

ADMINISTRATIVE MEMORANDUM NO. 20-177

**TO:** Planning and Zoning Board  
**VIA:** David L. Recor, ICMA-CM, Director of Development Services  
Jennifer Gomez, AICP, Assistant Director of Development Services *JG*  
**FROM:** Max Wemyss, Planner *MW*  
**SUBJECT:** Text Amendment to Permit Drive-Through Service in the East Overlay District  
(Section 155.3409)  
July 22, 2020 Meeting  
**DATE:** July 13, 2020

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Development Services has received interest for Drive-Through Service within the East Overlay District. In order to accommodate this interest the Zoning Code must be amended to allow Drive-Through Service as an Accessory Use in the East Overlay District (EOD). The Zoning Code does not currently permit Drive-Through Service within the subject zoning district. If the amendment were adopted by the City Commission, it would allow Drive-Through Service for properties abutting Federal Highway, north of Atlantic Blvd, with limitations on the points of access and egress to reduce conflict with pedestrian or similar transit facilities.

Although Drive-Through Service is not currently permitted within the East Overlay District, Drive-Through Service is permitted by the underlying Transit-Oriented Corridor Land Use Designation. The intent of the TO zoning district is to encourage Pedestrian-Oriented, Mixed-Use, and Transit-Oriented Redevelopment. Yet, due to the anticipated changes in social behavior and consumer preferences following the COVID-19 Pandemic, it may be necessary to allow for the adaptive reuse of spaces or redevelopment of properties that better accommodate the recommended guidelines of the Centers for Disease Control and Prevention. As proposed, the drive-through accessory use will be limited to Federal Highway (north of Atlantic Blvd), which is an arterial roadway. The proposed standards also limit drive-throughs to those properties that can accommodate the use internally; thereby reducing potential vehicular conflict with pedestrian, bicycle or transit facilities.

The Code amendment proposes changes to Table 155.3709.E.2 Principal Uses Regulating Table, 155.3709.E.1.d Permitted Accessory Uses and Structures in the East Overlay District, and Section 155.4303. Standards for Specific Accessory Uses and Structures in the General Code.

Staff recommends approval.

## CODE AMENDMENT REVIEW STANDARDS

The Planning & Zoning Board must make a recommendation to the City Commission on applications for code amendments based on the competent substantial evidence in the record that the amendment addresses the following standards:

### 155.2402. TEXT AMENDMENT

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#### C. Text Amendment Review Standards

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;
2. Does not conflict with any provision of this Code or the Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

## PROPOSED CODE AMENDMENT:

### 155.3709. EAST OVERLAY DISTRICT (EOD)

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#### E. Use-Areas/Density Regulating Plan

The Use-Areas/Density Regulating Plan is intended to delineate the areas where different types of land uses and densities are permitted in order to establish compatibility with the single-family neighborhoods.

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#### I. Use-area Designations and Standards

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##### c. Principal Uses Regulating Table

[Table 155.3709.E.2](#) includes the principal uses permitted in the EOD along with any required restrictions on such uses, for each of the use areas listed above. Principal uses not included in [Table 155.3709.E.2](#) are not permitted in the EOD. Principal uses in the EOD shall be subject to the use-specific standards as provided for in [Part 2, of Article 4](#), unless specifically noted otherwise in Section [155.3709.E.1.e](#) (Modified Use Standards).

##### d. Permitted Accessory Uses and Structures

Accessory uses and structures in the EOD shall be subject to the use-specific standards as provided for in [Part 3, of Article 4](#). The following accessory uses shall be allowed by right in the EOD:

- i. Walk-up window service as accessory to an eating or drinking establishment.
- ii. Outdoor display of merchandise for sale or rental as accessory to a retail sales and service use, in accordance with the standards in Section [155.4303.U](#), Outdoor Display of Merchandise, and the following:
  - a. Outdoor display of merchandise is permitted only on private property and private sidewalks.
  - iii. Outdoor seating as accessory to an eating or drinking establishment (including sidewalk cafes), in accordance with the standards in Section [155.4303.V](#).
  - iv. Drive-Through Service may be permitted as an accessory use, in accordance with the standards in Section 155.4303.I, Drive-Through Service, and the following:
    - a. The principal use fronts on to Federal Hwy. and is located north of E. Atlantic Blvd.
    - b. Point of access for a drive aisle and/or stacking space related to the Drive-Through Service must be from internal site circulation rather than a property line or right-of-way.
    - c. Drive aisles related to the Drive-Through Service may not exit on to a public right-of-way.

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**TABLE 155.3709.E.2: PRINCIPAL USES REGULATING TABLE**

**P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED I = 2nd Floor Only if multistory building fronting Federal Highway or Atlantic in the core sub-area 2 = In core sub-area only east of 20th Avenue 3 = Except if directly abutting or across the street from an RM or RS use-area/zoning district 4 = Maximum 30,000 sf 5 = Except for residential lobby entrances (no greater than 50% of building frontage), the first 20-feet of depth fronting on Federal Highway and Atlantic must be nonresidential active use 6 = See modified use standards in 155.3709.E.1.e.**

Use Types	Use Areas (EOD)							
	MM		MUR		RM24	RM36	PR	
	1st & 2nd Floors	3rd Floor & above	1st & 2nd Floors	3rd Floor & above				
...								
ACCESSORY USES								
A = Permitted Accessory Use T = Temporary Use Allowed with a Major Temporary Use Permit t = Temporary use Allowed with a Minor Temporary Use Permit I = Interim use allowed with an Interim Use Permit								
...								
	Dock	A	A	A		A	A	A
	<u>Drive-Through Service</u>	<u>A(6)</u>						
	Drop-in childcare	A	A	A				
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## 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

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### I. Drive-Through Service

#### 1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														A	A

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		A	A	A		A							A			A

#### 2. Definition

Drive-through service is the provision of products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks or financial institutions, restaurants, specialty eating or drinking establishments, and drug stores or pharmacies.

#### 3. Standards

A use with drive-through service shall comply with the following standards:

- The drive-through service facilities shall be located at least 100 feet from any residential zoning district.
- The drive-through service facilities shall be designed in accordance with Section [155.5101.G.8](#), Vehicle Stacking Space.
- The drive-through service facilities shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances.

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