



## PLANNING AND ZONING COMMISSION MEMORANDUM

**FROM:** Planning & Zoning Department    **DATE:** September 19, 2024  
**SUBJECT:** Presentation regarding zoning standards related to quick service restaurants with drive-through service.  
**PRESENTER:** Clayton Comstock, Managing Director of Development Services

### **SUMMARY:**

The 2023 NRH Citizen Survey clearly indicated that NRH residents desire more full-service restaurants over fast food establishments. When asked whether they would like to see more of each, 70 percent of respondents replied “yes” for full-service/sit down restaurants, while only 15 percent replied “yes” of drive-through restaurants. Over the last ten years however, fast casual and drive-through fast food restaurants generally developed at faster pace than full-service restaurants.

On November 9, 2015, City Council approved Ordinance No. 3382, which made several amendments to the zoning ordinance related to restaurants and drive-through service. As part of these amendments, three new land use types for restaurants were added to the land use tables. These include full service restaurant, fast casual restaurant, and quick service restaurant. Definitions for each land use type were also added to the ordinance.

At that time, the zoning ordinance did not specifically define or distinguish fast food restaurants. The “restaurant or cafeteria” use was permitted by right in all nonresidential zoning districts. However, the use “drive-through buildings of less than 1,400 square feet” did and still does require approval by special use permit in commercial and industrial districts.

The zoning ordinance also did not include any site development standards for restaurants with drive-through service. The 2015 amendment added standards that included drive-through stacking depths; location and orientation of menu boards, speakers and pick-up windows; and design and dimensions of drive through lanes. These standards, which are described below, help ensure that restaurants with drive-through service are compatible with adjacent uses and provide improved traffic circulation and pedestrian safety on the site.

These standards are used during the review of zoning cases and site plans for any restaurant that provides drive-through service. They apply to both quick service (fast food) restaurants and a fast-casual restaurant that might provide drive-through service, such as Panera Bread or Chipotle.

- (26) *Restaurants with drive-through service.* For restaurants that provide drive-through service, the following standards shall apply upon new construction; or to any building remodeling, alteration, addition, or expansion where the value of the improvements exceed 50 percent of the current appraised value of the existing structure, excluding the value of the land, or increases the square footage of the building by 30 percent or more.
- a. *Location requirements.* A restaurant with drive-through service must have its primary driveway access on an arterial roadway, as identified on the Thoroughfare Plan.
  - b. *Window location.* Drive through windows must not face a public street.
  - c. *Menu boards and speakers.* Menu boards and speakers must be located at least 50 feet from the property line of a residential use. Speakers must be oriented to face away from the property line of a residential use.
  - d. *Drive through lanes.* All drive through lanes must comply with the following standards:
    1. The drive through lane must have a minimum width of ten feet and a maximum width of 15 feet.
    2. The drive-through lane must be separated from traffic aisles, other stacking lanes, and parking areas with striping, curbing, landscaping, or the use of alternative paving materials.
    3. The entrance to the drive through lane must be clearly marked and located at least 50 feet from all public streets.
    4. A drive through lane is not permitted to be located between the building and a public street.
    5. A drive-through lane must not interfere with the use of parking spaces, interior pedestrian circulation, or access to any public street.
  - e. *Special use permit provision.* In order to respond to unique aspects of the site or building, such as infill development, modifications to or deviations from these standards may be approved through approval of a special use permit.

On February 13, 2017, City Council approved Ordinance No. 3448, which modified the land use tables to require special use permit approval for all quick service restaurants in all zoning districts where the use is authorized. Prior to this amendment, quick service restaurants were allowed by right in the C-2 (Commercial) and OC (Outdoor Commercial) zoning districts.

At the work session, staff will present information regarding quick service restaurants, drive through standards, and the review process associated with this land use.