

Council Bill: B 300-22 – Amendment #1

MOTION TO AMEND: \_\_\_\_\_

MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

MOTION: I move that Council Bill B 300-22 – Amendment #1 be amended as set forth on this amendment sheet.

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**Conditional Use Standards**

The conditional use standards set out in the original proposed language from the Planning Commission were erroneously omitted from the draft ordinance. As a matter of housekeeping, this amendment sheet needs to be adopted first to ensure everyone is working from the same starting point by using the language recommended by the Planning Commission. Once this amendment sheet is adopted, the Council may consider further amendments to the ordinance.

Material deleted from the original bill is shown in ~~strikeout~~; material added to original bill shown underlined.

**Section 1 is amended as follows:**

Sec. 29-3.3. Use-specific standards.

All uses for which the permitted use table in section 29-3.2 shows use-specific standard(s) shall comply with the applicable standard(s) in this section. In addition, all development shall comply with all other applicable provisions of this chapter.

...

(jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:

...

(3) Conditional use. When a drive-up facility is either a conditional or conditional accessory use pursuant to Table 29-3.1 (Permitted Use Table) of this Code, the following criteria and standards shall be considered in addition to those enumerated in section 29-6.4(m) of this Code relating to the recommendation and approval of a conditional use permit. The intent of these criteria and additional standards is ensure that the number of drive-through lanes, stacking spaces, and amount of paved area necessary to

support the drive-up facility will not be detrimental to adjacent residential properties or detract from or unduly interrupt pedestrian circulation or the character of the area in which the use is located. The commission may increase or reduce these criterion and standards according to the circumstances affecting the site.

(i) Drive-up facility service window(s) shall not be located on a building facade that faces an abutting residential zoning district.

(ii) The nearest point of the drive-up facility, which includes the stacking lane(s), menu board(s), and service window(s), must be at least fifty (50) feet from an abutting residential zoning district.

(iii) Clearly marked pedestrian crosswalks shall be provided from a public sidewalk to a customer access to the building in which the drive-up facility is an accessory use.

(iv) The location, size, design, and operating characteristics of the proposed building in which a drive-up facility is sought as an accessory use will be reasonably compatible with and have minimal negative impact on the use of nearby properties.

(v) Internal circulation and access to and egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

(vi) The application seeking approval of a conditional use permit for a drive-up facility shall include a site plan that identifies all existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas, abutting residential property, location of all drive-up facilities, amount of expected stacking occurring in the peak hour, pedestrian facilities, hours of operation, and other relevant information.

(vii) A transportation impact analysis, consistent with that required in subsection section 29-3.3(ji)(2)(viii), shall be required for any business with an accessory drive-up facility that produces fifty (50) or more trips in and out of the development site at peak hour.

Council Bill: B 300-22 – Amendment #2

MOTION TO AMEND: \_\_\_\_\_

MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

MOTION: I move that Council Bill B 300-22 – Amendment #2 be amended as set forth on this amendment sheet.

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**Transportation Impact Analysis**

This amendment only addresses the transportation impact analysis requirement. In circumstances when a transportation impact analysis is not already required by Section 29-5.1(c)(8), it would make a transportation impact analysis optional at the discretion of the Traffic Engineer. The text in this amendment sheet is shown in Amendment #4 for purposes of drafting and review clarity only. The text which is ultimately adopted by Council related to requiring a transportation impact analysis will be assumed to be incorporated into Amendment #4 by reference without the need to make any additional amendments to Amendment #4 to address the transportation impact analysis.

Material deleted from the original bill is shown in ~~strikeout~~; material added to original bill shown underlined.

**Section 1 is amended as follows:**

Sec. 29-3.3. Use-specific standards.

All uses for which the permitted use table in section 29-3.2 shows use-specific standard(s) shall comply with the applicable standard(s) in this section. In addition, all development shall comply with all other applicable provisions of this chapter.

...

(jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:

...

(2) *General requirements.* The following standards apply to all new buildings with accessory drive-up facilities, buildings that modify or relocate an existing accessory drive-up facility, and buildings in which a change to the principal use results in additional vehicle trips being generated and a previously

existing accessory drive-up facility will remain in operation following the change of use.

...

(viii) In circumstances when a transportation impact analysis is not required by section 29-5.1(c)(8), a transportation impact analysis may be required by the traffic engineer for any drive-up facility that meets any of the following criteria listed in items (A) through (C) below. The purpose of the study is to ensure that the transportation system is capable of safely supporting the proposed drive-up facility use in addition to the existing uses in the area. Evaluation factors to be considered when reviewing the impact analysis include, but are not limited to, street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety. Additional on-site or off-site improvements may be required to address any concerns identified by the transportation impact analysis.

~~(A) The site includes an entrance to a public street and it is located within three hundred (300) feet of an intersection.~~

~~(B) The site is located within a shopping center, and includes access to an internal drive aisle that is essential for internal traffic circulation in the opinion of the city's traffic engineer, and the access is located within three hundred (300) feet of an internal intersection.~~

~~(C) The site includes a drive-up facility that is accessory to a restaurant.~~

...

- (3) *Conditional use.* When a drive-up facility is either a conditional or conditional accessory use pursuant to Table 29-3.1 (Permitted Use Table) of this Code, the following criteria and standards shall be considered in addition to those enumerated in section 29-6.4(m) of this Code relating to the recommendation and approval of a conditional use permit. The intent of these criteria and additional standards is ensure that the number of drive-through lanes, stacking spaces, and amount of paved area necessary to support the drive-up facility will not be detrimental to adjacent residential properties or detract from or unduly interrupt pedestrian circulation or the character of the area in which the use is located. The Commission may increase or reduce these criterion and standards according to the circumstances affecting the site.

...

~~(vii) A transportation impact analysis, consistent with that required in subsection (2)(viii), above, shall be required for any business with an accessory drive-up facility that produces fifty (50) or more trips in and out of the development site at peak hour.~~

Council Bill: B 300-22 – Amendment #3

MOTION TO AMEND: \_\_\_\_\_

MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

MOTION: I move that Council Bill B 300-22 – Amendment #3 be amended as set forth on this amendment sheet.

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**Menu Boards and Signs**

This amendment only addresses the placement of drive-up facility menu boards and other signs. This amendment would make the requirement that no drive-up facility menu boards or other signs be visible from an R-1 or R-2 zone district only applicable when such district shares a property line with a parcel upon which a drive-up facility is located. The text in this amendment sheet is shown in Amendment #4 for purposes of drafting and review clarity only. The text which is ultimately adopted by Council related to menu boards and signs will be assumed to be incorporated into Amendment #4 by reference without the need to make any additional amendments to Amendment #4.

Material deleted from the original bill is shown in ~~strikeout~~; material added to original bill shown underlined.

**Section 1 is amended as follows:**

Sec. 29-3.3. Use-specific standards.

All uses for which the permitted use table in section 29-3.2 shows use-specific standard(s) shall comply with the applicable standard(s) in this section. In addition, all development shall comply with all other applicable provisions of this chapter.

...

(jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:

...

(2) *General requirements.* The following standards apply to all new buildings with accessory drive-up facilities, buildings that modify or relocate an existing accessory drive-up facility, and buildings in which a change to the principal use results in additional vehicle trips being generated and a previously

existing accessory drive-up facility will remain in operation following the change of use.

...

(iii) No menu boards or other signs shall be visible from an R-1 or R-2 zone district that shares a property line with a parcel upon which a drive-up facility is located.

Council Bill: B 300-22 – Amendment #4

MOTION TO AMEND: \_\_\_\_\_

MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

MOTION: I move that Council Bill B 300-22 – Amendment #4 be amended as set forth on this amendment sheet.

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**Drive-up Facility Standards**

The focus of this amendment is on eliminating the restrictions on the placement of drive-up windows on a street facing side of the building. The porte cochere and landscaping requirements are eliminated. Staff drafted proposed design guidelines to reduce visual clutter from a drive-up facility for Council consideration.

Material deleted from the original bill is shown in ~~strikeout~~; material added to original bill shown underlined.

**Section 1 is amended as follows:**

Sec. 29-3.3. Use-specific standards.

All uses for which the permitted use table in section 29-3.2 shows use-specific standard(s) shall comply with the applicable standard(s) in this section. In addition, all development shall comply with all other applicable provisions of this chapter.

...

(jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:

...

- (1) *Purpose.* The purpose of the following regulations is to reduce visual impacts of drive-up facilities on abutting uses, promote safer and more efficient on-site vehicular and pedestrian circulation, and reduce conflicts between queued vehicles, pedestrians, and traffic on adjacent streets.
- (2) *General requirements.* The following standards apply to all new buildings with accessory drive-up facilities, buildings that modify or relocate an existing accessory drive-up facility, and buildings in which a change to the principal use results in additional vehicle trips being generated and a previously



existing accessory drive-up facility will remain in operation following the change of use.

(i) Any drive-up facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require Level 3 property edge buffering meeting the requirements of section 29-4.4 (landscaping screening).

(ii) No speakers shall project sound toward an R-1 or R-2 zone district.

(iii) No menu boards or other signs shall be visible from an R-1 or R-2 zone district that shares a property line with a parcel upon which a drive-up facility is located. [The underlined text incorporates the revision associated with Amendment #3. This subsection will be revised to include the language adopted by Council following consideration of Amendment #3.]

(iv) Drive-up facilities shall be subject to all applicable noise control ordinances. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.

(v) No drive-up facility services shall be rendered, deliveries made, or sales conducted in a required front yard or corner side yard.

(vi) Drive-up facility stacking spaces may not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveway accesses for the principal structure. The required bypass lane may function as a circulation drive for on-site parking and loading areas.

(vii) Drive-up facility service windows which are shall be located on a building's non-street-facing facades. ~~Drive-up facility service windows may be permitted on a building's street-facing facades~~ shall include the following additional standards if one of the following methods are utilized:

(A) The building façade upon which the drive-up facility service window is located shall include architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane and are consistent and compatible with the other façades of the building. Such façade shall also contain a minimum of twenty percent (20%) transparent materials. ~~Porte-cochere: A permanent porte-cochere shall screen the drive-up facility service window(s) from the ground to the roof of the porte-cochere. The porte-cochere shall extend the width of the drive lane and be a minimum of twenty (20) feet in length. If multiple service windows are utilized in the drive-up facility, both windows shall be screened either by one (1) porte-cochere or two (2) porte-cocheres, each a minimum of twenty (20) feet in length. The porte-cochere shall~~

~~be structurally integrated with the principal structure and its design shall be consistent in respect to pattern, scale, material, and form as the principal structure.~~

~~*Landscaping:* A landscape area adjacent to the street right-of-way in the front and/or corner side yard shall be installed for the length of the drive-up facilities stacking lanes. The landscape area shall be planted with sufficient evergreen shrubs and/or native grasses to form a low continuous visual screen such that no less than eighty (80) percent opacity, viewed horizontally, is achieved in the space between grade and three (3) feet above grade at the time of installation. Berms may also be used in conjunction with landscaping. The landscaping installed in this landscape area shall be in addition to the other general landscaping requirements.~~

(B) *Grade changes:* Grade changes may serve to reduce the visual clutter as screening of drive-up facilities and as an alternative to providing additional architectural features when the site is located below grade and not visible from the adjacent street. A section drawing of the street and subject site shall be provided to show that all views of the drive-up facility will be obscured from the street.

(viii) In circumstances when a transportation impact analysis is not required by section 29-5.1(c)(8), a transportation impact analysis may be required by the traffic engineer for any drive-up facility to ensure that the transportation system is capable of safely supporting the proposed drive-up facility use in addition to the existing uses in the area. Evaluation factors to be considered when reviewing the impact analysis include, but are not limited to, street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety. Additional on-site or off-site improvements may be required to address any concerns identified by the transportation impact analysis. [This subsection assumes the adoption of Amendment #2. This subsection will be revised to include the language adopted by Council following consideration of Amendment #2.]

(3) *Conditional use.* When a drive-up facility is either a conditional or conditional accessory use pursuant to Table 29-3.1 (Permitted Use Table) of this Code, the following criteria and standards shall be considered in addition to those enumerated in section 29-6.4(m) of this Code relating to the recommendation and approval of a conditional use permit. The intent of these criteria and additional standards is ensure that the number of drive-through lanes, stacking spaces, and amount of paved area necessary to support the drive-up facility will not be detrimental to adjacent residential properties or detract from or unduly interrupt pedestrian circulation or the character of the area in which the use is located. The commission may apply conditions to the permit consistent with the following criteria: ~~increase or~~

~~reduce these criterion and standards according to the circumstances affecting the site.~~

(i) Drive-up facility service window(s) ~~shall not be~~ located on a building facade that faces an abutting residential zoning district must contain adequate buffering to eliminate adverse noise and lighting impacts on the neighboring residential zoning district. Such buffering may be achieved through the use of landscaping, natural site features, architectural features and/or other site enhancements as may be determined to be appropriate for the particular site.

(ii) The nearest point of the drive-up facility, which includes the stacking lane(s), menu board(s), and service window(s), must be at least fifty (50) feet from an abutting residential zoning district.

(iii) Clearly marked pedestrian crosswalks shall be provided from a public sidewalk to a customer access to the building in which the drive-up facility is an accessory use.

(iv) The location, size, design, and operating characteristics of the proposed building in which a drive-up facility is sought as an accessory use will be reasonably compatible with and have minimal negative impact on the use of nearby properties.

(v) Internal circulation and access to and egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

(vi) The application seeking approval of a conditional use permit for a drive-up facility shall include a site plan that identifies all existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas, abutting residential property, location of all drive-up facilities, amount of expected stacking occurring in the peak hour, pedestrian facilities, hours of operation, and other relevant information.

(vii) [The deletion of this subsection assumes the adoption of Amendment #2. This subsection will be revised to include the language adopted by Council following consideration of Amendment #2.]