

Section 29-3.3(jj) Use Specific Standards; 29-4.3(i) Parking and loading

Objective:

- Provide flexibility for drive-through service window location.
- Provide additional criteria for conditional use evaluation, and additional protections when near residential properties.
- Include provisions to prevent stacking from interfering with site circulation.
- Relocate provisions from the parking section to the use specific standards section when provisions address the use instead of stacking lane design.

Explanation:

This section of the UDC prohibits drive-through service windows from being located on walls that face public streets. The intent is to require that buildings present a more aesthetic and pedestrian-oriented building facade on walls that face the public realm, generally the public right of way. Service windows are only allowed on sides facing away from streets, thereby blocking the view of the service window and the vehicle stacking areas, to a degree. It also encourages better pedestrian accessibility from the street side of a lot, which can be more difficult if the service window and stacking lanes are on the street side, where pedestrians may attempt to access a site from a public sidewalk.

Recent examples of PD plans included requests to waive this requirement because designers suggested it was difficult to accommodate this provision given the lot configuration and/or their business model. In those examples, service windows were permitted on the street side of the building, with one plan included a condition that the service window be screened with a porte-cochere (Culver's).

In addition, the PZC requested additional review of sections regulating drive-throughs to address other objectives, such as traffic circulation on the site.

Proposed Revisions:

Section 29-3.3(jj): Use specific standards.

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

- (1) **Purpose.** The following regulations aim to reduce visual impacts of drive-through activities 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 drive-through facilities, and the relocation of existing drive-through facilities.
 - (i) Any drive-up facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require a **Level 3 property edge buffer buffering meeting the requirements of section 29-4.4 (landscaping screening) and**
 - (ii) No speakers shall face the R-1 or R-2 districts. ~~along the property line with the R-1 or R-2 district, shall have no speakers facing the R-1 or R-2 districts, and~~
 - (iii) No menu boards or other signs shall be visible from the R-1 or R-2 districts; ~~shall have no menu boards or other signs visible from the R-1 or R-2 districts; and~~
 - (iv) All 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 service shall be rendered, deliveries made, or sales conducted~~ **Drive-through facilities shall not be located in a required front yard or corner side yard.**
 - (vi) **Stacking spaces may not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveway access. The bypass lane may function as a circulation drive for parking and loading areas.**

- (vii) Service windows or facilities shall be located on nonstreet-facing facades unless screened using one of the two following methods:
 - (A) **Porte-cochere:** A permanent porte-cochere shall screen drive-through service windows from the ground to the roof of the porte-cochere. The porte-cochere shall extend the width of the drive and be a minimum of **20 feet in length**. The porte-cochere shall be structurally integrated with the principal building and design shall be consistent in respect to pattern, scale, material, and form.

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 stacking lanes. The landscape area shall be planted with enough evergreen shrubs and/or native grasses to form a low continuous visual screen at least 3 feet in height after the first growing season, and the landscaping installed in this landscape area shall be in addition to the other landscaping requirements. It shall be designed so that at least eighty (80) percent opacity is achieved, viewed horizontally, in the space between grade and three (3) feet above grade at the screen line, at the time of installation. Berms may also be used in conjunction with landscaping.
 - (B) **Grade Changes:** Grade changes may serve as screening of drive-through facilities 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-through facilities will be obscured from the street.
- (viii) A traffic study **is may be** required for any drive-through facility **that meets any of the following criteria**. The study is to ensure that the transportation system is capable of safely supporting the proposed drive-through use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety.
 - (A) The site includes an entrance to a **public street and it is** located within 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 300 feet of an internal intersection.
 - (C) Any drive-through facility that is accessory to a restaurant.
- (3) *Conditional Use.* The following additional standards and criteria are required for approval of a conditional use to ensure that the number of drive-through lanes, stacking spaces, and paved area necessary for the drive-through 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 standards according to the circumstances affecting the site.
- (i) Service windows or facilities shall not be located on a facade that faces an abutting residential zoning district.
 - (ii) The nearest point of the drive-through facility, which includes the stacking lane, menu board, and service windows, must be at least 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 facility.
 - (iv) The location, size, design and operating characteristics of the proposed facility will be such that the drive-through facility 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) A request for conditional use approval 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-through facilities, amount of expected stacking occurring in the peak hour, pedestrian facilities, hours of operation, and other relevant information.

- (vii) A traffic study is required for any drive-through facility to ensure that the transportation system is capable of safely supporting the proposed drive-through use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety.

29-4.3(i) Parking and loading. Drive-through vehicle stacking.

- (i) *Drive-through vehicle stacking.* The following standards apply to all properties with a drive-through facility.
 - (2) Location and design of stacking lanes.
 - (i) Minimum number of stacking spaces shall be in addition to the space at the teller or pick-up window.
 - ~~(ii) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site. (moved to use specific standards)~~
 - ~~(iii) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building. (moved to use specific standards)~~
 - (iv) Drive-through stacking lanes shall have a minimum width of ten (10) feet.
 - (v) Stacking lanes shall be set back fifteen (15) feet from rights-of-way.
 - (vi) A by-pass lane around the drive-through facility stacking lane must be provided for financial institutions and restaurant/retail uses.

