

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 12

Bill No. 55-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

and by the Entire Council

By the County Council, May 20, 2021

Introduced and first read on May 20, 2021
Public Hearing set for and held on June 7, 2021
Bill AMENDED and VOTED on June 7, 2021
Bill Expires on August 23, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Zoning – General Provisions – Uses and
2 Structures – Temporary Uses

3
4 FOR the purpose of extending the temporary use authorization for outdoor seating at
5 restaurants granted by certain Executive Orders; and making this Ordinance an
6 emergency measure.

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8 WHEREAS, the ongoing COVID-19 pandemic has had serious and long-lasting
9 adverse effects not only on the residents of Anne Arundel County, but also on the
10 business community; and

11
12 WHEREAS, the restaurant business was particularly hard hit by use and capacity
13 restrictions imposed by State and local governments to save lives and prevent
14 exposure to the COVID-19 virus; and

15
16 WHEREAS, in an effort to provide some relief to the restaurant industry, on or
17 about May 29, 2020, via Executive Order No. 22 and as renewed in Executive Order
18 No. 46, the County developed certain “Criteria for Reopening Restaurants and
19 Social Clubs as a Temporary Use,” allowing restaurants to open outdoor facilities
20 as a temporary use without the necessity of obtaining a temporary use authorization
21 under § 18-2-203 of the County Code provided that specified use criteria were
22 followed; and

EXPLANATION: Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 ~~WHEREAS, the authorization for outdoor dining as a temporary use for restaurants~~
2 ~~continues as long as the State emergency proclamations continue, per local~~
3 ~~Executive Order No. 46; and~~

4
5 ~~WHEREAS, there is concern that Governor Larry Hogan will soon terminate the~~
6 ~~State proclamation of emergency without advance notice to the public, including~~
7 ~~the restaurant industry; and~~

8
9 ~~WHEREAS, if the State proclamation of emergency is terminated, local Executive~~
10 ~~Order No. 46 is also terminated and all existing temporary uses that were~~
11 ~~commenced under local Executive Order Nos. 22 and 46, including outdoor seating~~
12 ~~at restaurants, will become illegal unless and until each user immediately obtains a~~
13 ~~temporary use authorization under § 18-2-203 of the County Code, which is not~~
14 ~~practical due to the large number of temporary uses existent and the time and~~
15 ~~processing that such applications involve, with the end result being a potentially~~
16 ~~overwhelming flood of enforcement actions to stop the illegal uses; and~~

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18 WHEREAS, the County Executive will terminate the civil emergency proclaimed
19 on March 13, 2020, and extended by Bill No. 24-20 upon adoption of Bill No. 55-
20 21 by the County Council, and no later than 5:00 p.m., Friday, June 11, 2021; and

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22 WHEREAS, by this Ordinance, the County Executive and the County Council
23 intend to provide relief to the restaurants that have implemented outdoor dining as
24 a temporary use under Executive Order Nos. 22 and 46 by extending the
25 authorization of outdoor dining as a temporary use until November 1, 2021; now,
26 therefore,

27
28 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
29 That all outdoor seating as a temporary use relating to food and beverage service for a food
30 service facility, as defined in § 21-301 of the Health-General Article of the State Code, and
31 in operation as of the date this Ordinance is introduced, shall be allowed as a temporary
32 use without the necessity of obtaining a temporary use authorization under § 18-2-203 of
33 the County Code, provided the food service facility complies with the “Criteria for
34 Reopening Restaurants and Social Clubs as a Temporary Use,” attached hereto to as
35 ~~Exhibit A~~ Exhibit A-1.

36
37 SECTION 2. *And be it further enacted,* That the provisions of this Ordinance shall
38 remain in effect until November 1, 2021, after which it shall stand repealed and, with no
39 further action required by the County Council, be of no further force and effect, and, unless
40 the food service facility obtains all authorizations and permits and permission required by
41 law, the outdoor seating facilities shall be removed no later than November 10, 2021.

42
43 SECTION 3. *And be it further enacted,* That this Ordinance is hereby declared to be an
44 emergency ordinance and necessary for immediate preservation of the public peace, health,
45 safety, welfare, and property, and being passed by the affirmative vote of five members of
46 the County Council the same shall take effect the date it becomes law.

AMENDMENTS ADOPTED: June 7, 2021

READ AND PASSED this 7th day of June, 2021

By Order:




Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 8th day of June, 2021



Laura Corby
Administrative Officer

APPROVED AND ENACTED this 9th day of June, 2021



Stuart Pittman
County Executive

EFFECTIVE DATE: June 9, 2021

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 55-21. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.



Laura Corby
Administrative Officer

CRITERIA FOR REOPENING RESTAURANTS AND
SOCIAL CLUBS AS A TEMPORARY USE

June __, 2021

Anne Arundel County understands that this pandemic has had a significant impact on the health and well-being of our citizens as well as the business community. During these difficult times, we want to continue to provide guidance to food service establishments for the **sale and consumption of food and beverages** to customers in outdoor seating areas.

We've determined that within the confines of County law, there is an opportunity to provide guidelines for outdoor dining that would streamline the process and provide a path forward for an improved economic outlook for your business endeavors.

Anne Arundel County will authorize outdoor seating for food and beverage service uses as a temporary use until November 1, 2021, as authorized by Bill No. 55-21. This applies to all outdoor dining temporary uses in operation at the time Bill No. 55-21 was enacted.

Of special importance, a permit application is not required for the temporary use, provided the use complies with the criteria listed below.

The following guidelines offered are being established with the understanding that outdoor seating is being approved as a remedial measure for restaurants from the impacts of COVID-19 and on a temporary basis.

Anne Arundel County criteria for outdoor seating relating to food and beverage service as a Temporary Use are as follows:

- ▶ Up to 50% of the facilities approved capacity can be used for outside seating providing that a letter of permission is obtained from owners of the outside space (if applicable);
- ▶ Food and beverage service within Malls may utilize the same outdoor seating criteria for indoor space located in close proximity to the facility, providing that a letter of permission is obtained from owners of the Mall (if applicable);
- ▶ If the outside dining area includes use of sidewalk, grassed area, or parking pad or lot, the dining area should be clearly delineated as outside seating with use of bollards, landscaping planters, fencing, etc.;
- ▶ If the outside dining area includes the use of parking lot(s):
 1. ADA accessible parking spaces cannot be used
 2. Traffic flow into and out of the site shall not be blocked
 3. Fire lanes for emergency vehicles shall remain unobstructed to maintain adequate clearance to meet Fire Code standards;

- ▶ If the indoor restrooms facilities are to be used, provide points of access to restroom facilities;
- ▶ Any tent over 200 square feet requires a building permit (Permit Center contact # 410-222-7700 or County website for instructions to apply at IPMailbox@aacounty.org);
- ▶ Proposed use of electric or plumbing outdoors must comply with code requirements;
- ▶ Liquor Board approval may be needed, if not covered in the Executive Order;
- ▶ The land shall be entirely cleared of the temporary use within nine days after the expiration of the period.

As previously noted, all County laws that currently apply to your business remain in effect.

All business use must operate in accordance with CDC and MDH COVID guidelines.