing parking areas.

24 i. **Number of Seats.** The Board of Appeals shall approve the number
25 of seats for outdoor dining based on each restaurant's situation.

26 ii. **Alternative Parking Notice.** The business shall display public
27 notices in the Outdoor Dining area that provide information on
28 transportation alternatives to automobiles.

29 iii. **Requirements if receiving 100% waiver.** If a waiver is granted
30 for all off-street parking required of the restaurant, the property
31 owner must do the following:

32 (1) Dedicate the parking lot apron used by vehicles to enter and
33 exit the lot, if present, for use as a mobility drop-off area
34 unless the Board of Appeals determines a more appropriate
35 location; and

36 (2) Provide for bicycles and scooter parking by patrons.

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1 **b. Lots Leased by the Restaurant.** For multi-tenant commercial properties
2 with shared parking, reductions permitted to existing parking requirements
3 to accommodate outdoor dining shall be based on the total parking
4 requirement for all users and establishments on the property, not solely on
5 the parking requirement for the restaurant(s) proposing to add or expand
6 outdoor dining areas.

7 **2. Alcoholic Beverages.**

8 a. A modification to a previously approved Alcoholic Beverage Control
9 Board license showing the expanded service areas shall be required before
10 the establishment's expanded footprint is approved.

11 b. The application shall include:

12 i. Site plan of the outside dining area;

13 ii. A plan to prevent the service of alcohol to minors;

14 iii. Specific dates and hours that the designated area will be used for
15 outside dining; and

16 iv. Permission from the owner of the designated parking lot if not
17 owned by the applicant.

18
19 **Section 7.35.060 - Sidewalk Café.**

20 **A. Generally.**

21 1. The requirements of this section are in addition to the requirements of § 7.35.030.

22 2. Where authorized, a restaurant may provide additional seating on the sidewalk in
23 front of the restaurant for Sidewalk Café dining.

24 **B. Permits.** Unless an exception is allowed pursuant to § 7.35.030(B), a permit is required
25 for a restaurant to provide additional seating for a Sidewalk Café Dining based on the
26 following requirements:

27 **1. Permit Issuance.**

28 a. An application for a sidewalk café permit shall be made to the City Clerk
29 using the forms provided by the City Clerk.

30 b. The operating establishment shall make the application.

31 c. Permits shall be reviewed and approved by the Department of Public
32 Works.

33 **2. Permit duration.** A Sidewalk Café permit shall be for one year, from May 1 to
34 April 30 of the following year.

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1 3. Fees. Fees shall be paid with the original permit application and the request for a
2 permit renewal.

3 **B. Standards.** Sidewalk Cafés are allowed only in zoning districts designated in
4 § 21.64.540 and subject to the following:

5 1. Location and Distance Requirements.

6 a. Sidewalk. No part of a Sidewalk Café area shall encroach upon any part
7 of the sidewalk frontage of any adjacent premises, right-of-way or alley.

8 b. Right-of-way.

9 i. A Sidewalk Café must leave a minimum six-foot unobstructed
10 passageway for pedestrians along the length of the café.

11 ii. For operating establishments adjacent to sidewalks less than ten
12 feet wide at the location of the proposed Sidewalk Café, the City
13 Clerk, with the Department of Public Works consent, may reduce
14 the unobstructed passageway to not less than that required by the
15 ADA.

16 2. Alcoholic Beverages.

17 a. Before the establishment's expanded footprint is approved, a modification
18 to a previously approved Alcoholic Beverage Control Board license
19 showing the expanded service areas shall be required.

20 b. The application shall include:

21 i. Site plan of the outside dining area;

22 ii. A plan to prevent the service of alcohol to minors; and

23 iii. Specific dates and hours for the designated area for outside dining.

24 c. Notwithstanding any contrary or different hours of operation in its
25 alcoholic beverages license, an operating establishment shall cease to sell,
26 serve or allow consumption of alcoholic beverages on its Sidewalk Café at
27 least 30 minutes before the establishment's permitted closing time.

28 3. Hours of Operation.

29 a. All café seating shall be removed from the café area no later than 30
30 minutes before the operating establishment's permitted closing time.

31 b. All other furniture, debris and obstructions to the sidewalk shall be cleared
32 no later than 30 minutes before the permitted closing time unless the
33 restaurant is located in the Historic District and exempted from this
34 regulation by the Historic Preservation Commission.

35 4. Prohibited.

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1 a. The following are prohibited in Sidewalk Cafés:

2 i. Tents

3 ii. Permanent structures or improvements in or near the café area.

4 iii. Cooking of food;

5 iv. Unshielded trash or refuse storage;

6 v. Advertisements (exclusive of menus intended to be read from the
7 café); and

8 vi. Exclusively carry out transactions.

9 b. Sidewalk cafes along Compromise Street are prohibited.

10
11 **Section 7.35.070 - Street Café.**

12 **A. Generally.**

13 1. The requirements of this section are in addition to the requirements of § 7.35.030.

14 2. Where authorized, a restaurant may provide additional seating on City-owned
15 street parking spaces in front of the restaurant for Street Café dining.

16 **B. Permits.** Unless an exception is allowed pursuant to § 7.35.030(B)(2) and subsection D
17 of this section, a permit is required for a restaurant to provide additional seating for a
18 Street Café Dining based on the following requirements:

19 1. **Permit Issuance.**

20 a. An application for a sidewalk café permit shall be made to the Department
21 of Public Works and the City Clerk on forms provided by the City Clerk.

22 b. The operating establishment shall make the application.

23 c. The Department of Public Works shall review Street Café permits.

24 2. **Permit duration.** A Street Café permit shall be valid for either three months or
25 six months between April 15 and November 1 each year.

26 3. **Application Requirements.** The permit application shall include, but is not
27 limited to, the following:

28 a. The number of parking spaces requested to be used;

29 b. The closest street address;

30 c. An image of the parking space(s) where the Street Café is proposed;

31 d. A site map or drawing of the proposed site with measurements; and

32 4. **Fees.** Fees-in-lieu of parking spaces shall be paid with the original permit
33 application and the request for a permit renewal.

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1 **B. Standards.** Street Cafés are allowed only in zoning districts designated in § 21.64.540
2 and subject to the following:

3 **1. Location and Distance Requirements.**

- 4 a. The area of the street cafés shall not extend beyond the frontage area of
5 the licensed premises of the licensee.
- 6 b. The Public Works Director may limit or increase the eligible linear
7 footage for the Street Café area based on extenuating circumstances or, if
8 otherwise deemed advisable, to address the best interests of other
9 businesses in the Street Café area or the public.

10 **2. Alcoholic Beverages.**

- 11 a. A modification to a previously approved Alcoholic Beverage Control
12 Board license showing the expanded service areas shall be required before
13 the establishment's expanded footprint is approved.
- 14 b. The application shall include:
- 15 i. Site plan of the outside dining area;
- 16 ii. A plan to prevent the service of alcohol to minors;
- 17 iii. Specific dates and hours for the designated area for outside dining.

18 **C. Exception.**

- 19 1. **Market Space.** The streets between Fleet Street to Pinkney Street and Pinkey
20 Street to Randall Street shall be exempt from the Street Café program and subject
21 to lease requirements as determined by the City Manager.
- 22 2. **West Street.** West Street between Church Circle and Cathedral Street may be
23 exempt from the Street Café program and subject to lease requirements
24 determined by the City Manager.

25
26
27 **Title 6 - REVENUE AND FINANCE**

28 **Chapter 6.30 - Special Funds**

29 **Section 6.30.020 – Sustainable Mobility Services Fund**

30
31 **A. Definitions.** For purposes of this chapter, the following words and phrases shall have the
32 meanings set forth below:

- 33 1. "Sustainable Mobility Services" deal with how people are moved from one place
34 to another and can range from walking to ride-hailing services, peddle
35 transportation, micro-mobility public transportation, paratransit and other such

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1 services. Sustainable Mobility Services emphasizes environmentally sustainable
2 mobility options.

3 2. "Fund" means the Sustainable Mobility Services Fund established by this chapter.

4 **B. Establishment.** The Sustainable Mobility Services Fund is established to collect and
5 retain Outdoor Dining fees for mobility services in the City of Annapolis.

6 1. All monies in the fund are subject to appropriation by the City Council and may
7 be used for administration expenses of this chapter.

8 2. The fund is a continuing, non-lapsing fund to be maintained and administered by
9 the Transportation Department Director. The Finance Director shall hold and
10 account for the fund.

11 3. If cash is received as consideration for the sale of a capital asset purchased with
12 funds from this account, the money must be reinvested into the account.

13 **C. Purpose.**

14 1. This Sustainable Mobility Services Fund shall support efforts to expand and make
15 safer non-automobile transportation and is separate from traditional bus transit
16 funding.

17 2. The fund shall go towards efforts to encourage alternative mobility options in the
18 City, which may include but are not limited to:

19 a. Pedestrian and cycling infrastructure;

20 b. Sidewalk and walkway construction and maintenance;

21 c. Expanding or improving micro public transportation infrastructure and
22 operations, such as:

23 i. microbuses,

24 ii. micro-transit,

25 iii. on-demand transit, and

26 iv. mobility centers;

27 d. Demand-response transportation services for people with disabilities and
28 other mobility-challenged individuals; and

29 e. Mobility centers and drop-off areas.

30 3. The funds shall be prioritized to resolve parking and transportation issues
31 resulting from the loss of parking spaces due to the outdoor dining programs
32 pursuant to the Outdoor Dining chapter, § 7.35.

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1 **Title 21 - PLANNING AND ZONING**
2 **Division V - Regulations of general applicability**
3 **Chapter 21.64 - Standards for uses subject to standards**
4

5 **Section 21.64.170 - Coffee shops.**

- 6 A. Coffee shops are subject to the general standards for food and beverage-related uses.
- 7 B. In the BCE district ~~o~~Outdoor ~~d~~Dining may be permitted, subject to the Outdoor Dining
8 chapter, § 7.35.
- 9 C. Notwithstanding the provisions of ~~Section § 21.64.300 of this Code,~~ a coffee shop shall be
10 allowed as an accessory use to a bookstore in the C2 and C2A Districts.
- 11 1. The square footage of the coffee shop shall not exceed ~~twenty-five percent~~25% of
12 the floor area of the bookstore.
- 13 2. Food sales shall be limited to pre-packaged items, prepared off-premises, with no
14 food preparation on-site.
- 15 3. The coffee shop shall only be open when the bookstore is open.
- 16

17 *Strike section 21.64.540 in its entirety and insert the following:*

18 **Section 21.64.540 - Restaurants, standard.**

19 **A. General Standards for Standard Restaurants.** These are standards for restaurants in all
20 zones:

- 21 1. Standard restaurants, as defined § 21.72.010, are subject to food- and beverage-
22 related uses set in § 21.64.300.
- 23 2. Except as noticed in the following zoning subsections, the following standards
24 apply:
- 25 a. Drive-through service is not permitted
- 26 b. Catering or delivery service may be permitted as an accessory use.
- 27 c. Outdoor Dining, where allowed, is subject to § 7.35.
- 28 d. Rooftop Dining, where allowed, is subject to the following, unless
29 exemptions apply as noted in Subsections B through H:
- 30 i. Alcoholic beverages shall be served only in conjunction with food
31 service.
- 32 ii. Hours of operation shall be limited to 10:00 p.m., seven days a
33 week.

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- 1 iii. No bar, dancing or live entertainment and no speakers or public
- 2 address system is permitted.
- 3 iv. No portion of a Rooftop Dining area may be located any closer
- 4 than 75 feet from a residential structure, measured horizontally at
- 5 grade.
- 6 v. The Rooftop Dining area may not exceed 25% of the floor area of
- 7 the indoor restaurant area and may not have more than 25% of the
- 8 number of seats in the indoor restaurant area.
- 9 vi. Access to the Rooftop Dining area shall be through the interior of
- 10 the restaurant.
- 11 vii. Exterior access shall be allowed only as emergency access for fire
- 12 and life safety purposes.
- 13 viii. Lighting shall be directed away from adjoining properties and
- 14 streets and designed to minimize glare.
- 15 ix. All lighting shall be at or below railing level.
- 16 x. The design of the Rooftop Dining area shall include noise
- 17 mitigation measures that will minimize adverse impacts on
- 18 adjoining properties.

19 **B. B1, B2, B3, B3-CD, and PM Districts.**

- 20 1. The following standards apply in B1, B2, B3, B3-CD, and PM Districts:
- 21 a. No more than 50 seats are permitted;
- 22 b. Alcohol is permitted with the service of food;
- 23 c. Hours of operation are limited to midnight seven days a week;
- 24 d. Recorded music is allowed indoors and shall be limited to background
- 25 music only;
- 26 e. In the PM District only: indoor, live, non-amplified acoustical musical
- 27 entertainment.
- 28 2. The following are allowed by special exception:
- 29 a. More than 50 seats;
- 30 b. Bar;
- 31 c. Dancing;
- 32 d. Live entertainment indoors;
- 33 e. Hours of operation past midnight;
- 34 f. Rooftop dining; and

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1 g. Outdoor Dining.

2 **C. BCE and BR Districts.**

3 1. The following standards apply in BCE and BR Districts:

4 a. No more than 50 seats are permitted;

5 b. Also permitted;

6 i. bar;

7 ii. dancing; and

8 iii. live entertainment

9 2. The following are allowed by special exception:

10 a. More than 50 seats;

11 b. Rooftop Dining; and

12 c. Outdoor Dining.

13 **D. MX District.**

14 1. The following are permitted by right in the MX District:

15 a. Any number of seats;

16 b. Alcohol with the service of food;

17 c. Accessory bars.

18 2. The following are permitted by special exception:

19 a. Dancing;

20 b. Live entertainment

21 c. Rooftop Dining; and

22 d. Outdoor Dining.

23 3. Two a.m. alcoholic beverage licenses shall not be permitted for properties within
24 the MX-2 or MX-3 Height Districts, but such licenses shall be allowed for
25 properties within the MX-1 Height District.

26
27 **E. WMC, WME, WMI, and WMM - Generally.**

28 1. The following standards apply in WMC, WME, WMI, and WMM Districts:

29 a. New restaurant uses which front waterways shall provide public water
30 access.

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1 b. Public water access shall be consistent with the definition provided in §
2 21.72.010.

3 2. The following are allowed by special exception:

4 a. Rooftop Dining; and

5 b. Outdoor Dining.

6 **F. WMC, WME, WMI, and WMM - Additional Requirements by District.**

7 **1. WMC Districts.**

8 a. The property owner shall construct and maintain a public pedestrian
9 walkway adjacent to the water in accordance with the standards set forth
10 in § 21.62.130, except that structures in existence as of August 24, 1987,
11 located within the public pedestrian walkway shall comply to the extent
12 practicable.

13 b. Rooftop Dining may be allowed the following exceptions:

14 i. Hours of operation shall be limited to midnight seven days a week,
15 and

16 ii. No more than 75% of the number of indoor seats are allowed in the
17 rooftop dining area; and

18 **2. WME Districts.**

19 a. This use is permitted only by special exception.

20 b. This use is allowed only in combination with one of the following:

21 i. A working boatyard of at least 20,000 square feet and a 30-ton
22 boat lift, or

23 ii. Seafood processing of at least 9,000 square feet.

24 c. The lot for use must be at least 20,000 square feet.

25 d. The use may occupy no more than 2,000 square feet of gross floor area on
26 the lot.

27 **3. WMI Districts.**

28 a. This use is permitted only in combination with one of the following
29 maritime triggers:

30 i. A working boatyard of at least 20,000 square feet and a 30-ton
31 boat lift,

32 ii. Seafood processing of at least 9,000 square feet,

33 iii. On-land boat storage of at least 25,000 square feet,

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1 iv. Yacht and sailing clubs providing in-water and on-land boat
2 storage to their members, or

3 v. Fuel dock.

4 b. Restaurant use may occupy no more than 4,000 square feet for all dining
5 combined.

6 **4. WMM Districts.**

7 a. This use is permitted only in combination with one of the following
8 maritime triggers:

9 i. A working boatyard of at least 20,000 square feet and a 30-ton
10 boat lift,

11 ii. Seafood processing of at least 9,000 square feet,

12 iii. On-land boat storage of at least 25,000 square feet,

13 iv. Yacht and sailing clubs providing in-water and on-land boat
14 storage to their members, or

15 v. Fuel dock.

16 b. In structures in existence as of October 25, 2021, this use may not exceed
17 30% of the total gross floor area of development on the lot.

18 c. Rooftop dining shall not have more than 50% the number of seats of the
19 indoor restaurant.

20
21 **Section 21.64.560 ~~_-~~ Sidewalk cafés.**

22 ~~A. Sidewalk cafés are subject to the general standards for food and beverage related uses.~~

23 ~~B. Sidewalk cafés are also regulated under Chapter 7.42 of this code.~~

24 Sidewalk cafés are subject to:

25 1. General standards for food and beverage related uses; and

26 2. Chapter 7.42 of the City Code.

27
28 **Section 21.64.640 ~~_-~~ Wine bars.**

29 ~~A. Wine bars are subject to the general standards for food and beverage related uses.~~

30 ~~B. The following are permitted by right:~~

31 ~~1. Any number of seats;~~

32 ~~2. Outdoor dining.~~

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- 1 ~~C. Hours of operation are limited to eleven a.m. to midnight Monday thru Sunday.~~
- 2 ~~D. Patrons usually and customarily are provided with individual menus, and are served their~~
3 ~~food or beverages by a restaurant employee at the same table or counter at which the items~~
4 ~~are consumed.~~
- 5 ~~E. The service of alcoholic beverages shall be limited to beer and wine only, served on~~
6 ~~premises or sold prepackaged for off-premises consumption.~~
- 7 ~~F. Revenues from wine sales shall not be less than sixty-six percent of total alcoholic beverage~~
8 ~~revenues. All wine bars shall report annually the ratio of wine revenues to beer revenues in~~
9 ~~conjunction with the renewal of their alcoholic beverage license as required under Chapter~~
10 ~~7.12.~~
- 11 A. Wine bars are subject to the general standards for food and beverage-related uses.
- 12 B. The following standards also apply:
- 13 1. Any number of seats;
- 14 2. Outdoor Dining, subject to § 7.35;
- 15 3. Hours of operation are limited to 11 a.m. to midnight, Monday through Sunday.
- 16 4. The service of alcoholic beverages shall be limited to:
- 17 a. Beer and wine only, and
- 18 b. Served on premises; or
- 19 c. Sold prepackaged for off-premises consumption;
- 20 5. Revenues from wine sales shall not be less than 66% of total alcoholic beverage
21 revenues;
- 22 6. All wine bars shall report annually the ratio of wine revenues to beer revenues in
23 conjunction with the renewal of their alcoholic beverage license as required under
24 § 7.12; and
- 25 7. Patrons shall be:
- 26 a. Provided with individual menus; and
- 27 b. Served their food or beverages by a restaurant employee at the same table
28 or counter where they are consumed.
- 29

30 *Strike Chapter 7.42 - Sidewalk Café in its entirety.*

31 **Title 7 - BUSINESS LICENSES, TAXES AND REGULATIONS**

32 **~~Chapter 7.42 - Sidewalk Café~~**

33

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1 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
2 **ANNAPOLIS CITY COUNCIL** that:

- 3 1. The Outdoor Dining standards expressed herein may supersede conditions associated
4 with outdoor dining that were previously applied.
- 5 2. This ordinance shall take effect upon passage.
- 6 3. The Department, within 90 days of enactment, shall promulgate such regulations as are
7 necessary and proper for the full implementation of this ordinance.
- 8 4. The Department shall establish a process through the City website or other means for
9 residents to report possible violations of outdoor dining rules and regulations.

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