



Legislation Details (With Text)

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Title: 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 potential text amendments to the Land Use Ordinance affecting land uses with drive-in and drive-through windows. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

Indexes:**Code sections:**

Attachments: 1. Attachment A-1 - Consistency Resolution for Ordinance Adoption, 2. Attachment A-2 - Consistency Resolution for Ordinance Denial, 3. Attachment B - LUO amendment on drive-ins 6-17-14, 4. Attachment C - Excerpts from ART-XI-drive-in windows, 5. Attachment D - Excerpts from ART-X, 6. Attachment E - Recommendations

Date	Ver.	Action By	Action	Result
6/24/2014	1	Board of Aldermen	approved	Pass

TITLE:

Public hearing on Land Use Ordinance Amendments Relating to Land Uses Associated with Drive-In and Drive-Through Windows

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DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Mike Brough 919-929-3905

INFORMATION: The Board of Aldermen discussed the topic of land uses with drive-in and drive-through windows at length during several meetings in 1997 and 1998 with a focus on the impact of such land uses in the downtown areas, mainly in the B-1(c) and B-1(g) zoning districts. Following a public hearing on June 9, 1998, the Board 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. At the October 22, 2013 meeting, the Board directed staff to prepare an ordinance that would remove land uses with drive-in and drive-through windows as a potential use

for future development in all zoning districts. In follow-up, staff reviewed historical information and more recent findings related to the environmental, accessibility and land use implications of such uses. The Board of Aldermen reviewed this information at a work session on March 11, 2014. Board members considered the currently defined and permitted drive-in and drive-through window uses, 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
2.340	Retail/Storage of Goods Outside Building/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 these uses 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. These include: environmental concerns linked to idling, walkability, economic development and ensuring that all citizens have equal access to services.

At the close of 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 currently included as part of Use Classification 2.140 (Retail/No Outside Display/Drive-in Window). 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 agenda materials from the March 11, 2014 work session may be found at the following link:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=1679129&GUID=0A6F6B7A-22CE-4D72-AD98->

[BD21BC2FA1A3&Options=&Search=>=\)](#)

A draft ordinance has been prepared that, if adopted, would remove eight of the nine uses identified in the table above from the Table of Permissible Uses (Use 6.260 Drive-in Movie Theaters and Use 16.000, dry cleaners with drive-in windows, were omitted from the initial draft ordinance but have been added in a revised draft dated June 16, 2014.) Freestanding ATM machines would remain a permitted use, and a new use would be added to the Table of Permissible Uses 2.113, entitled “Pharmacies with drive-through windows.” Pharmacies with drive-through windows and would be allowed subject to the issuance of a conditional use permit.

The draft ordinance was presented at the June 5th Joint Review meeting and at the June 11th Economic Sustainability Commission meeting. Advisory board members identified a few nuances related to potential uses that share elements of a drive-in but are not true drive-in uses per se, such as parcel pick-up and other delivery methods whereby a patron arrives by vehicle and remains in the car while an attendant from the store brings the purchased items outside. Another permutation of a drive-through use relating to pharmacies involves a scenario where a pharmacy is located within a larger business, such as a pharmacy in a grocery store or a pharmacy in a big box store. In these examples the pharmacy often includes a drive-through window and the grocery store often provides a parcel pick up station. Planning staff’s initial interpretation is that the proposed ordinance, as currently written, would not prohibit these types of uses. In addition, pharmacies without drive-in windows would still be allowed under use classification 2.140 for retail.

The draft ordinance was also referred to Orange County. Comments from the advisory boards and Orange County are provided (Attachment E).

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 resolution finding consistency, and the draft ordinance provided in the attachments.