

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 5

Bill No. 16-24

Introduced by Ms. Pickard  
(by request of the County Executive)

By the County Council, March 4, 2024

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Introduced and first read on March 4, 2024  
Public Hearing set for and held on April 1, 2024  
Public Hearing on AMENDED bill set for and held on April 15, 2024  
Public Hearing on SECOND AMENDED bill set for and held on May 6, 2024  
Bill Expires June 7, 2024

By Order: Laura Corby, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Uses – Food Service Facilities – Outdoor Seating  
2 Related to Food and Beverage Service  
3

4 FOR the purpose of allowing certain food service facilities to continue to utilize outdoor  
5 seating related to food and beverage service under certain circumstances; and generally  
6 relating to zoning.  
7

8 BY adding: § 18-2-207  
9 Anne Arundel County Code (2005, as amended)  
10

11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:  
13

14 ARTICLE 18. ZONING  
15

16 TITLE 2. GENERAL PROVISIONS  
17

18 **18-2-207. Outdoor seating related to food and beverage service.**  
19

20 (A) **Definition.** FOR PURPOSES OF THIS SECTION, “FOOD SERVICE FACILITY” HAS THE  
21 MEANING STATED IN § 21-301 OF THE HEALTH-GENERAL ARTICLE OF THE STATE CODE.

22 (B) **Requirements.** SUBJECT TO SUBSECTION (D), A FOOD SERVICE FACILITY MAY

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.  
Underlining indicates matter added to bill by amendment.  
~~Strikeover~~ indicates matter removed from bill by amendment.

1 CONTINUE TO UTILIZE OUTDOOR SEATING FOR FOOD AND BEVERAGE SERVICE IF:

2  
3 (1) THE FOOD SERVICE FACILITY HAS UTILIZED OUTDOOR SEATING PURSUANT TO  
4 EXECUTIVE ORDER NO. 22, DATED MAY 29, 2020, ISSUED BY COUNTY EXECUTIVE PITTMAN,  
5 AS RENEWED BY EXECUTIVE ORDER NO. 46, DATED APRIL 27, 2021, ISSUED BY COUNTY  
6 EXECUTIVE PITTMAN, CONTINUOUSLY SINCE A DATE BETWEEN MARCH 13, 2020, AND  
7 MAY 21, 2021;

8  
9 (2) THE FOOD SERVICE FACILITY HAS CONTINUOUSLY COMPLIED WITH ALL  
10 REQUIREMENTS OF EXECUTIVE ORDER NO. 22, DATED MAY 29, 2020, ISSUED BY COUNTY  
11 EXECUTIVE PITTMAN, AS RENEWED BY EXECUTIVE ORDER NO. 46, DATED APRIL 27, 2021,  
12 ISSUED BY COUNTY EXECUTIVE PITTMAN, AND BILL NO. 55-21, AS AMENDED BY  
13 BILL NO. 83-21, BILL NO. 1-23, AND BILL NO. 85-23; ~~AND~~ AND

14  
15 ~~(3) THE OUTDOOR SEATING AT THE FOOD SERVICE FACILITY IS AT LEAST 100 FEET~~  
16 ~~FROM ALL RESIDENTIALLY ZONED PROPERTY; AND~~

17  
18 (3) ~~(4)~~ (3) (I) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF BILL NO. 16-24, THE FOOD  
19 SERVICE FACILITY SHALL FILE AN APPLICATION ON A FORM PROVIDED BY THE PLANNING  
20 AND ZONING OFFICER TO CONTINUE TO UTILIZE OUTDOOR SEATING FOR FOOD AND  
21 BEVERAGE SERVICE; AND

22  
23 (II) THE PLANNING AND ZONING OFFICER ISSUES A WRITTEN DETERMINATION,  
24 WITHIN THEIR SOLE DISCRETION, THAT THE APPLICANT HAS ESTABLISHED THAT IT HAS  
25 MET THE REQUIREMENTS OF PARAGRAPHS (1) ~~AND~~, (2), AND (3) AND MAY CONTINUE TO  
26 UTILIZE OUTDOOR SEATING FOR FOOD AND BEVERAGE SERVICE SO LONG AS IT  
27 CONTINUES TO COMPLY WITH ALL REQUIREMENTS OF EXECUTIVE ORDER NO. 22, DATED  
28 MAY 29, 2020, ISSUED BY COUNTY EXECUTIVE PITTMAN, AS RENEWED BY EXECUTIVE  
29 ORDER NO. 46, DATED APRIL 27, 2021, ISSUED BY COUNTY EXECUTIVE PITTMAN, AND BILL  
30 NO. 55-21, AS AMENDED BY BILL NO. 83-21, BILL NO. 1-23, AND BILL NO. 85-23.

31  
32 (C) **Compliance – other.** IF A FOOD SERVICE FACILITY DOES NOT MEET THE  
33 REQUIREMENTS OF SUBSECTION (B), THEN OUTDOOR SEATING FOR FOOD AND BEVERAGE  
34 SERVICE SHALL COMPLY WITH ALL OTHER APPLICABLE PROVISIONS OF THIS CODE.

35  
36 (D) **Nonconforming use.** ANY NONCONFORMING USE THAT MEETS THE  
37 REQUIREMENTS OF SUBSECTION (B) MAY UTILIZE OUTDOOR SEATING FOR FOOD AND  
38 BEVERAGE SERVICE ONLY SO LONG AS IT COMPLIES WITH § 18-15-102(B) OR § 18-15-103.

39  
40 SECTION 2. *And be it further enacted,* That all references in this Ordinance to “the  
41 effective date of Bill No. 16-24”, or words to that effect, shall, upon codification, be  
42 replaced with the actual date on which this Ordinance takes effect under Section 307 of the  
43 County Charter as certified by the Administrative Officer to the County Council.

44  
45 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days  
46 from the date it becomes law.

AMENDMENTS ADOPTED: April 1 and 15, 2024

READ AND PASSED this 6<sup>th</sup> day of May, 2024

By Order:

A handwritten signature in black ink, appearing to be 'K. Schultze', with a long horizontal stroke extending to the right.

Kaley Schultze  
Administrative Officer

PRESENTED to the County Executive for his approval this 7<sup>th</sup> day of May, 2024

A handwritten signature in black ink, appearing to be 'K. Schultze', with a long horizontal stroke extending to the right.

Kaley Schultze  
Administrative Officer

APPROVED AND ENACTED this 9<sup>th</sup> day of May, 2024

A handwritten signature in blue ink, appearing to be 'Stuart Pittman', with a long horizontal stroke extending to the right.

Steuart Pittman  
County Executive

EFFECTIVE DATE: June 23, 2024

Bill No. 16-24

Page No. 4

**I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 16-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.**

A handwritten signature in black ink, appearing to read 'K Schultze', with a long horizontal line extending to the right.

**Kaley Schultze  
Administrative Officer**