



*City of Annapolis*

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## DEPARTMENT OF PLANNING AND ZONING

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DIRECTOR

**May 30, 2024**

### MEMORANDUM

**To: Planning Commission**

**From: Eric Leshinsky, Chief of Comprehensive Planning**

**Via: Christopher Jakubiak, Director**

**Re: Ordinance O-6-24: City-wide Prohibition on New Drive-through Windows**

#### **Attachments:**

- **O-6-24 First Reader**
- **O-6-24 Legislative Summary**
- **Map 1: Zoning districts where drive-through facilities are currently permitted**
- **Map 2: Drive Through Facilities currently located within the city**
- **Map 3: Vehicle crashes, 2015-2021 (from *Annapolis Ahead 2040 Draft Comprehensive Plan*)**
- **Site image of former BB&T Bank on Sixth Street**
- **Site images of existing drive-through facilities within the city**

### **SUMMARY**

This legislation would remove “Drive-through facility” as a permitted use from the City’s zoning ordinance along with the standards associated with the use. References to “drive-in window”, “drive-through window”, and “drive-through service” in the standards for several related uses would also be struck. Though not explicit in the legislation, existing Drive-through Facilities operating legally within the city today would be permitted to continue as non-conforming uses. The legislation also includes a definition for “Drive-through facility”.

## **ANALYSIS**

### ***Overview***

Drive-through facilities are a characteristic land use in lower density suburban commercial corridors where the automobile is the primary means of transport—i.e. auto-centric or auto-dependent corridors. In these areas, it is generally the case that each site or land use is separately designed to accommodate its own vehicular access and parking while the roadway's design tends to evolve to accommodate vehicles at the expense of other options such as walking, biking and transit. Some drive-through facilities fit into these contexts, at least for a while, until, that is, these corridors become congested and fail or transition to more walkable urban streets. Drive-through facilities prioritize customer convenience, over other values, and can provide it to such a degree that sometimes customers can access a variety of commercial services without ever stepping outside their cars.

However, the urban form that takes shape when auto-centric convenience is prioritized ultimately adversely impacts public safety and quality of life, contributing to congestion, delay, and the practical exclusion of those without cars. The City of Annapolis is seeking to guide a transition toward more walkable forms of community design and economic development in areas that are now auto-centric such as Upper West Street and in planned mixed use centers along Forest Drive. The City has good models of urban form to guide this transition. Some drive-through facilities may very much fit into the City's fabric through the decades ahead, while other may not. Presently there is a regulatory process for their review and not every drive-through that is proposed is approved.

The fact that drive-through facilities exist in various forms in the city speaks to the variety of social and economic benefits they offer. These benefits were evident during the COVID-19 public health emergency in which the need to social distance and provide contactless retail transactions elevated the value of drive-through facilities. Moreover, many of the population groups who were most at risk during the COVID-19 pandemic, are the same vulnerable populations who benefit from drive-through facilities under more normal circumstances: persons aged 65 and older, persons with disabilities, and persons with chronic medical conditions. Generally, drive-through facilities provide a convenient means for accessing commercial services for customers. They are highly profitable and efficient operations, particularly for restaurants. They require fewer staff to operate, less customer service, and less area to maintain and supervise. For many fast-food restaurant ventures, located in auto-centric areas, drive-through facilities are central to the economic model.

## ***Current Regulations***

Drive-through facilities vary widely in appearance, business type, and intensity of use. For example, a fast food drive-through is very different from a pharmacy drive-through. And even among fast food restaurants with drive-through facilities there are significant differences. The city today has 34 drive-through facilities which include fast food restaurants, banks, pharmacies, dry cleaners, a funeral home, and numerous automotive services such as car washes and oil change shops. These businesses are concentrated, not surprisingly along the city's highest volume and most auto-centric corridors, namely Forest Drive and West Street.

The path to opening a drive-through facility in the city is highly regulated. In addition to the city's own development regulations, the Anne Arundel County Department of Public Works reviews the traffic impacts associated with drive-through facilities on Forest Drive, and MDOT/SHA does the same for drive-through facilities on West Street (MD 450) and other State-owned roadways within the city. In the last ten years, the city has seen four new construction drive-through facilities permitted but none in the last five years.

The City's zoning ordinance allows for drive-through facilities within nine different zoning districts but only as an accessory use to primary uses that are either permitted and subject to standards or permitted by special exception and subject to standards. Moreover, when the drive-through facility is an accessory use to a primary use that is permitted by special exception, the drive-through facility must also be permitted by special exception.

Map 1 (attached) shows the zoning districts where drive through facilities are permitted by zoning. These districts are concentrated in Upper West Street and along Forest Drive but are also located in lesser auto-centric places such as Eastport. Currently however zoning prevents drive-through facilities in the vast majority of the city.

Map 2 (attached) shows that the 34 drive-through facilities in Annapolis are predominantly situated along major roadways

Current standards require an applicant to prepare a traffic impact study, which comes at a significant cost to the applicant, and any impacts identified must be mitigated. Another standard requires applicants to "not negatively impact pedestrian circulation" which generally places a responsibility on the applicant to exceed basic streetscape standards to ensure pedestrian safety and convenience. In addition, most new drive-through facilities are part of developments of a scale that trigger Major Site Design Review which requires community input and Planning Commission approval as part of the permitting process.

In short, the combination of use and design standards and community process in the City's zoning ordinance and review protocols by other agencies provides multiple mechanisms for preventing drive-through facilities that pose adverse impacts that cannot be sufficiently mitigated.

### ***Conclusion***

Drive-through facilities currently serve a commercial purpose and they are part of corridors that are transitioning into a more walkable environments. The City has yet to create the streetscape standards or protocols to better guide walkable and less automobile-oriented development along its major corridors where drive-through facilities have historically proliferated. Where the city has created these type of standards-- Downtown, Inner West Street, Eastport, for example-- drive-through facilities no longer make any practical economic sense as a land use. By eliminating the drive-through facility use from the City's zoning ordinance outright, we risk eliminating a building type that has broad convenience benefits for the general public including for some of the city's most vulnerable populations without having standards in place to yield something different.

The current legislation does not adequately address the wide variety of drive-through facilities that exist today. This land use warrants legislation that is more nuanced, which might address, for example, drive-through facilities at restaurants in a way that does not limit a drive-through facility at a pharmacy.

### **CODE COMPLIANCE AND RECOMMENDATION**

Based on the above analysis, the staff does not recommend approval of the proposed O-6-24.

Report Prepared by:



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Eric Leshinsky AICP  
Chief of Comprehensive Planning

1 **..Title**

2 **City-wide Prohibition on New Drive-through Windows** – For the purpose of prohibiting new  
3 drive-through window facilities that allow people to remain in vehicles while receiving products  
4 or services; eliminating City Code references to drive-through windows and facilities; and  
5 generally related to drive-through facilities in Annapolis.

6 **..Body**

7 **CITY COUNCIL OF THE**  
8 **City of Annapolis**

9  
10 **Ordinance 6-24**

11 **Introduced by: Ald. Savidge**

12 **Co-sponsored by: Mayor Buckley, Ald. Schandelmeier**

13  
14  
15 **Referred to:**

16 Planning Commission

17 Rules and City Government Committee

18  
19 **AN ORDINANCE** concerning

20  
21 **City-wide Prohibition on New Drive-through Windows**

22  
23 **FOR** the purpose of prohibiting new drive-through window facilities that allow people to remain  
24 in vehicles while receiving products or services; eliminating City Code references to drive-  
25 through windows and facilities; and generally related to drive-through facilities in  
26 Annapolis.

27  
28 **BY** repealing and reenacting with amendments the following portions of the Code of the City  
29 of Annapolis, 2024 Edition:

30 **21.64.230**

31 **21.48.020**

32 **21.48.030**

33 **21.65.220**

34 **21.64.230**

35 **21.64.420**

36 **21.64.530**

37 **21.64.540**

38 **21.66.130**

39 **21.70.080**

40 **21.72.010**

41  
42  
43 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
44 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

45 **Title 21- PLANNING AND ZONING**

46 **Chapter 21.64 - Standards for Uses Subject to Standards**

47 **Section 21.64.230 - ~~Drive-through facilities associated with permitted or special exception uses.~~**

48  
49 **~~21.64.230 – Drive-through facilities associated with permitted or special exception uses.~~**

50 The following standards shall apply:-

- 51 ~~A. A site design plan for the use is required.~~
- 52 ~~B. Drive through windows are only permitted upon the preparation and approval of a traffic-~~  
53 ~~impact study and the mitigation of identified impacts.~~
- 54 ~~C. Sufficient stacking room for vehicles waiting to enter the drive thru shall be provided as~~  
55 ~~determined appropriate through the site design review process.~~
- 56 ~~D. Drive thru windows shall only be located on the side or rear façade of a building.~~
- 57 ~~E. The location of drive thru facilities shall not negatively impact pedestrian circulation.~~

58  
59 **21.64.230 - Drive-through facilities prohibited.**

60 Drive-through facilities are prohibited in the City of Annapolis.

61

62 **Title 21- PLANNING AND ZONING**

63 **Chapter 21.48 - Uses Table**

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

65

| Uses   | District B1      | District B2                | District B3                | District B3-CD             | District BCE               | District BR                | District C2  | District C2A | District PM2     | District I1                |
|--|------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|--------------|--------------|------------------|----------------------------|
| <del>Drive-through facilities and walkups associated with permitted or special exception uses.</del> | <del>P-Std</del> | <del>P-Std<br/>S-Std</del> | <del>P-Std<br/>S-Std</del> | <del>P-Std<br/>S-Std</del> | <del>P-Std<br/>S-Std</del> | <del>P-Std<br/>S-Std</del> | <del>*</del> | <del>*</del> | <del>P-Std</del> | <del>P-Std<br/>S-Std</del> |

66 Notes:

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

68 1. This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property  
69 zoned R1, R1A, R1B or R2.

70 2. This use is permitted as an incidental use in a structure that contains business, professional or governmental  
71 offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the  
72 first floor of a multistory structure; except, that in no case shall it exceed thirty-three percent of the total gross  
73 floor area. This use is considered a neighborhood convenience use and is subject to standards given in Section  
74 21.64.420.

75 ~~3. If the principal use with which the drive thru facility is associated is a special exception use, then the drive thru~~  
76 ~~facility requires special exception approval.~~

77 4. ~~ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-~~  
 78 ~~through facilities are not permitted.~~

79  
80

81 **Section 21.48.030 Table of Uses—Office and Mixed Use Zoning Districts.**

| Uses  | District<br>P | District<br>MX | District<br>PM   | District<br>C2P |
|---|---------------|----------------|------------------|-----------------|
| <del>Drive-through facilities associated with permitted or special exception uses</del> |               |                | <del>S-Std</del> |                 |

82 Footnotes:

83 ~~\* If the principal use with which the drive thru facility is associated is a special exception use, then the drive thru~~  
 84 ~~facility requires special exception approval.~~

85

86 **21.64.220 Delicatessens.**

87 Delicatessens are subject to the general standards for food and beverage-related uses. The  
 88 following additional standards apply:

- 89 A. Delicatessens may not have bars, dancing, or live entertainment, ~~or drive in windows.~~
- 90 B. The service of alcoholic beverages shall be limited to beer and wine only, served on  
 91 premises with meals, or sold prepackaged for off-premises consumption.
- 92 C. In the WMI-district, delicatessens are only permitted as an accessory use on lots  
 93 without access to the bulkhead, and are limited to one thousand square feet gross floor  
 94 area.
- 95 D. In the WME-district, delicatessens are only permitted as an accessory use on lots  
 96 greater than ten thousand square feet in area, and are limited to one thousand square  
 97 feet gross floor area.

98

99 ~~**21.64.230 Drive-through facilities associated with permitted or special exception uses.**~~

100 ~~The following standards shall apply:~~

- 101 ~~A. A site design plan for the use is required.~~
- 102 ~~B. Drive through windows are only permitted upon the preparation and approval of a~~  
 103 ~~traffic impact study and the mitigation of identified impacts.~~
- 104 ~~C. Sufficient stacking room for vehicles waiting to enter the drive thru shall be provided~~  
 105 ~~as determined appropriate through the site design review process.~~
- 106 ~~D. Drive thru windows shall only be located on the side or rear façade of a building.~~
- 107 ~~E. The location of drive thru facilities shall not negatively impact pedestrian circulation.~~

108

109 **Section 21.64.420 Neighborhood convenience shopping uses in the PM2 district.**

- 110 A. Applicability. The standards in this section apply to the following uses:
- 111 1. Food stores,
- 112 2. Personal care establishments,
- 113 3. Pet grooming facility,
- 114 4. Retail goods stores, and
- 115 5. Specialty convenience retail goods stores.
- 116 B. A site design plan for the use is required.
- 117 C. Appropriate sound suppression techniques shall be employed to ensure that the level of  
118 noise emanating from within any establishment will not disturb the quiet and enjoyment  
119 of property in any nearby residential zoning districts.
- 120 D. Loitering is not permitted around the exterior of any use.
- 121 E. Kitchens shall be designed, maintained and operated in a manner to minimize noise and  
122 odors, as per Title 17.
- 123 F. Within an establishment live entertainment is not allowed and any recorded music shall  
124 be limited to background variety only.
- 125 G. Hours of deliveries shall be limited, to the extent feasible, based upon proximity of the  
126 development to residential land uses and if commercial vehicles require the use of  
127 primarily residential roadways to access the commercial development.
- 128 ~~H. Drive through windows are only permitted upon the preparation and approval of a traffic-~~  
129 ~~impact study and the mitigation of identified impacts.~~
- 130 I. Trash.
- 131 1. All trash and refuse shall be stored in self-enclosed trash storage areas. These  
132 trash storage areas shall be located either within the establishment or within the  
133 structure on which the establishment is located, or shall consist of a properly  
134 screened and maintained dumpster on the property on which the establishment is  
135 located.
- 136 2. Except where trash is placed in accordance with Subsection (I)(1) of this section,  
137 trash receptacles shall not be placed outside for pick-up until one-half hour prior  
138 to the scheduled pick-up time and shall be removed within one-half hour after  
139 trash pick-up.
- 140 3. The cleanliness of all trash storage areas and all sidewalks adjoining the  
141 establishment shall be maintained.

142  
143  
144

**Section 21.64.530 Restaurants, fast food.**

145 Fast food restaurants are subject to the general standards for food and beverage-related uses.  
146 The following additional standards apply:

- 147 A. Fast-food restaurants may have sit-down seating and delivery service, but may not  
148 provide dancing, live entertainment, the service of alcoholic beverages, or a bar.
- 149 B. Outdoor dining may be permitted.
- 150 C. ~~Drive through service may be permitted, except in the MX district.~~

151

152 **Section 21.64.540 Restaurants, standard.**

153 Standard restaurants, as defined in Title 21, Section 21.72.010, are subject to food- and  
154 beverage-related uses set in Title 21, Section 21.64.300, but the following additional standards  
155 shall also apply:

- 156 A. General Standards for Standard Restaurants. Except as otherwise provided in this section  
157 the following standards apply:
  - 158 1. ~~Drive through service is not permitted~~
  - 159 2. ~~Catering or delivery service may be permitted as an accessory use.~~
  - 160 3. Rooftop dining where allowed is subject to the following:

161

162

163 **Section 21.70.080 Signs in non-residential districts.**

164 A. General Standards.

- 165 1. An integrated sign program is required for all commercial office complexes,  
166 shopping centers, and multi-tenant facilities. Individual signs shall be reviewed  
167 for conformity with the integrated sign program whether newly established or  
168 existing.
- 169 2. Pole signs may have no more than two faces.
- 170 3. Two-faced signs must be double faced back-to-back.
- 171 4. Signs may not be placed along any side or rear lot line within a required  
172 bufferyard.

173 B. Permitted Signs.

- 174 1. Sign Table 1 lists the types of signs that are permitted in non-residential zoning  
175 districts.
- 176 2. Sign Table 2 sets forth the regulations for permitted signs in non-residential  
177 zoning districts.
- 178 3. Signs for residential uses, professional offices or studios, colleges, religious  
179 institutions, schools, and similar institutions, where these uses are permitted in

180 non-residential zoning districts, are permitted pursuant to the regulations for these  
181 signs in residential districts.

182 ~~4. For drive thru facilities, in addition to other signage allowed for the specific use, a~~  
183 ~~menuboard in the drive thru lane is allowed as determined appropriate through the~~  
184 ~~site design review process.~~

185

186 **Section 21.72.010 - Terms**

187 "Director of Planning and Zoning" shall be read to include his or her designee.

188 "Drive-through facilities" means any vehicular aisle or opening in the wall of a building  
189 or structure used or intended to be used to provide for sales and/or service to patrons who  
190 remain in their vehicles.

191 "Dwelling" means a building, or portion of a building, designed or used exclusively for  
192 residential occupancy. Includes the following unit types:

193

194 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
195 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.



# LEGISLATIVE SUMMARY

O-6-24

City-wide Prohibition on New Drive-through Windows

This summary was prepared by the City of Annapolis Office of Law for use by members of the Annapolis City Council during consideration of the legislation.

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## **BILL SUMMARY**

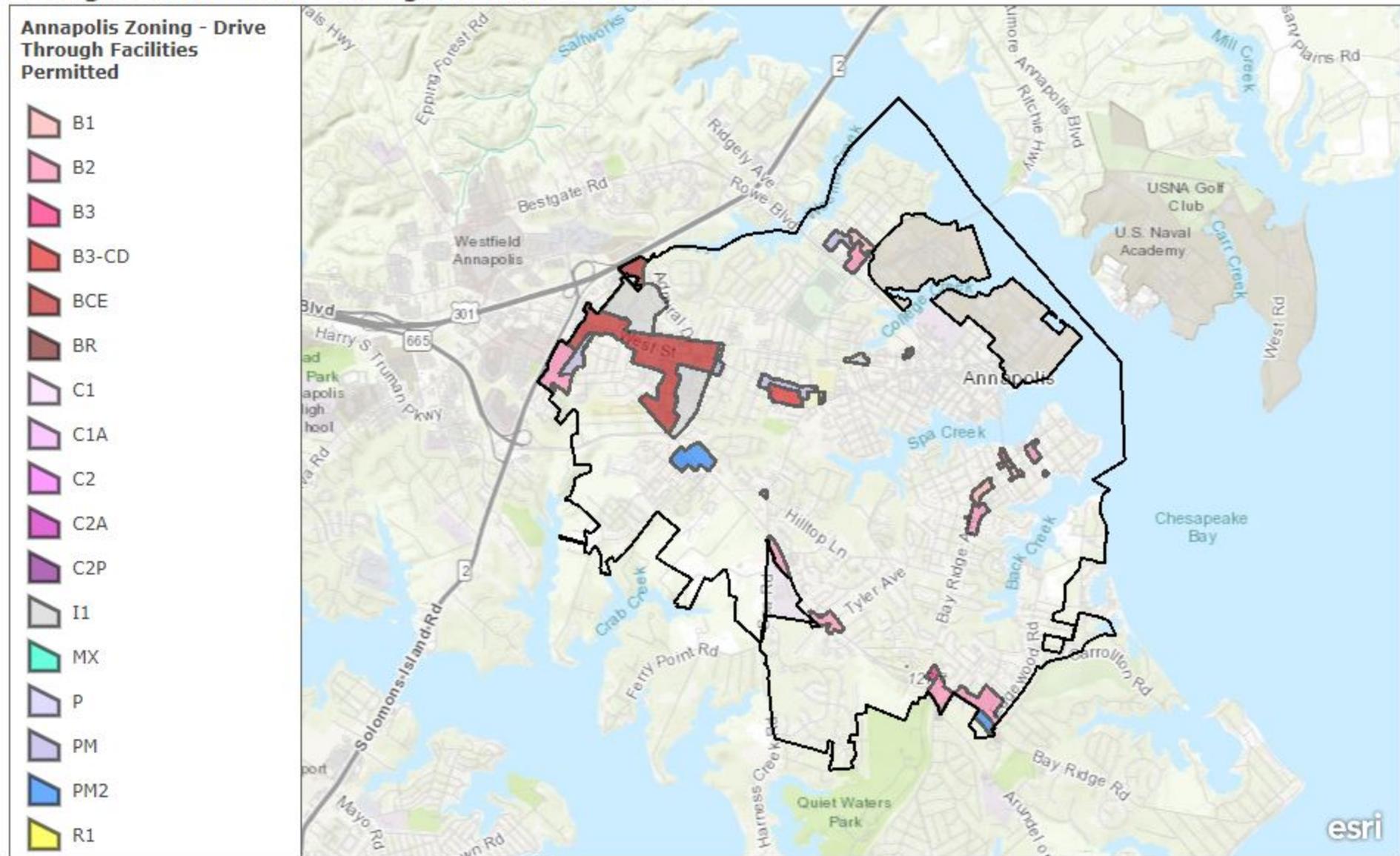
O-6-24 bars **new** construction of drive-through windows in the City of Annapolis.

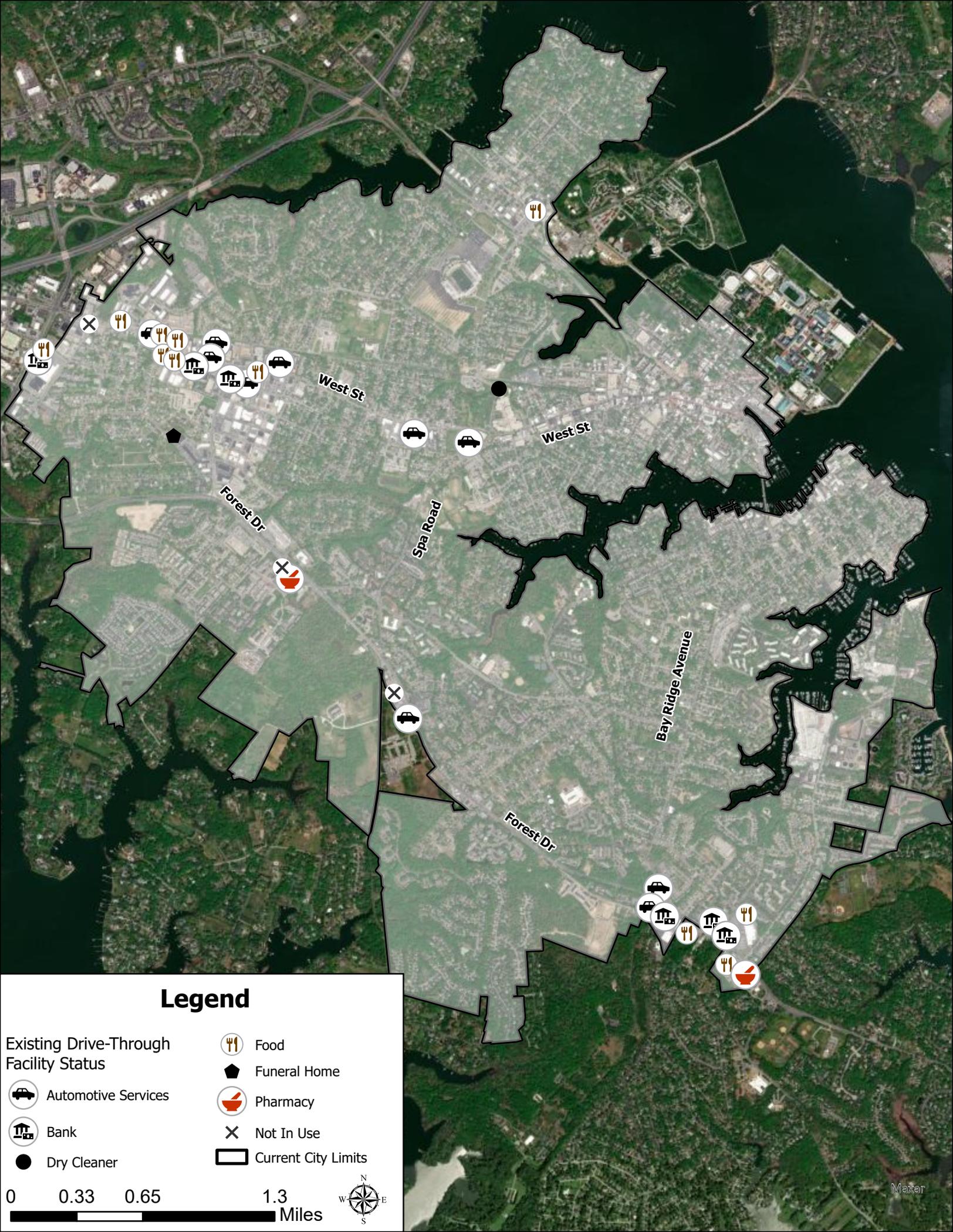
This includes businesses such as fast-food restaurants, banks, and pharmacies that use vehicle drive-up windows to serve customers.

The bill also eliminates all the provisions that allowed the use of drive-through windows in the City Code.

Existing Annapolis businesses with drive-through windows can keep and use their windows. The windows will be considered non-conforming uses that have already been approved.

# Zoning Districts - Drive Through Facilities Permitted





## Legend

Existing Drive-Through Facility Status

 Automotive Services

 Bank

 Dry Cleaner

 Food

 Funeral Home

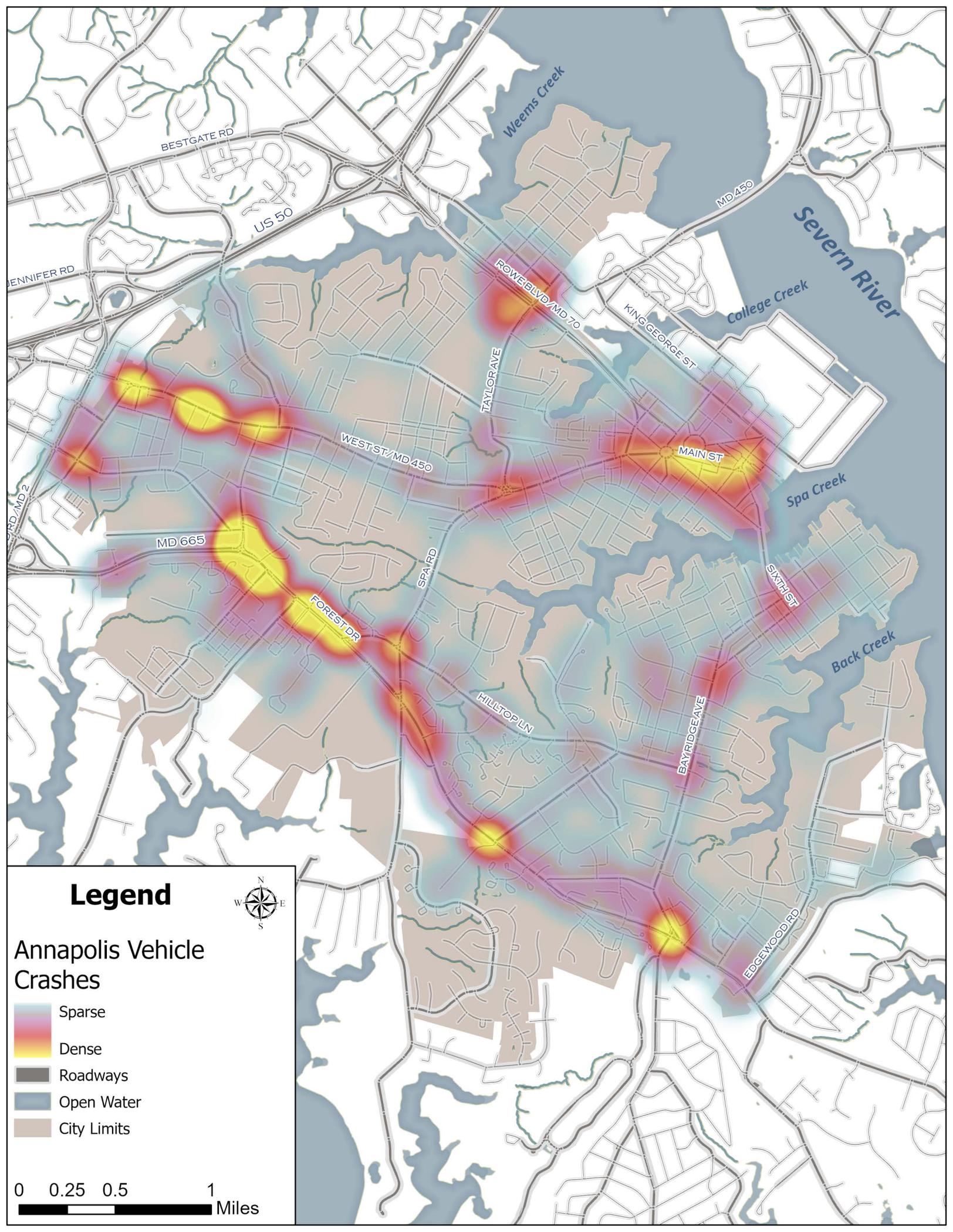
 Pharmacy

 Not In Use

 Current City Limits

0 0.33 0.65 1.3 Miles





BESTGATE RD

US 50

Weems Creek

MD 450

Severn River

JENNIFER RD

ROWE BLVD / MD 70

KING GEORGE ST

College Creek

WEST ST / MD 450

TAYLOR AVE

MAIN ST

Spa Creek

MD 665

FOREST DR

SPA RD

SIXTH ST

HILLTOP LN

Back Creek

BAY RIDGE AVE

EDGEWOOD RD

### Legend



### Annapolis Vehicle Crashes

- Sparse
- Dense
- Roadways
- Open Water
- City Limits

0 0.25 0.5 1 Miles

former BB&T Bank, 418 Sixth Street



# City of Annapolis Drive-Through Facilities, 2024

*Images from Google Street View*

(some images are outdated and do not reflect current use of drive-through)

**Banks**

# 1917 West St - Shore United Bank



# 920 Bay Ridge Road – CP Morgan Chase (recently renovated)



# 1835 West St - Essex Bank



# 101 Hillsmere Drive - Truist



# 260 Solomons Island Rd - M&T Bank



# 930 Bay Ridge Rd - Wells Fargo



**Restaurants**

# 934 Bay Ridge Rd - Dunkin



# 970 Bay Village Drive - Starbucks



# 1972 West St - Arby's (under renovation)



# 1949 West St - Wendy's (under renovation)



# 1941 West St - McDonald's



# 1952 West St - Burger King



# 2010 West St - Dunkin



# 1803 West St - Taco Bell



# 4 Ridgely Ave - Rutabaga



# 2025 Somerville Rd - Chick-fil-A

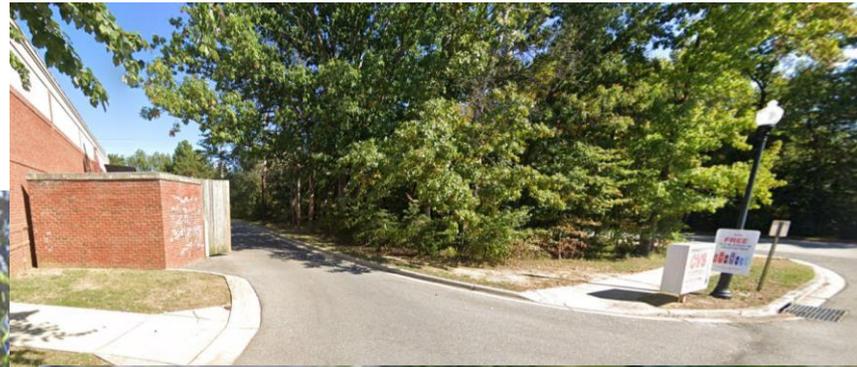


# Pharmacies

# 975 Bay Ridge Rd - CVS



# 503 S Cherry Grove Ave - CVS



# Automotive Services

# 1833 West St - Audi Annapolis (Car Dealer & Service)



# 1980 West St - Jiffy Lube (Vehicle Repair)



# 1918 West St Autobell Car Wash



# 2232 Bay Ridge Avenue - Shell Gas (Service Station & Car Wash)



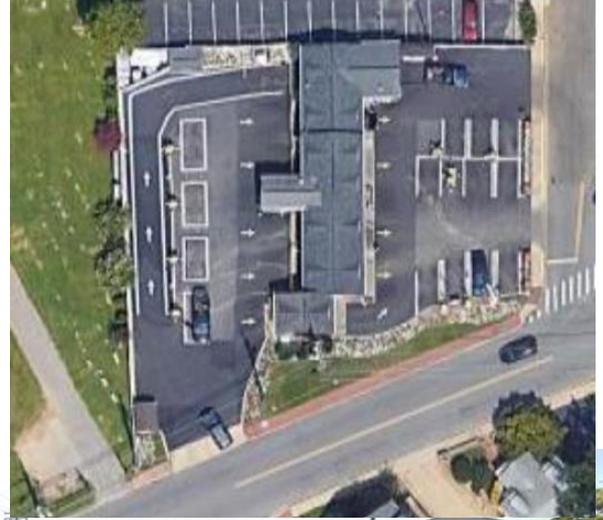
# 1000 Forest Dr - Quiet Waters Exxon (Service Station & Car Wash)



# 1922 West St - Valvoline (Vehicle Repair)



# 820 Spa Rd - Water Work Car Wash



# 1401 Forest Drive - Ecoxpress Wash (Car Wash)



# 1720 West St - Honda Of Annapolis (Vehicle Repair)



# Funeral Home

# 1924 Forest Drive - BP Car Wash (Service Station and Car Wash)



**Drive-Through Facilities - Not in Use**

# 501 S. Cherry Grove - unoccupied



2015 West St - Currently an office; drive thru is not in use



1419 Forest Dr - Currently a deli; drive thru is not in use



# 418 Sixth Street- Currently Nancy Hammond Editions

