

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

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3 **ORDINANCE NO. O-27-09**

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5 **Introduced by Mayor Moyer**

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7 **Co-sponsored by Alderwoman Finlayson**  
8 **Alderwoman Hoyle**  
9 **Alderman Paone**  
10 **Alderman Shropshire**  
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LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
09/14/09			01/12/10
Referred To:	Meeting Date:	Action Taken:	
Alcohol Bev Comm Rules & City Gov't Planning Commission			

12 **AN ORDINANCE concerning**

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15 **Restaurant Liquor Licenses and Hours**

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17 **FOR** the purposes of authorizing restaurants serving alcohol in the C2 and C2A  
18 zoning districts to remain open beyond midnight and permitting the  
19 issuance of 2 a.m. restaurant-class liquor licenses (Class B.x) in the C2  
20 and C2A zoning districts.

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24 **BY** repealing and reenacting with amendments the follow portion of the Code  
25 of the City of Annapolis, 2009 Edition:  
26 Section 21.64.300

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

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34 **Chapter 21.64 STANDARDS FOR USES SUBJECT TO STANDARDS**

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36 **21.64.300 Food and beverage-related uses.**

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- 2 A. Applicability. The standards in this section apply to the following uses:
- 3 1. Bake shops,
- 4 2. Candy stores,
- 5 3. Catering establishments,
- 6 4. Clubs, lodges and meeting halls, with on-premises food or beverage
- 7 preparation facilities,
- 8 5. Coffee shops,
- 9 6. Convenience stores,
- 10 7. Delicatessens,
- 11 8. Fast food restaurants,
- 12 9. Food service marts,
- 13 10. Ice cream stores,
- 14 11. Markets, open air,
- 15 12. Standard restaurants, and
- 16 13. Supermarkets.
- 17 B. Site Plan. A site design plan for the use is required pursuant to Chapter 21.22.
- 18 C. Noise. Noise emanating from the use shall not be of such a volume to disturb
- 19 the quiet and enjoyment of property in any nearby residential zoning districts.
- 20 D. Loitering. Loitering is not permitted around the exterior of the use.
- 21 E. Kitchens and Food Preparation Areas. Kitchens and food preparation areas
- 22 shall be designed, maintained and operated in a manner to minimize noise and
- 23 odors, and to eliminate grease flows into city sewers in strict adherence to the
- 24 City's Plumbing Code. An outdoor spigot shall be installed if required.
- 25 F. Related Plans. The use shall comply with the City's Comprehensive Plan and
- 26 any sector plans applicable to the area where the use will be located.
- 27 G. Trash.
- 28 1. All trash and refuse shall be stored in self-enclosed trash storage areas. These
- 29 trash storage areas shall be located either within the establishment or within the
- 30 structure on which the establishment is located, or shall consist of a properly
- 31 screened and maintained dumpster on the property on which the establishment
- 32 is located. See also Section 17.48.120.
- 33 2. Except where trash is placed in accordance with subsection (F)(1) of this
- 34 section, trash receptacles shall not be placed outside for pick-up until one-half
- 35 hour prior to the scheduled pick-up time and shall be removed within one-half
- 36 hour after trash pick-up.
- 37 3. The cleanliness of all trash storage areas and all sidewalks adjoining the
- 38 establishment shall be maintained.
- 39 H. C2 and C2A Districts. In the C2 and C2A districts, the following standards
- 40 apply:
- 41 1. No food service establishment shall be allowed in a building which fronts on, or
- 42 whose side yard is contiguous with, residential use on the following streets:
- 43 a. Prince George Street;
- 44 b. Randall, between Dock Street and King George;
- 45 c. Cornhill Street;
- 46 d. Fleet Street;

- 1 e. Green Street;
- 2 f. Upper Duke of Gloucester Street from Church Circle to a point on Duke of
- 3 Gloucester Street two hundred fifteen feet from the centerline of Church Circle;
- 4 g. Newman Street;
- 5 h. St. Mary's Street; and
- 6 i. Maryland Avenue between Prince George and King George Streets.

7 2. The provisions of subsection (H)(1) of this section shall not apply to restaurant/  
8 food service and bars existing as of June 13, 1994.

9 3. Revenues from alcohol sales shall not exceed fifty percent of total revenues.  
10 This limitation shall not apply to restaurants existing prior to June 13, 1994. All  
11 restaurants, established after June 13, 1994, shall report annually the ratio of  
12 food revenues to total revenues.

13 ~~4. Restaurants serving alcoholic beverages may not remain open beyond twelve~~  
14 ~~midnight. The limitation contained in this section shall not apply to (i) any~~  
15 ~~restaurant licensed to remain open beyond twelve midnight as of June 13, 1994~~  
16 ~~and (ii) any restaurant that shall become licensed to remain open beyond twelve~~  
17 ~~midnight as a result of a special exception permit granted after June 13, 1994~~  
18 ~~provided said special exception permit was applied for before September 27,~~  
19 ~~1993.~~

20 5. Expansion.

21 a. All proposed expansions of restaurants are subject to the special exception  
22 process of this Zoning Code, however restaurants existing as of June 13, 1994  
23 shall not be required to provide the report described in subsection (H)(3) of this  
24 section for its expansion.

25 ~~b. The expansion of a restaurant established after June 13, 1994 is subject to~~  
26 ~~subsection (H)(4) of this section. The twelve midnight limitation of subsection~~  
27 ~~(H)(4) shall not apply to the expansion of:~~

- 28 ~~i. Restaurants licensed to remain open beyond midnight as of June 13, 1994; and~~
- 29 ~~ii. Any restaurant that shall become licensed to remain open beyond twelve~~  
30 ~~midnight as a result of a special exception permit granted after June 13, 1994~~  
31 ~~provided special exception was applied for before September 27, 1993.~~

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36 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED**  
37 **BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect upon  
38 date of final passage.  
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43 **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.  
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**ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

\_\_\_\_\_  
**Regina C. Watkins-Eldrige, MMC**  
**CITY CLERK**

**BY:** \_\_\_\_\_  
**ELLEN O. MOYER, MAYOR**

**EXPLANATION:**

Highlighting indicates matter added to exiting law.  
~~Strikeout indicates matter deleted from existing law.~~  
Underlining indicates amendments.

## Staff Report

### O-27-09, Restaurant Liquor Licenses and Hours

As a result of the 1992 Ward One Sector Study, the Annapolis City Code was amended to prohibit restaurants serving alcohol in the C2 and C2A zoning districts from remaining open beyond midnight. See ANNAPOLIS, MD. CODE § 21.64.300H4 (2009). Grandfather provisions were included, allowing licensees licensed prior to June, 1994, to remain open beyond midnight, as well as those that had become licensed as a result of a special exception permit with an application prior to September, 1993. *Id.* Since a liquor license may not be issued in derogation of applicable zoning laws, MD. ANN. CODE art. 2-B, § 9-103 (2005), restaurants in the C2 and C2A zoning districts licensed after June, 1994, may not obtain a 2 a.m. restaurant-class liquor license. Further, expansions of restaurants are subject to these same strictures.

The proposed ordinance allows restaurants serving alcohol in the C2 and C2A zoning districts to remain open beyond midnight. The ordinance also permits 2 a.m. restaurant-class (Class B.x) licenses in the C2 and C2A zoning districts, as issuance of this license in the C2 and C2A zoning districts is no longer in derogation of applicable zoning law (Title 21 of the Annapolis City Code). No revision to Chapter 7.12 of the City Code is necessary, as a 2 a.m. restaurant-class license already exists. See § 7.12.230D. It should be noted that perspective licensees will still be subject to licensing procedures and requirements before the Annapolis Alcoholic Beverage Commission and, if applicable, special exception procedures and requirements before the Annapolis Planning Commission.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 263-1184