

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, Aids. Schandelmeier, Gay**

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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**

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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.~~

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

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

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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**

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

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.~~

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

Uses	District P	District MX	District PM	District C2P
Drive-through facilities associated with permitted or special exception uses			S-Std	

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.~~

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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.

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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.~~

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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.

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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.~~

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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:

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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.~~

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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:

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