Sponsor position paper

O-6-24 - City-wide Prohibition on New Drive-through Windows

By Alderman Robert Savidge, Sponsor of O-6-24 & Environmental Matters Committee Chairman, and Alderman Brooks Schandelmeier, O-6-24 Co-sponsor & Economic Matters Committee Chairman

Rationale for legislation

As is evident from our recently adopted 2040 Comprehensive Plan, we are making a shift towards making our City more pedestrian- & cyclist-friendly, encouraging mixed-use development, supporting outdoor pedestrian shopping and retail experiences, and reducing carbon emissions. Continuing to allow auto-centric development like drive-throughs runs counter to those goals. While drive-throughs may have limited convenience to a small subset of the population, they bring with them a significant number of consequences to everyone else, including traffic backups, dangers to pedestrians and cyclists, incompatible with mixed-use development, noise and air pollution, and more impervious surfaces and associated stormwater runoff. That is why numerous jurisdictions around the Country, listed below, have taken steps to prohibit new drive-throughs. The sponsors of this legislation seek to follow in their steps. If we hope to get to the vision that was just adopted by the Planning Commission and the entire City Council by a unanimous vote, we must start to take these steps to shift away from our old development patterns. We feel that starting with a prohibition on any new drive-throughs is a reasonable place to start.

Reasons to prohibit drive-throughs

1. **Implementation of our 2040 Comprehensive Plan**—Our new Comprehensive Plan is designed to outline how we want development to happen in Annapolis. It focuses heavily on what is often called “New Urbanism,” which is essentially a planning and development approach rooted in historical city design principles of walkability, accessible and vibrant public spaces, and human-scaled urban design. In order to properly implement that vision, we must take the necessary steps to discourage, or in this case prohibit, certain types of auto-centric development.

2. **They are a convenience, not a necessity** – While seniors and mothers benefit from businesses with drive-throughs, they are hardly a necessity. Indeed, the ADA does not require drive-throughs because of this. The limited benefits of drive-throughs do not exceed or justify the enormous cost they represent to the community.

3. **They represent auto-centric development that discriminates against those who can't or choose not to drive –** Approximately 9% of Adult Americans do not have a valid driver's license. This increases to 19% for those between 20 and 24, and 30% for those 85 and older. Allowing auto-centric development patterns discriminates against those who can or choose not to drive. While presented as a way to increase access for seniors or people with disabilities this type of development pattern frequently has the opposite effect. By spreading land out to accommodate large drive-through lanes car use becomes encouraged. When individuals lose the ability to drive themselves due to age, loss of vision, or neurological issues, this supposed "accessibility" results in stopping their general mobility.

4. **They are dangerous to pedestrians and cyclists—**Drive-throughs can be dangerous for pedestrians and cyclists due to limited visibility, speed differentials, distractions, narrow spaces, and unexpected vehicle movements. The development style also encourages faster speeds through parking lots and across curb cuts, putting people outside the car at higher risk of injury.

5. **Not compatible with mixed-use development - Our Comprehensive Plan is striving for a more mixed-use** development that combines residential and commercial businesses. As stated in the Comp Plan, such a use is dependent on the pedestrian component. Drive-throughs are fundamentally incompatible with this development type. The increased speeds, noise, and hostile conditions created deter people from wanting to live in mixed-use developments and hinder the associated businesses due to pedestrians not feeling safe from vehicle traffic.

6. **Fiscally irresponsible –** Annapolis recently conducted a land value and infrastructure study from the firm Urban3. From their recent presentation we can now see what properties and development patterns are revenue positive, generate more tax income than cost to provide infrastructure and services, and what are revenue negative and require tax subsidies. Drive-throughs are a financial liability; they cost more in infrastructure and services to the City

than they generate in taxes. The most revenue-positive parts of a community are the mixed-use properties downtown because of their pedestrian focus as opposed to auto-focus. This holds true in Annapolis, where Park Place and Downtown generate great value for the city, while drive-throughs remain a financial burden, forcing the city to provide substantial subsidies to properties with drive-throughs.

7. **Environmentally harmful –** Drive-throughs lead to idling vehicles that pollute our air and create noise. This does not create a friendly environment where pedestrians would want to spend time outside. Furthermore, drive-throughs mean more impervious asphalt, which compounds our stormwater issues.

8. **Traffic and Congestion**: Drive-throughs can lead to long lines of cars waiting for orders, spilling out onto roads. They also encourage automobile use for everyone, as the sprawl forces auto dependency. This discourages walking, public transit use, and visits to neighboring businesses.

9. **Urban Livability**: Drive-throughs don't contribute to the vitality and amenities that attract people to live, work, or play in a neighborhood. They create effective dead zones where gathering and socializing are discouraged by a hostile environment.

List of jurisdictions that have taken steps to limit or ban drive-throughs:

1. **Minneapolis, Minnesota**: Minneapolis has banned new drive-throughs in recent years. The decision was driven by concerns related to traffic congestion, pedestrian safety, and the impact on the overall livability of the city.

2. **Salt Lake City, Utah:** In Salt Lake City, the initiative started with the city's Planning Commission. The commissioners initiated a petition in April 2023 to prohibit a new drive-through in a business district. The City Council voted unanimously in September to approve the ordinance. All businesses with existing drive-through options have legacy status (grandfathered in) and continue to operate.

3. **Fair Haven, New Jersey**: Like Minneapolis, they aim to create a more pedestrian-friendly environment and reduce traffic-related issues.

4. **Creve Coeur, Missouri**: The focus here is on promoting alternative modes of transportation and discouraging car-centric development.

5. **Orchard Park, New York**: Orchard Park joined the list by implementing a ban on new drive-throughs. Their decision aligns with the goal of fostering walkable neighborhoods and reducing dependence on cars.

6. **Southern California (e.g., Long Beach)**: Some cities in Southern California, such as Long Beach, have passed temporary moratoriums to block new drive-through developments.

7. **Atlanta, Georgia:** Atlanta City's City Council passed an ordinance banning drive-throughs along the BeltLine, a 22-mile open and planned loop of multi-use trail and light rail transit system on a former railway corridor around the core of Atlanta.

8. **Sierra Madre, CA:** In Sierra Madre, California, residents have long advocated for a walkable, livable neighborhood by pushing for a ban on drive-throughs. The North Lake Specific Plan (NLSP) outlines this vision, aiming to transform the area along North Lake Avenue. Recently, the Pasadena Planning Commission unanimously proposed a ban on future drive-throughs within the NLSP area.

9. **Austin TX:** The purpose of this section is to regulate drive-through facilities to ensure compatibility with surrounding land uses, minimize adverse impacts, and promote pedestrian safety and aesthetics.

10. **Orchard Park, NY:** Prohibited in the Architectural Overlay District.