



Legislation Details (With Text)

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**File created:** 1/30/2017      **In control:** City Council  
**On agenda:** 5/22/2017      **Final action:** 5/22/2017  
**Title:** Food Stores in C2A Districts - 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.  
**Sponsors:** Joe Budge  
**Indexes:** Planning Commission, Rules and City Government Committee  
**Code sections:**  
**Attachments:** 1. O-6-17 Food Stores in C2A Districts.pdf, 2. O-6-17 Locations of C2A Districts.pdf, 3. O-6-17 Staff Report.pdf, 4. O-6-17 P&Z Staff Report to PC.pdf, 5. O-6-17 PC Findings.pdf, 6. O-6-17 Fiscal Impact.pdf, 7. O-6-17 SIGNED.pdf

Date	Ver.	Action By	Action	Result
5/22/2017	1	City Council	adopt on second reader	Pass
5/9/2017	1	Rules & City Government Committee	recommend favorably	Pass
4/24/2017	1	City Council	declare the public hearing closed	
2/13/2017	1	City Council	adopt on first reader	Pass

**Food Stores in C2A Districts** - 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.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 6-17**

**Introduced by: Alderman Budge**

**Referred to:**  
**Planning Commission**  
**Rules and City Government Committee**

**AN ORDINANCE** concerning

**Food Stores in C2A Districts**

**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.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2016 Edition

Section 21.48.020

**WHEREAS,** Rookie’s Market, the last downtown grocery store, closed in 1994; and

**WHEREAS,** Market House has not been able to offer fresh produce, meats and cheeses, basic condiments and staples since Hurricane Isabel struck in 2003; and

**WHEREAS,** residents, visitors, and boaters continually request a downtown grocery store through suggestions to elected officials and responses to citizen surveys ; and

**WHEREAS,** the modern grocery business is very competitive, having low profit margins; and

**WHEREAS,** high rents in downtown Annapolis have made the success of a grocery store near City Dock almost impossible; and

**WHEREAS,** the City Council finds that it is desirable to encourage establishment of a grocery store in downtown Annapolis areas with more economical rents; and

**WHEREAS,** 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;” and

**WHEREAS,** Food stores are a low-impact use compatible with the character of neighboring residential properties; and

**WHEREAS,** Food stores are not subject to the standards, including geographic restrictions, placed on food service businesses within Annapolis commercial zones under Section 21.64.300 of the Code of the City of Annapolis.

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis 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
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Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A
Adult book stores			S-Std	S-Std	S-Std					
Amusement establishments, indoor			P	P	P					
Animal hospitals, including veterinarian offices			S	S	P					
Antenna towers										P-Std, S-Std
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Antique stores	P	P	P	P	P	P	P	P	P <sup>1</sup>	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P	P	P	P	P	P	P	P <sup>1</sup>	
Arts and crafts stores	P	P	P	P	P	P	P	P	P <sup>1,2</sup>	
Arts or cultural centers					P					
Arts and crafts studios	P	P	P	P	P					
Auction rooms			P	P	P					
Bake shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std <sup>1</sup>	
Bakeries										P
Banks and financial institutions	S-Std	P	P	P	P	P	P	P	P <sup>1,2</sup>	
Bars and taverns		S	S	S	S		S			
Bicycle sales, rental and repair stores	P	P	P	P	P	P	P	P		
Boat showrooms			P	P	P					
Building materials sales and storage			S	S	P					P
Cab stands including dispatch offices and related parking facilities					S					
Candy stores, where only candy prepackaged off the premises is sold	P	P	P	P	P	P	P-Std			
Candy stores including candy making	S-Std	S-Std	S-Std	S-Std		P-Std	P-Std		P-Std <sup>1</sup>	
Carpet and rug stores, retail sales only		P	P	P	P	P	P	P	P <sup>1</sup>	
Catering establishments, where no food, beverages and/or desserts are sold on the premises	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std			P-Std
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities		P	P	P	P	P	P	P		
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		S-Std	S-Std	S-Std		P-Std				
Coffee shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	

Contractors', architects' and engineers' offices, shops and yards			S	S						P
Convenience stores	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std			P-Std <sup>1</sup>	
Day care centers, group					P				P-Std	
Day care centers, group, in conjunction with a principal religious institution		S-Std								
Delicatessen	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std <sup>1,2</sup>	
Department stores		P	P	P	P		P			
Drive-through facilities and walkups associated with permitted or special exception uses	P-Std <sup>3</sup>	P-Std S-Std <sup>3</sup>	P-Std S-Std <sup>3</sup>	P-Std S-Std <sup>3</sup>	P-Std S-Std <sup>3</sup>	P-Std S-Std <sup>3</sup>			P-Std	P-Std S-Std <sup>3</sup>
Dry cleaning and laundry drop off and pick up stations	P	P	P	P	P		P	P		
Dry cleaning and laundry establishments		P	P	P	P				P <sup>1,2</sup>	P
Dwellings, multi-family					P-Std	P	S		S	
Dwellings, single-family attached							S		S	
Dwellings, single-family detached	P						S		P	
Dwellings, two-family							S		P	
Dwellings above the ground floor of nonresidential uses	P	P			P		P	P		
Dwellings for watchmen and their families, located on the premises where they are employed in that capacity			P	P						P
Electronic and scientific precision instruments manufacturing										P
Exterminating shops										P
Food manufacture, packaging and processing										P
Food service mart	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std <sup>2</sup>	
Food stores	P	P	P	P	P		P	P	P-Std <sup>1</sup>	
Furniture stores		P	P	P	P		P	P	P <sup>1</sup>	
Garden supply, tool and seed stores	P-Std	P	P	P	P	P	P	P	P <sup>1</sup>	
Governmental uses										
Offices	P	P	P	P	P	P	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S	S	S	S	S	S	S
Public schools and colleges	P	P	P	P	P	P	P	P	P	P
Greenhouses and nurseries			P	P	P					P
Group homes	S	S	S	S			S			
Home improvement stores		P			P				P <sup>1</sup>	

Hotels		S	S	S	S		S			
Ice cream stores	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std <sup>1</sup>	
Inns		S	S	S	S		S			
Institutions for the care of the aged					P-Std					
Kennels			S	S						
Laboratories, including medical, dental, research and testing			P	P	P	P			P <sup>1</sup>	P
Launderettes, automatic, self-service	P	P	P	P	P	P	P	P	P <sup>1</sup>	
Light manufacturing										P
Liquor store		P	P	P	S		P	P		
Mailing service establishments				P						P
Massage parlors			S	S						
Motels		S	S	S	S		S			
Motor vehicle and automobile uses										
Automobile parts and accessory stores					P		P	P		
Car wash		S	S	S	S					
Motor vehicle storage, repair and service facilities		S	P	P	P					P
Motor vehicle sales			P	P	P					
Motor vehicle rental					P					
Service stations, including fuel sales		S	S	S	S					
Museums and art galleries		P	P	P	P	P	P	P	P	
Nautical shops, retail trade					P	P	P	P	P <sup>1</sup>	
Office and business service establishments		P	P	P	P	P	P	P	P <sup>1,2</sup>	
Offices, business and professional, and nonprofit, educational, cultural, or civic	P	P	P	P	P	P	P	P	P	
Offices, medical		P	P	P	P				P <sup>1,2</sup>	P
Parking lots, other than accessory	S	S	S	S	S		S			P
Parking garages							S			
Personal care establishments	P	P	P	P	P	P	P	P	P - Std <sup>1,2</sup>	
Pet grooming facility	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std <sup>1,2</sup>	
Photocopying and reproduction services, including blueprinting						P				
Personal fitness studios	P	P	P	P	P	P	P	P	P	P
Physical health facilities, including health clubs and spas		P	P	P	P	P			P <sup>1,2</sup>	

gymnasium										
Planned developments, business and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std					P-Std
Printing and publishing establishments										P
Religious institutions, including churches, chapels, mosques, temples, and synagogues		S	S	S	P	P			P	
Research and development businesses						S				
Restaurant, fast food		S-Std	S-Std	S-Std	S-Std					
Restaurant, standard	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std	P-Std	S-Std		P-Std <sup>1,2</sup>	
Retail goods stores		P	P	P	P	P	P	P	P-Std <sup>1</sup>	
Schools, private, elementary, middle, or high					P					
Schools, commercial, trade, vocational, music, dance, or art	P	P	P	P	P	P	P	P		P
Sidewalk cafés	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std	P-Std
Specialty convenience retail goods stores	P	P	P	P	P	P	P	P	P-Std <sup>1,2</sup>	
Storage other than accessory to permitted uses			S	S						
Supermarkets	P-Std	S-Std	P-Std	S-Std	P-Std	S-Std	P-Std	S-Std	P-Std	P-Std <sup>1</sup>
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P	P		P				P	P
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		S	S	S	P		S	S		
Theaters, indoor, located in shopping centers		P-Std	P-Std	P-Std	P					
Tobacco shops		P	P	P	P	P	P	P	P <sup>1</sup>	
Undertaking establishments and funeral parlors		P	P	P	P					
Veterinarian offices					P					
Warehousing, storage and distribution facilities, including moving and storage establishments			S	S	P					P

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.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.