

**PROPOSED AMENDMENT TO ORONO LAND USE ORDINANCE
TO REVISE DRIVE-THROUGH FACILITY STANDARDS**

Added text is underlined, deleted text is ~~struck through~~; text that is neither underlined nor struck through is unchanged from the current ordinance.

The Orono Land Use Ordinance is amended as follows:

1. Amend Sec. 18-31, Definitions, as follows, by adding the following definitions in proper alphabetical order:

...

Drive-in restaurant or refreshment stand means any place or premises used for sale, dispensing or serving of food, refreshments or beverages to drive-in customers in automobiles, including those establishments where customers may service themselves and may eat or drink the food, refreshments or beverages on the premises. Drive-in restaurant or refreshment stand is distinct from drive-through restaurant, as defined in this ordinance.

Drive-through facility means a commercial facility which provides a service directly to a customer who drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. Automobile (Motor Vehicle) Fuel Stations, or the accessory functions of a car wash and/or vacuum cleaning stations are not considered drive-through facilities.

Drive-through restaurant means any place or premises where a customer drives a motor vehicle onto the premises and is able to be sold, dispensed, or served food or beverage through a window without exiting the vehicle.

...

2. Amend Sec. 18-31, Definitions, as follows, by adding the following definition in proper alphabetical order, inserting a new sub-section 9, and then re-numbering the subsequent sub-sections accordingly:

Sign.

...

(9) Menu board. A sign that provides a list of food or beverage items or other items offered for sale at an eating or drinking establishment or other establishment that is posted in a public area for viewing by multiple customers, including a backlit marquee sign that meets the lighting standards of this ordinance, chalkboard or drive-through menu sign.

...

3. Amend Sec. 18-106(e), Schedule of uses, by making “Drive-through Restaurant” an allowed use with Planning Board Site Plan Review and Approval, as follows:

...

(e) *Schedule of uses.*

Use	F&A	LDR	MDR and GMDR	HDR	VC	C-1	C-2	EDZ	UNIV	RP	Ind
COMMERCIAL USES											
...											
Drive-through Restaurants					<u>S</u>	S	S				
...											

...

4. Amend Sec. 18-106(f), Schedule of dimensional requirements, by adding footnote 13 to the Village Commercial Minimum Lot Area in the table as well as to the Footnotes section, as follows:

...

(f) *Schedule of dimensional requirements.* All structures and uses shall meet or exceed the following minimum dimensional requirements. Numerals adjacent to some dimensional requirements refer to notes at the end of the schedule which contain additional requirements.

	F&A ¹¹	LDR ⁴	MDR ⁴ ; See FN ¹² for GMDR	HDR	VC ²	C-1	C-2 ⁴	EDZ ⁴	UNIV	RP	Ind
Minimum Lot Area											
Off-lot sewer and water	160,000 sq. ft. (see § 18-136 for lots within subdivisions)	Outside subdiv: 60,000 sq. ft.; Inside subdiv: 30,000 sq. ft. with average for all lots of	20,000 sq. ft.	10,000 sq. ft.	2,000 sq. ft. ¹³	40,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.		-	40,000 sq. ft.

		60,000 sq. ft.									
...											

Footnotes to Schedule of Dimensional Requirements

...
(13) See section 18-177(f)(4)(d.) for minimum lot area that applies to drive-through facilities in the VC District.

5. Amend Sec. 18-140, Signs, by adding the following new standard as sub-section 8 and then re-numbering the subsequent sub-sections accordingly:

(a) *Permitted signs; sign construction and maintenance.* No sign shall be permitted except as provided in this section.

...
(8) A menu board installed at the point where customers place their orders at a drive-through restaurant shall not exceed 32 square feet of gross display area and shall not be counted as a sign in applying the dimensional requirements of this Ordinance.

...
6. Amend Sec. 18-177, Site Plan Review Criteria, as follows:

...
(f) *Buildings.*

- ...
(4) *Drive-through facilities.* Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation.
- a. No drive-through facility shall be located in the area of the site adjacent to a residential use or residential zone.
 - b. Communication systems must not be audible on adjacent properties in residential use.
 - c. Queuing and Traffic Circulation
 - (i) Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas.
 - (ii) Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas.
 - (iii) The drive-through must not interfere with any sidewalk or bicycle path.
 - d. Village Commercial District. In addition to the Site Plan Review Criteria found in Section 18-177 of this ordinance, any drive-through facility in the Village Commercial District shall also meet the following requirements:
 - (i) Minimum Lot Area. A drive-through facility must be located on a lot of at least 30,000 square feet (0.68 acres).
 - (ii) Traffic Analysis. At a minimum, submission requirements include the information required by the Maine Department of Transportation for a Traffic

Movement Permit for a development generating 100-200 passenger car equivalents (PCE) at peak hour. If in the sole judgement of the Planning Board, these submission requirements raise questions about traffic safety or capacity in the vicinity of the proposed development, the Planning Board may request a traffic study as required by the Maine Department of Transportation for a Traffic Movement Permit for a development generating over 200 PCE at peak hour. If it is determined that a Maine Department of Transportation Traffic Movement Permit is required for the development per 23 M.R.S. §704-A, the Planning Board may accept the information and results of that analysis as meeting this submission requirement. Rules and regulations pertaining to Traffic Movement Permits are found in 17-229 C.M.R. ch.305 (2000), as may be amended from time to time.

- (iii) Queuing Analysis. The Site Plan Review application submission requirements shall include a drive-through queueing/stacking analysis. The applicant may request in writing a waiver of this analysis based on unique conditions of the site that allows the Planning Board, in its sole judgement, to determine the analysis to be unnecessary.