



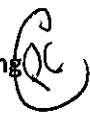
**City of Annapolis**  
Planning Commission  
Department of Planning & Zoning  
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March 27, 2017

**MEMORANDUM**

**To:** Annapolis Planning Commission

**From:** C. Pete Gutwald, Director of Planning and Zoning 

**Re:** Ordinance 6-17, for the purpose of introducing Food Stores as a permitted use in C2A zoning districts; and removing the erroneous reference to a standard for Food Stores in the PM2 zoning district.

**Purpose**

The purpose of Ordinance 6-17 is principally for the purpose of introducing Food Stores as a permitted use in C2A zoning districts; and removing the erroneous reference to a standard for Food Stores in the PM2 zoning district.

**Background**

Rookie's Market, the last downtown grocery store, closed in 1994. In addition, the Market House has not been able to offer fresh produce, meats and cheeses, basic condiments and staples since Hurricane Isabel struck in 2003. Residents, visitors, and boaters continually request a downtown grocery store through suggestions to elected officials and responses to citizen surveys. However, the modern grocery business is very competitive and generates low profit margins. High rents in downtown Annapolis have made the success of a grocery store near City Dock almost impossible. Therefore, the City Council finds that it is desirable to encourage establishment of a grocery store in downtown Annapolis areas with more economical rents.

**Ordinance 6-17**

Ordinance 6-17 proposes that the Code of the City of Annapolis [Food Store row only] shall be amended to read as follows:

**CHAPTER 21.48 – USE TABLES**

**Section 21.48.020 - Table of Uses—Commercial and Industrial Zoning Districts.**

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District -I1
Food stores	P	P	P	P	P		P	P	P <sup>1</sup>	

**Notes:**

Uses in the PM2 district are subject to the following provisions as indicated in the table:

1. This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.
2. This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed thirty-three percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in Section 21.64.420.
3. If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.
4. ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted.

**Analysis**

"Food store" is defined as a retail establishment selling dry groceries, produce and household items, but having no food prepared on the premises for immediate consumption (Annapolis Municipal Code 21.72.D)

Because there is no food preparation, a Food Store is not considered a "Food and beverage use" and therefore is not subject to the restrictions against such uses in proximity to certain downtown streets (21.64.300.H.1).

"Food and beverage-related use" means a commercial or nonprofit enterprise engaged in the preparation and sale of food, beverages or frozen desserts. Food service may or may not be the principal business of the establishment. Food and beverage-related uses include the following uses (Annapolis Municipal Code 21.72.D):

- a. Bake shops,
- b. Candy stores,
- c. Catering establishments,
- d. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
- e. Coffee shops,
- f. Convenience stores,
- g. Delicatessens,
- h. Fast food restaurants,
- i. Food service marts,
- j. Ice cream stores,
- k. Standard restaurants,
- l. Supermarkets,
- m. Wine bars.

The “Food store” use is currently permitted in the C2 district. Expanding the use into the C2A district provides greater opportunity for the stores in a more economical retail environment.

A Food Store use meets the C2A district’s design “to serve as a transitional zone by accommodating limited commercial uses of a nature that will be compatible with the character of adjoining residential properties.” (21.42.090.A)

Section 24.64 STANDARDS FOR USES SUBJECT TO STANDARDS has no entry for, or applicable to, Food Stores. O-6-17 additionally removes the erroneous reference to a standard for Food Stores in the PM2 zoning district from the Use Table.

**Recommendation**

Based upon the information provided above, the Department recognizes that Section 21.72.010.D of the Code of the City of Annapolis defines “Food store” as “a retail establishment selling dry groceries, produce and household items, but having no food prepared on the premises for immediate consumption.” Food stores are a low-impact use compatible with the character of neighboring residential properties. Food stores are not subject to the standards, including geographic restrictions, placed on Food and beverage-related businesses within Annapolis commercial zones under Section 21.64.300 of the Code of the City of Annapolis. The Department recommends that the aforementioned specific portions of the Code of the City of Annapolis, 2016 Edition Section 21.48.020 shall be repealed and re-enacted with the suggested amendments.