



AGENDA
COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Virtual County Council Meeting
Legislative Session 2021, Legislative Day No. 12
May 20, 2021 – 9:00 A.M.

- A. Invocation
- B. Pledge of Allegiance
- C. Open Meetings Act Statement
- D. Ethics Statement
- E. Invitation to Audience
- F. Announcement of Items not Appearing on Agenda
- G. Preliminary Motion
- H. Introduction of Bills

BILL NO. 55-21 – AN EMERGENCY ORDINANCE concerning: Zoning – General Provisions – Uses and Structures – Temporary Uses – FOR the purpose of extending the temporary use authorization for outdoor seating at restaurants granted by certain Executive Orders; and making this Ordinance an emergency measure.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 56-21 – AN EMERGENCY ORDINANCE concerning: Food Service Facilities – Outdoor Seating – FOR the purpose of allowing outdoor seating for a food service facility as a temporary use under certain circumstances; providing conditions for the temporary use; providing for applicability of this Ordinance; and making this Ordinance an emergency measure.
By Mr. Volke

- I. Introduction of Resolution

RESOLUTION NO. 29-21 – RESOLUTION urging the County Executive to reopen Anne Arundel County buildings
By Ms. Haire and Mr. Volke

- J. Recess

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WAYS TO FOLLOW THE COUNTY COUNCIL

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You may call and listen to the 9:00 a.m. May 20, 2021 Council meeting by dialing any one of the following telephone numbers and entering the appropriate ID and passcode when prompted:

Dial any one of the following telephone numbers:

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+1 470 250 9358
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+1 669 219 2599
888 475 4499 (Toll Free)
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ID and passcode for the meeting:

ID: 810 9214 5096
Passcode: 64125999

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PROPOSED

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)

By the County Council, May 20, 2021

Introduced and first read on May 20, 2021
Public Hearing set for 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.

7
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

23
24 WHEREAS, the authorization for outdoor dining as a temporary use for restaurants
25 continues as long as the State emergency proclamations continue, per local
26 Executive Order No. 46; and

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

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

14 WHEREAS, by this Ordinance, the County Executive and the County Council
15 intend to provide relief to the restaurants that have implemented outdoor dining as
16 a temporary use under Executive Order Nos. 22 and 46 by extending the
17 authorization of outdoor dining as a temporary use until November 1, 2021; now,
18 therefore,
19

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

29 SECTION 2. *And be it further enacted,* That the provisions of this Ordinance shall
30 remain in effect until November 1, 2021, after which it shall stand repealed and, with no
31 further action required by the County Council, be of no further force and effect, and, unless
32 the food service facility obtains all authorizations and permits and permission required by
33 law, the outdoor seating facilities shall be removed no later than November 10, 2021.
34

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

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 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.

Failure to abide by any State or local executive orders regarding public gatherings and other COVID-19 related restrictions will be grounds for the County to revoke authorization of the temporary use for outdoor seating. 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.

**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 55-21

INTRO. DATE: May 20, 2021

FISCAL NOTE

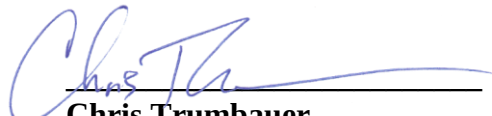
**BILL: AN EMERGENCY ORDINANCE CONCERNING: ZONING – GENERAL
PROVISIONS – USES AND STRUCTURES – TEMPORARY USES**

SUMMARY OF LEGISLATION

The purpose of this emergency legislation is to extend the temporary use authorization for outdoor seating at restaurants granted by Executive Order Numbers 22 and 46.

FISCAL IMPACT

There is no estimated fiscal impact to the County associated with this legislation.


Chris Trumbauer
Budget Officer

5/19/2021
Date

Prepared by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 12

Bill No. 56-21

Introduced by Mr. Volke

By the County Council, May 20, 2021

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

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Food Service Facilities – Outdoor Seating
2
3 FOR the purpose of allowing outdoor seating for a food service facility as a temporary use
4 under certain circumstances; providing conditions for the temporary use; providing for
5 applicability of this Ordinance; and making this Ordinance an emergency measure.
6

7 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
8 That outdoor seating for a food service facility, as defined in § 21-301 of the Health-
9 General Article of the State Code, is allowed as a temporary use, without the necessity for
10 a permit, if the facility complies with all of the following requirements:
11

12 (1) If the outdoor seating includes the use of sidewalks, grassed areas, parking pads,
13 a parking lot, or parking lots, the outside seating area shall be clearly delineated as outside
14 seating through the use of bollards, posts, landscaping planters, fencing, or the like;
15

16 (2) If outdoor seating includes the use of a parking lot or parking lots:
17

18 i. ADA accessible parking spaces may not be used;
19

20 ii. Traffic flow in and out of the site may not be blocked; and
21

22 iii. Fire lanes for emergency vehicles shall remain unobstructed to maintain
23 adequate clearance to meet Fire Code standards;
24

25 (3) If indoor restrooms are to be used, the facility shall provide points of access to
26 the restrooms, and the outdoor seating area may not be located more than 500 feet from the
27 restrooms;
28

29 (4) The facility shall obtain a building permit for any tent over 200 square feet;

1 (5) The use of outdoor electric or plumbing shall comply with all Code
2 requirements;
3 and
4

5 (6) The facility shall obtain approval from the Board of License Commissioners for
6 any alcohol sales or service, if required.
7

8 SECTION 2. *And be it further enacted*, That the provisions of this Ordinance shall
9 remain in effect until October 31, 2021, after which it shall stand repealed and, with no
10 further action required by the County Council, be of no further force and effect, and, unless
11 the food service facility obtains all permits and permissions required by law, the outdoor
12 seating facilities shall be removed by November 7, 2021.
13

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

COUNTY COUNCIL OF

ANNE
ARUNDEL
COUNTY

M A R Y L A N D

LEGISLATIVE SUMMARY*

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: May 20, 2021

Subject: Bill No. 56-21

Executive Order No. 46, effective April 27, 2021, lifted many COVID-related restrictions but retained the “Criteria for Reopening Restaurants and Social Clubs as a Temporary Use”, as originally contained in an Order dated May 29, 2020. The Criteria allow outdoor seating areas for restaurants as a temporary use, without the need to obtain a permit. Executive Order No. 46 provides that the Criteria remain in effect for the duration of the local emergency proclamation.

Bill No. 50-21 changes the effective date of the emergency proclamation of the County Executive, and executive actions pursuant to the proclamation, to 48 hours after the effective date of the Bill. If passed, the “Criteria for Reopening Restaurants and Social Clubs as a Temporary Use” would also expire 48 hours after the effective date of the Bill.

Bill No. 56-21 adopts those portions of the “Criteria for Reopening Restaurants and Social Clubs as a Temporary Use” that remain relevant. Specifically, the Bill requires that:

1. outdoor seating be delineated by posts, landscaping planters, or the like if the outdoor seating area includes sidewalks, grassed areas, parking pads, or parking lots;
2. outdoor seating that includes one or more parking lots may not use ADA accessible parking spaces, block the flow in and out of the site, or obstruct fire lanes for emergency vehicles;

* This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

3. points of access to indoor restrooms be provided, if indoor restrooms are to be used, and the outdoor seating may not be located more than 500 feet from the restrooms;

4. building permits be obtained for tents over 200 square feet;

5. outdoor electric or plumbing comply with all Code requirements; and

6. approval from the Board of License Commissioners be obtained for alcohol sales or service, if required.

This Bill, because of its short duration, is uncoded. It remains in effect until October 31, 2021. All outdoor seating must be removed by November 7, 2021 unless all permits and required permissions are obtained.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 12

Resolution No. 29-21

Introduced by Ms. Haire and Mr. Volke

By the County Council, May 20, 2021

1 RESOLUTION urging the County Executive to reopen Anne Arundel County buildings

2
3 WHEREAS, on March 5, 2020, Maryland Governor Lawrence J. Hogan, Jr.
4 proclaimed a state of emergency and a catastrophic health emergency for the entire
5 State of Maryland pursuant to Title 14 of the Public Safety Article of the State
6 Code, due to the impending threat and continuing impact of the contagious disease
7 known as COVID-19; and

8
9 WHEREAS, on March 13, 2020, County Executive Steuart Pittman declared a civil
10 emergency in Anne Arundel County due to the COVID-19 outbreak; and

11
12 WHEREAS, on March 18, 2020, County Executive Steuart Pittman ordered that
13 most County buildings be closed to the public to help prevent the spread of COVID-
14 19; and

15
16 WHEREAS, subsequent to the closing of County buildings, County Executive
17 Steuart Pittman issued Executive Orders to close public and private community
18 playgrounds; to impose restrictions on certain indoor uses; to impose local
19 restrictions on certain uses; to restrict social gatherings and indoor dining and to
20 suspend play on County recreational facilities, many of which were revised one or
21 more times; and

22
23 WHEREAS, on April 27, 2021, County Executive Steuart Pittman terminated prior
24 Executive Orders and eliminated restrictions related to COVID-19; and

25
26 WHEREAS, County employees sit at the heart of ensuring effective responses to
27 County citizens; and

28
29 WHEREAS, in-person contact between our citizens and County government is
30 essential; and

31
32 WHEREAS, the continued delay in opening County buildings is detrimental to the
33 services provided by County government and to our citizens; now, therefore, be it

34
35 *Resolved by the County Council of Anne Arundel County, Maryland, That the Anne*
36 *Arundel County Council urges the County Executive to immediately reopen County*
37 *buildings, subject to any remaining safety protocols; and be it further*

- 1 *Resolved*, That a copy of this Resolution be sent to County Executive Steuart Pittman
- 2 and to Nilesh Kalyanaraman, M.D., Health Officer.