



September 15, 2023

TO: Planning Commission

FROM: Emilie Wolfson
Planning Office

RE: Drive-through Uses and Curbside Pick-up- Zoning Text Amendment
#DPA2023-00005

Please find attached redlined text for the Drive-through Uses and Curbside-Pick up- zoning text amendment (ZTA). Staff recommends the proposed edits to the Zoning Ordinance related to drive-through uses and curbside pick-up to provide additional flexibility requested by the business community. A work session presentation on this ZTA is scheduled for September 20, 2023 at 6pm.

PART 100. - DEFINITIONS

Carry-out: See "Restaurant, ~~drive-in, drive-up,~~ drive-through".

Curbside pick-up shall mean the delivery of foods, drinks, or goods to a customer and/or delivery service to a vehicle parked within a designated parking space, provided that curbside pick-up does not interfere with fire lanes marked in accordance with Article III of Chapter 9 of this Code.

Drive-through ~~drive-in~~ facility shall mean an establishment that, by design, physical facilities, or by service or packaging procedures, encourages or permits customers to receive services, obtain goods, ~~or be entertained~~ while remaining in motor vehicles, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space designated for curbside pick-up.

Drive-in theater shall mean an establishment that, by design, physical facilities, or by service, encourages or permits customers to be entertained for the purpose of exhibiting any motion picture, stage drama, musical recital, dance, lecture, or other similar performance, while remaining in motor vehicles.

Quick service food store shall mean any building that contains 10,000 square feet or less of net floor area, or any portion of such a building, and which is used principally for the retail sale of food and other items; provided that this definition shall not be deemed to include such retail sale of food and other items in any building that contains more than 10,000 square feet of net floor area, or any portion of such a building; and provided further that this definition shall not include restaurants, drive-through ~~drive-in~~ restaurants, carry-out restaurants or food delivery service businesses, or specialty food stores.

Restaurant, ~~drive-in/drive-up, or~~ drive-through: A restaurant or carry-out restaurant dispensing prepared food or drinks ready for consumption at the time of sale-where the customers are either served in, or have product delivered to, their vehicles, or at a drive-through window, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space designated for curbside pick-up. For the purpose of this Ordinance, a restaurant, ~~drive-in/drive-up, or~~ drive-through shall also be deemed a drive-through ~~drive-in~~ facility.

Sign, ~~drive-in~~ drive-through shall mean any signage allocated along a drive-through lane or installed on accessory structures associated with a drive-in facility, such as, but not limited to, order confirmation units and height bars, that is oriented toward the customer or user of a ~~drive-in~~ drive-through facility.

Sec. 32-250.27. - Permitted signs and general regulations for all sign types.

5. ~~Drive-in Drive-through signs.~~ Drive-in Drive-through signs shall be permitted in any zoning district where drive-through drive-in facilities are either permitted by right or permitted with a Special Use Permit. ~~Drive-in drive-through~~ signs shall meet the following standards:

(a) Up to three (3) freestanding drive-in drive-through signs shall be allowed for each drive-through lane. The maximum sign area for all drive-in drive-through signs shall be 72 square feet. Individual drive-in drive-through signs shall have a maximum sign area of 40 square feet.

(b) ~~Drive-in Drive-through~~ signs shall be excluded from the total calculated maximum sign area for a property under the remainder of this division. Signs attached to a façade of a building or structure shall be calculated in accordance with the measurement standards specified in County Code [section 32-250.25](#).

(c) ~~Drive-in Drive-through~~ signs shall have a maximum sign height of eight (8) feet, measured from the grade of the adjacent drive-in lane surface to the top of the sign.

(d) ~~Drive-in Drive-through~~ signs may be internally or externally illuminated, subject to the illumination standards specified in this section.

19. Curbside Pick-up Signs. These signs shall meet the following standard:

(a) One (1) freestanding curbside pick-up sign, or one (1) façade curbside pick-up sign shall be allowed per parking space. The maximum sign area per sign shall be two (2) square feet.

(b) Up to ten (10) curbside pick-up signs shall be allowed per tenant.

(c) Curbside pick-up freestanding signs shall have a maximum sign height of eight (8) feet in height, measured from the grade of the parking space surface to the top of the sign.

(d) Curbside pick-up signs shall not be internally illuminated.

Sec. 32-250.28. - Location, number, size, height and code reference for signs.

Signs shall be permitted in accordance with the tables found in this section.

| Permitted Sign Standards in Commercial, Office and Industrial Zoning Districts, and for nonresidential uses in Residential and Agricultural Zoning Districts, and nonresidential uses within planned and mixed use zoning districts Schedule A | | | | |
|---|---|--|--------------------------------|-------------------------------------|
| Sign Type | Number permitted per Lot or tenant (as specified herein) | Maximum Sign Area (sq. ft.) | Maximum Sign Height (ft.) | Code Reference |
| <u>Curbside pick-up</u> | <u>1 per parking space for a maximum of 10 signs per tenant</u> | <u>Individual maximum- 2</u> <u>Cumulative maximum - 20</u> | <u>8 (N/A for façade sign)</u> | <u>See Section 32 - 250.27 (19)</u> |
| <u>Drive-in Drive-through</u> | 3 per drive-through lane with ordering location | Individual sign maximum—40 Cumulative maximum—72 | 8 (N/A for clearance bar) | See <u>Sec. 32-250.27(5)</u> |

Sec. 32-280.41. - Overall site planning and site development requirements applicable to non-residential and mixed residential/commercial land bays.

1. Notwithstanding the provisions of Articles III and IV, the following uses are specifically prohibited in non-residential and mixed residential/commercial land bays:

- (a) Commercial kennel.
- (b) ~~Drive-in Drive-through~~ restaurant.
- (c) Drive-in theater.
- (d) Feed and grain retail store.
- (e) Greenhouse or nursery.
- (f) Gun store.
- (g) Home improvement center.
- (h) Indoor shooting range.
- (i) Mobile home or office sales.
- (j) All motor vehicle related uses including sales, leasing, service, repair, towing, impoundment, fuel.
- (k) Racetracks.

(l) Recreation vehicle camp park.

(m) Self-storage center.

(n) Tool and equipment rental.

(o) Truck stop.

Sec. 32-307.23. - Special uses.

The following uses shall be permitted in the MXD-C District with a Special Use Permit:

1. Bed and breakfast, subject to the standards of County Code [section 32-300.15](#).
2. Electronic equipment and component manufacturing, assembly, processing, and distribution.
3. Heliport.
4. Manufacturing of musical instruments and toys.
5. Manufacturing, cosmetics, and perfume.
6. Manufacturing, pharmaceuticals (non-HAZMAT process).
7. Manufacturing, pottery, ceramics (using only previously pulverized clay and kiln fired only by electricity or gas).
8. Metal fabrication of signs.
9. Motor vehicle fuel station, retail.
10. Parking Commercial, secondary only.
11. Range, indoor shooting,
12. Restaurant ~~drive-in/drive-up, or~~ drive-through, in accordance with the standards for ~~drive-in~~ [drive-through](#) facilities specified in County Code section 32.400.07.
13. Retail store, greater than 80,000 square feet.
14. Self-storage center, in accordance with the provisions of County Code [section 32-400.14](#).
15. Small Urban Data Center outside the Data Center Opportunity Zone Overlay District.
16. Stadium or arena, indoor or outdoor.
17. Testing and experimental labs (HAZMAT processes).
18. Uses not set forth herein that are designed as interim uses.

Sec. 32-307.33. - Special uses.

The following uses shall be permitted in the MXD-U District with a Special Use Permit:

1. Bed and breakfast, subject to the standards of County Code [section 32-300.15](#).

2. Electronic equipment and component manufacturing, assembly, processing, and distribution.
3. Funeral home
4. Heliport.
5. Manufacturing of musical instruments and toys.
6. Manufacturing, cosmetics, and perfume.
7. Manufacturing, pharmaceuticals (non-HAZMAT process).
8. Manufacturing, pottery, ceramics (using only previously pulverized clay and kiln fired only by electricity or gas).
9. Metal fabrication of signs.
10. Marina.
11. Motor vehicle fuel station, retail.
12. Parking Commercial, secondary only.
13. Range, indoor shooting,
14. Restaurant, ~~drive-in/drive-up, or~~ drive-through, in accordance with the standards for ~~drive-in~~ drive-through facilities specified in County Code section 32.400.07.
15. Retail store, greater than 80,000 square feet.
16. Small Urban Data Center outside the Data Center Opportunity Zone Overlay District.
17. Self-storage center, in accordance with the provisions of County Code [section 32-400.14](#).
18. Stadium or arena, indoor or outdoor.
19. Taxi or limousine dispatching service.
20. Testing and experimental labs (HAZMAT processes).
21. Uses not set forth herein that are designed as interim uses.
22. Wedding chapel.

Sec. 32-351.05. - Special uses.

The following uses shall be permitted in the V District with a Special Use Permit:

1. Attached single-family dwellings on lots in excess of one acre.
2. Bed and breakfast, subject to the standards of [section 32-300.15](#).
3. Car wash, manned or self-service.
4. Catering, commercial.

5. Farmers' market.
6. Motor vehicle fuel station, retail.
7. Multi-family dwellings on lots in excess of one acre.
8. Nonresidential and mixed-use buildings that do not meet one or more of the development standards described in [section 32-351.08](#) below.
9. Restaurant, ~~drive-in/drive-up, or~~ drive-through, in accordance with the standards for ~~drive-in~~ [drive-through](#) facilities specified in County Code section 32.400.07.

Sec. 32-400.07. - Special Use Permit for [drive-through facilities](#) ~~drive-in facilities~~.

1. [Drive-through facilities](#) ~~drive-in facilities~~, as defined in Article I, may be permitted in any commercial or office district depending on the specific uses identified in the requested zoning district, with the approval of a Special Use Permit from the Board of County Supervisors.
2. Notwithstanding the standard specified in Paragraph 1 above, [drive-through facilities](#) ~~drive-in facilities~~ may be permitted through a proffered rezoning or Special Use Permit in any commercial or office district, provided its use is identified in the requested zoning district, when meeting one of the following criteria:
 - (a) Any [drive-through facilities](#) ~~drive-in facilities~~, specifically identified in the proffers or on the master zoning plan, or on the generalized development plan of a rezoning;
 - (b) Any [drive-through facilities](#) ~~drive-in facilities~~, specifically identified in the Special Use Permit conditions or on a Special Use Permit plan.

Sec. 32-401.13. - Special uses.

The following uses shall be permitted in the B-1 District with a Special Use Permit:

1. Ambulance service, maintenance facility.
2. Boarding/kenneling of pets accessory to a pet store.
3. Boat sales (excluding non-motorized), rental or lease, storage, service, or repair.
4. Car wash (manned or self-service).
5. Commercial kennel.
6. Commercial parking.
7. Company vehicle service facility.
8. Continuing care retirement community.
9. Crematory, secondary to a hospital, mortuary, or funeral home.
10. Data Center.

11. Donated materials collection center.
12. Farmer's market.
13. Flea market.
14. Heliport.
15. Marina.
16. Medical care facility, specialized.
17. Mobile home or office sales, lease or service.
18. Motorcycle sales, rental or lease, service or repair.
19. Motor vehicle fuel station, retail.
20. Motor vehicle impoundment yard.
21. Motor vehicle parts, with service.
22. Motor vehicle repair, machine shop.
23. Motor vehicle sales, rental or lease (limited).
24. Motor vehicle sales, rental or lease (recreational).
25. Motor vehicle service.
26. Motor vehicle towing.
27. Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code [section 32-400.27](#).
28. Pet care facility, in accordance with the provisions of [section 32-400.24](#).
29. Racetrack (equestrian).
30. Racetrack (motorized vehicles).
31. Railroad passenger station.
32. Range, shooting (indoor).
33. Recreation facility, commercial (outdoor); paintball facilities prohibited.
34. Restaurant, ~~drive-in/drive-up, or~~ drive-through, in accordance with the standards for ~~drive-in~~ [drive-through](#) facilities specified in County Code section 32.400.07.
35. Recreational vehicle park/camp ground.
36. Retail use exceeding 80,000 square feet of gross floor area.
37. Self-storage center; in accordance with the provisions of [section 32-400.16](#).

38. Solar energy facility.
39. Stadium or arena, indoor or outdoor.
40. Taxi or limousine dispatching or service facility.
41. Truck stop with related facilities.
42. Water transportation facility.

Sec. 32-401.23. - Special uses.

The following uses shall be permitted in the B-2 District with a Special Use Permit:

1. Any permitted use greater than 12,000 square feet of floor area. The requirement for a Special Use Permit shall not apply to grocery stores.
2. Boarding/kenneling of pets accessory to a pet store.
3. Car wash (manned or self-service).
4. Continuing care retirement community.
5. Catering, commercial (on or off premise).
6. Donated materials collection center.
7. Crematory, secondary to a funeral home.
8. Farmer's market.
9. Marina.
10. Motor vehicle fuel station, retail.
11. Mixed-use building.
12. Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code [section 32-400.27](#).
13. Pet care facility, in accordance with the provisions of [section 32-400.24](#).
14. Recreation facility, commercial (indoor or outdoor).
15. Restaurant, ~~drive-in/drive-up, or~~ drive-through, in accordance with the standards for ~~drive-in~~ [drive-through](#) facilities specified in County Code section 32.400.07.
16. Shopping center B (see Part 100).

Sec. 32-401.33. - Special uses.

The following uses shall be permitted in the B-3 District with a Special Use Permit.

1. Boarding/kenneling of pets accessory to a pet store.
2. Continuing care retirement community.
3. Crematory, secondary to a funeral home.
4. Marina.
5. Motor vehicle fuel station, retail.
6. Pet care facility, in accordance with the provisions of [section 32-400.24](#).
7. Restaurant, ~~drive-in/drive-up, or~~ drive-through, in accordance with the standards for ~~drive-in~~ [drive-through](#) facilities specified in County Code section 32.400.07.

Sec. 32-402.43. - Special uses.

The following uses shall be permitted in the O(F) District with a Special Use Permit:

1. Bus station, commercial.
2. Crematory, secondary to hospital only.
3. Data Center outside the Data Center Opportunity Zone Overlay District.
4. Electronic equipment and component manufacturing, assembly, processing and distribution.
5. Heliport.
6. Hospital.
7. Janitorial service.
8. Manufacturing of musical instruments and toys.
9. Metal fabrication and signs.
10. Motor vehicle fuel station, secondary only.
11. Motor vehicle service, secondary only.
12. Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code [section 32-400.27](#).
13. Parking, commercial, secondary only.
14. Outside storage of equipment, materials, and products, secondary only.
15. Range, shooting (indoor).
16. Research and development (HAZMAT).
17. Restaurant, ~~drive-in/drive-up, or~~ drive-through, in accordance with the standards for ~~drive-in~~ [drive-through](#) facilities specified in County Code section 32.400.07.18. Self-storage center, in accordance with the provisions of [section 32-400.14](#).

19. Solar energy facility.
20. Taxi or limousine dispatching.
21. Testing and experimental labs (HAZMAT processes).
22. Veterinary hospital.
23. Watchman's dwelling.

Sec. 32-503.05. - Special uses.

All uses permitted by Special Use Permit in the underlying zoning district(s), and the following uses when permitted by right, as a secondary use, shall require a Special Use Permit when proposed to be established in an HCOD:

1. Car wash, self-service.
2. Hospital.
3. Mortuary, funeral chapel, and wedding chapel.
4. Quick service food store.
5. Recreation facility, commercial.
6. Restaurant, carry-out, except as provided in Sec. 32.400.07.
7. Restaurant, ~~drive-in/ drive-up, or~~ drive-through, except as provided in Sec. 32.400.07.
8. Theaters, drive-in or indoor. Theaters that are ~~drive-in theaters~~ ~~drive-in facilities~~ shall be subject to the standards for ~~drive-through facilities~~ ~~drive-in facilities~~ specified in Sec. 32.400.07.

Sec. 32-503.11. - Special uses by HCOD classification.

1. The following uses, when permitted by right as a secondary use in the underlying zoning district, shall require a Special Use Permit if located in HCODs designated as rural parkway or rural arterial:

- (a) Car wash, self-service.
- (b) Garden center/nursery.
- (c) Home improvement center.
- (d) Hospital.
- (e) Mortuary, funeral chapel and wedding chapel.
- (f) Motor vehicle service.(g) Motor vehicle service (limited).
- (h) Quick service food store.
- (i) Recreation facility, commercial (indoor or outdoor).

(j) Restaurant, ~~drive-in/ drive-up, or~~ drive-through, except as provided in Sec. 32.400.07.

(k) Theaters, drive-in or indoor. Theaters that are ~~drive-in theaters drive-in facilities~~ shall be subject to the standards for ~~drive-through facilities drive-in facilities~~ specified in Sec. 32.400.07.

(l) Video cassette rental store.

(m) Any other nonresidential use not listed above, except for the following:

(1) Existing nonresidential Uses ~~Permitted Permitted~~ by Right in the underlying zoning district may continue or change to a new use permitted by right in the underlying zoning district.

(2) Existing or proposed agricultural Uses ~~Permitted Permitted~~ by Right in the underlying zoning district.

(3) Uses which are subject to proffered rezoning approved by the Board of County Supervisors after June 25, 1996.