

BY THE COUNCIL: BEAUMONT, HIGGINS, MITCHELL, AND SOUZA

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”), CHAPTER 2 (“BASE ZONING DISTRICT REGULATIONS”), ARTICLE C (“LAND USE PROVISIONS”), SECTION 13 (“DRIVE THROUGH ESTABLISHMENT”), TO UPDATE THE SPECIFIC PROVISIONS RELATED TO DRIVE THROUGH ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

SECTION 1. That Title 8 (“Development Code”), Chapter 2 (“Base Zoning District Regulations”), Article C (“Land Use Provisions”), Section 13 (“Drive Through Establishment”), Garden City Code, be, and the same is hereby amended to read as follows:

8-2C-13 DRIVE-THROUGH ESTABLISHMENT:

A. Location Standards:

1. A drive-through establishment may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways that carry high volumes of pass-through traffic; however, the use is not appropriate on local or collector streets.

2. A drive-through establishment use shall not be closer than five hundred feet (500') from a residence, residential zone, park, or a school unless separated by an arterial roadway; and:

a. The speaker system is located so that the sound from a speaker system is directed away from a residence, residential zone, park, or school and not audible off the site; and

b. Stacking does not create an impact off site; and

c. Vibration, noise, odors, etc., are not allowed off site; and

d. The use does not ~~otherwise~~ create a negative impact to an existing or planned pedestrian corridor; and

e. The use does not hinder the implementation of Garden City adopted plans or policies.

3. A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment, except where access to the drive-through is provided by internal circulation within a commercial site and would not create an additional curb cut to the arterial roadway.

B. Building Design and Site Layout:

1. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the conditional use permit application.

2. New drive-through ~~facilities~~ windows and drive aisles shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.

3. Vehicle lanes shall be sited to minimize ~~additional vehicle traffic~~ congestion, blockage, or rerouting on-site and within the surrounding uses.

4. A drive-through establishment within a commercial center shall take access from a principal drive aisle within the commercial center. The drive-through shall be designed to minimize additional vehicle traffic congestion, blockage, rerouting, or pedestrian disruption, within the commercial center and on properties adjacent to the commercial center.

5. Service shall be provided to those who elect to walk or bike.

a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes.

6. Adequate trash receptacles shall be provided that comply with requirements set forth in Section 8-4A-5 Outdoor Service and Equipment Areas, of this title.

7. All site and vehicular lane lighting shall be down-shielded, screened or oriented ~~not to encroach~~ prevent spillage of light on any residence, residential zone, or public roadway.

8. Stacking lanes shall be screened from view of the public right-of-way, patios and pedestrian use areas with landscaping or a combination of both plantings, structures, berming, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle.

9. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone, shall require that a minimum six-foot (6') high solid wall or fence, or plantings, structures, berming, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle, shall be provided along any property line that adjoins a residence or residential zone.

10. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone, shall require that any portion of the drive-through lane adjacent to a residence or residential zone be setback at least ten feet (10') from the residence or residential zone. The setback area shall be landscaped.

11. Design Review Committee approval of the building design and site layout is required prior to a Planning and Zoning Commission public hearing.

C. Access and Parking: Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

1. A bike rack shall be provided.

2. Access to for the pedestrian customer shall be provided facing the public right-of-way.

3. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and parking area to the structure shall be provided through sidewalks or pathways that are:

a. A minimum of five feet (5') in width; and

b. Americans with Disabilities Act compliant; and

c. Uninterrupted by motor vehicles. If there is no other feasible alternative, the vehicular crossing of the pedestrian path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to delineate and protect the pedestrian network. This may be achieved by raising the pedestrian path or sidewalk, changes in materials, or colors, landscaping, or other such

treatments. Signage alerting drivers to the pedestrian crossing shall be installed.

4. Based on the size of the drive-through and expected patronage, stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way.

5. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.

6. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane.

7. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

8. A curb cut for access to the drive-through establishment shall not be closer than 50' from a public street intersection.

9. Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating.

10. Directional signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes.

D. Additional Standards for Drive-Through Selling Food or Beverages:

1. A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided.

2. A minimum of one (1) outdoor trash receptacle shall be provided.

3. A restroom shall be provided for patrons.

E. Operational Standards:

1. To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling.

2. Employees shall collect on-site and off-site litter generated by customers at least once per business day.

3. Service shall be provided to those who elect to walk or bike at all hours that the drive-through is in operation.

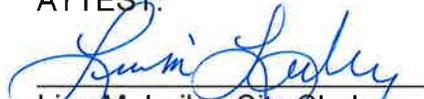
SECTION 2. All ordinances of the City of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 4. This ordinance shall be in full force and effect from and after passage, approval, and publication.

PASSED by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this 13th day of August, 2018.

ATTEST:



Lisa M. Leiby, City Clerk

APPROVED:



John G. Evans, Mayor

