



## Legislation Details (With Text)

**File #:** 14-0177      **Version:** 1      **Name:**  
**Type:** Agendas      **Status:** Passed  
**File created:** 5/21/2014      **In control:** Board of Aldermen  
**On agenda:** 5/27/2014      **Final action:** 5/27/2014  
**Title:** Request-to-set a Public Hearing on Land Use Ordinance Amendments relating to land uses associated with drive-in and drive-through windows

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider setting a public hearing on potential text amendments to the Land Use Ordinance affecting land uses with drive-in and drive-through window. A draft ordinance is being prepared for the Board's consideration. A resolution setting a public hearing date for June 24th and referring the amendments to advisory boards has been prepared.

**Indexes:****Code sections:**

**Attachments:** 1. Att A Resolution, 2. Att C - Excerpts from ART-XI-drive-in windows, 3. Att D - Excerpts from ART-X

Date	Ver.	Action By	Action	Result
5/27/2014	1	Board of Aldermen	approved	Pass

**TITLE:**

Request-to-set a Public Hearing on Land Use Ordinance Amendments relating to land uses associated with drive-in and drive-through windows

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider setting a public hearing on potential text amendments to the Land Use Ordinance affecting land uses with drive-in and drive-through window. A draft ordinance is being prepared for the Board's consideration. A resolution setting a public hearing date for June 24<sup>th</sup> and referring the amendments to advisory boards has been prepared.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327

**INFORMATION:** The Board discussed the topic of drive-in and drive-through windows at length during several meetings in 1997 and 1998 with a focus on such land uses in the downtown areas, mainly in the B-1(c) and B-1(g) zoning districts. Three alternatives were presented for the Board's consideration in 1998:

1. Adopt an ordinance prohibiting drive-in and drive-through uses in all zoning districts.
2. Provide direction to staff concerning those uses and locations where drive-in/through uses may be allowed to continue and where they should be prohibited entirely.
3. Leave the present use classifications and regulatory measures as they are.

Following a public hearing on June 9, 1998, the Board moved forward with the second option and adopted text amendments which included the performance standards for businesses with drive-in windows found in Section 15-176.1 of the LUO, Supplementary Use Regulations (*Attachment C*).

In the second half of 2013, the Board of Aldermen considered requests from two development projects including a drive-in/drive-through component. First, a proposed CUP modification for the Bank of America branch located on East Main Street regarding its drive-through teller station, and second, a request for text amendments to allow additional uses in M-1 zoning district subject to a CUP, including banks with drive-in windows and freestanding ATMs. These recent requests have brought to the surface questions relating to the appropriateness of drive-in and drive-through windows in the downtown and elsewhere in the Town's jurisdiction. At the October 22, 2013 meeting, the Board directed staff to prepare an ordinance that would remove land uses with drive-through windows as a potential use for future development from the remaining zoning districts that allow them. In following up with this directive, staff reviewed historical information and more recent findings related to the environmental, accessibility and land use implications of drive-through uses and presented this information as part of a work session on March 11, 2014. Board members discussed the different land uses with drive-in and drive-through windows in the permissible use table, along with the zoning districts within which they are currently allowed, as shown in the following two tables.

Use Classification	Description
2.140	Retail/No Outside Display/Drive-In Window
2.240	Retail/Outside Display/Drive-In Window
3.230	Bank with Drive-In Window
3.250	Freestanding ATM
6.260	Drive-In Movie Theaters
8.300	Drive-In Restaurant
8.400	Drive-Through Restaurant
16.100	Dry Cleaners with Drive-In Window

Zone	2.140	2.240	3.230	3.250	6.260	8.300	8.400	16.100
B-1(c)				C				
B-1(g)				C				
B-3	C	C	C	C				C
B-3T	C	C	C					C
B-4	C		C	C	C	C	C	C
B-5*								
M-1	C	C						C
M-2			C					
CT				C				
O				C				
O/A				C				C

The general discussion regarding land uses with drive-in and drive-through windows, in the late 1990s and during the March 2014 work session focused on four main areas which when in balance support a vibrant and successful community: environmental concerns linked to idling, walkability, economic development and ensuring that all citizens have equal access to services.

At the March work session, the Board directed staff to prepare an ordinance removing all land uses with drive-

in and drive-through windows except for pharmacies, which are included as part of Use Classification 2.140 (Retail/No Outside Display/Drive-in Window). A draft amendment is being prepared and will be available at the meeting (as Attachment B). Use classification 2.140 is currently allowed in the B-3, B-3T, B-4 and M-1 zoning districts subject to a conditional use permit.

The Board of Aldermen must receive public comment before adopting amendments to the LUO; Planning Board and Orange County review are also needed.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for June 24, 2014 and referring the proposed amendment to Orange County, the Planning Board, the Transportation Advisory Board and the Economic Sustainability Commission.