Legislation Details (With Text)

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File created:	3/26/2024			**In control:**	City Council
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Title:	City-wide Prohibition on New Drive-through Windows - For the purpose of prohibiting new drive-through window facilities that allow people to remain in vehicles while receiving products or services; eliminating City Code references to drive-through windows and facilities; and generally related to drive -through facilities in Annapolis.				
Sponsors:	Rob Savidge, Brooks Schandelmeier, Gavin Buckley, Dajuan K. Gay				
Indexes:	Planning Commission, Rules and City Government Committee				
Code sections:					
Attachments:	1. O-6-24 First Reader, 2. O-6-24 Legislative Summary, 3. O-6-24 Fiscal Impact Note, 4. O-6-24 Staff Report, 5. O-6-24 Staff Report to Planning Commission with Attachments, 6. O-6-24 Equity Report, 7. O-6-24 Drive thru prohibition - sponsor position paper, 8. O-6-24 Planning Commission Findings, 9. O-6-24 Testimony from Restaurant Assoc. of MD - Annapolis, 10. O-6-24 Signed (color), 11. O-6-24 Signed (b&w)				

Date	Ver.	Action By	Action	Result
11/20/2024	1	Economic Matters Committee	recommend favorably	Pass
11/1/2024	1	Rules and City Government Committee	recommend favorably	Pass
10/16/2024	1	Economic Matters Committee	postpone	Pass
10/4/2024	1	Rules and City Government Committee	postpone	Pass
9/18/2024	1	Economic Matters Committee	postpone	Pass
9/9/2024	1	City Council	declare the public hearing closed	
7/8/2024	1	City Council	postpone	Pass
4/29/2024	1	City Council	adopt on first reader	Pass
4/29/2024	1	City Council	refer to Annapolis Education Commission	
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City-wide Prohibition on New Drive-through Windows - For the purpose of prohibiting new drive-through window facilities that allow people to remain in vehicles while receiving products or services; eliminating City Code references to drive-through windows and facilities; and generally related to drive-through facilities in Annapolis.

CITY COUNCIL OF THE

City of Annapolis

Ordinance 6-24

Introduced by: Ald. Savidge

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Co-sponsored by: Mayor Buckley, Alds. Schandelmeier, Gay

Referred to:
Planning Commission
Rules and City Government Committee

AN ORDINANCE concerning

City-wide Prohibition on New Drive-through Windows

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

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2024 Edition:
21.64.230
21.48.020
21.48.030
21.65.220
21.64.230
21.64.420
21.64.530
21.64.540
21.66.130
21.70.080
21.72.010

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:

Title 21- PLANNING AND ZONING

Chapter 21.64 - Standards for Uses Subject to Standards

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

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

~~The following standards shall apply:~~

~~A. A site design plan for the use is required.~~

~~B. Drive-through windows are only permitted upon the preparation and approval of a traffic-impact study and the mitigation of identified impacts.~~

~~C. Sufficient stacking room for vehicles waiting to enter the drive-thru shall be provided as determined appropriate through the site design review process.~~

~~D. Drive-thru windows shall only be located on the side or rear façade of a building.~~

~~E. The location of drive-thru facilities shall not negatively impact pedestrian circulation.~~

21.64.230 - Drive-through facilities prohibited.

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

Title 21- PLANNING AND ZONING
Chapter 21.48 - Uses Table
Section 21.48.020 - Table of Uses - Commercial and Industrial Zoning Districts

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[3]~~	~~P-Std S-Std[3]~~	~~P-Std S-Std[3]~~	~~P-Std S-Std[3]~~	~~P-Std S-Std[3]~~	~~P-Std S-Std[3]~~	[4]	[4]	~~P-Std~~	~~P-Std S-Std[3]~~

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 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[1]~~	

Footnotes:

~~[1] 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.~~

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21.64.220 Delicatessens.

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

A. Delicatessens may not have bars, dancing, or live entertainment~~, or drive-in windows~~.

B. The service of alcoholic beverages shall be limited to beer and wine only, served on premises with meals, or sold prepackaged for off-premises consumption.

C. In the WMI-district, delicatessens are only permitted as an accessory use on lots without access to the bulkhead, and are limited to one thousand square feet gross floor area.

D. In the WME-district, delicatessens are only permitted as an accessory use on lots greater than ten thousand square feet in area, and are limited to one thousand square feet gross floor area.

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

~~The following standards shall apply:~~

~~A. A site design plan for the use is required.~~

~~B. Drive-through windows are only permitted upon the preparation and approval of a traffic-impact study and the mitigation of identified impacts.~~

~~C. Sufficient stacking room for vehicles waiting to enter the drive-thru shall be provided as determined appropriate through the site design review process.~~

~~D. Drive-thru windows shall only be located on the side or rear façade of a building.~~

~~E. The location of drive-thru facilities shall not negatively impact pedestrian circulation.~~

Section 21.64.420 Neighborhood convenience shopping uses in the PM2 district.

A. Applicability. The standards in this section apply to the following uses:

1. Food stores,
2. Personal care establishments,
3. Pet grooming facility,
4. Retail goods stores, and
5. Specialty convenience retail goods stores.

B. A site design plan for the use is required.

C. Appropriate sound suppression techniques shall be employed to ensure that the level of noise emanating from within any establishment will not disturb the quiet and enjoyment of property in any nearby residential zoning districts.

D. Loitering is not permitted around the exterior of any use.

E. Kitchens shall be designed, maintained and operated in a manner to minimize noise and odors, as per

Title 17.

F. Within an establishment live entertainment is not allowed and any recorded music shall be limited to background variety only.

G. Hours of deliveries shall be limited, to the extent feasible, based upon proximity of the development to residential land uses and if commercial vehicles require the use of primarily residential roadways to access the commercial development.

H. ~~Drive-through windows are only permitted upon the preparation and approval of a traffic-impact study and the mitigation of identified impacts.~~

~~I.~~ Trash.

1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located.

2. Except where trash is placed in accordance with Subsection (I)(1) of this section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick -up time and shall be removed within one-half hour after trash pick-up.

3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.

Section 21.64.530 Restaurants, fast food.

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

A. Fast-food restaurants may have sit-down seating and delivery service, but may not provide dancing, live entertainment, the service of alcoholic beverages, or a bar.

B. Outdoor dining may be permitted.

~~C.~~ ~~Drive-through service may be permitted, except in the MX district.~~

Section 21.64.540 Restaurants, standard.

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

A. General Standards for Standard Restaurants. Except as otherwise provided in this section the following standards apply:

1. ~~Drive-through service is not permitted~~
~~2.~~ Catering or delivery service may be permitted as an accessory use.
~~3~~2. Rooftop dining where allowed is subject to the following:

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Section 21.70.080 Signs in non-residential districts.

A. General Standards.

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

B. Permitted Signs.

1. Sign Table 1 lists the types of signs that are permitted in non-residential zoning districts.
2. Sign Table 2 sets forth the regulations for permitted signs in non-residential zoning districts.
3. Signs for residential uses, professional offices or studios, colleges, religious institutions, schools, and similar institutions, where these uses are permitted in non-residential zoning districts, are permitted pursuant to the regulations for these signs in residential districts.
4. ~~For drive-thru facilities, in addition to other signage allowed for the specific use, a menuboard in the drive-thru lane is allowed as determined appropriate through the site design review process.~~

Section 21.72.010 - Terms

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

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

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

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

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