

PROPOSED

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

Introduced and first read on March 4, 2024
Public Hearing set for April 1, 2024
Bill Expires June 7, 2024

By Order: Laura Corby, Administrative Officer

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:

ARTICLE 18. ZONING

TITLE 2. GENERAL PROVISIONS

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
23 (B) **Requirements.** SUBJECT TO SUBSECTION (D), A FOOD SERVICE FACILITY MAY
24 CONTINUE TO UTILIZE OUTDOOR SEATING FOR FOOD AND BEVERAGE SERVICE IF:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

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

6
7 (2) THE FOOD SERVICE FACILITY HAS CONTINUOUSLY COMPLIED WITH ALL
8 REQUIREMENTS OF EXECUTIVE ORDER NO. 22, DATED MAY 29, 2020, ISSUED BY COUNTY
9 EXECUTIVE PITTMAN, AS RENEWED BY EXECUTIVE ORDER NO. 46, DATED APRIL 27, 2021,
10 ISSUED BY COUNTY EXECUTIVE PITTMAN, AND BILL NO. 55-21, AS AMENDED BY BILL NO.
11 83-21, BILL NO. 1-23, AND BILL NO. 85-23; AND
12

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

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

27 (C) **Compliance – other.** IF A FOOD SERVICE FACILITY DOES NOT MEET THE
28 REQUIREMENTS OF SUBSECTION (B), THEN OUTDOOR SEATING FOR FOOD AND BEVERAGE
29 SERVICE SHALL COMPLY WITH ALL OTHER APPLICABLE PROVISIONS OF THIS CODE.
30

31 (D) **Nonconforming use.** ANY NONCONFORMING USE THAT MEETS THE
32 REQUIREMENTS OF SUBSECTION (B) MAY UTILIZE OUTDOOR SEATING FOR FOOD AND
33 BEVERAGE SERVICE ONLY SO LONG AS IT COMPLIES WITH § 18-15-102(B) OR § 18-15-103.
34

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

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