



MOTION SHEET

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Analyst

DATE: July 15, 2014

RE: Drive-through Service Windows - Petition: PLNPCM2009-00169

Council Sponsor: **Luke Garrott**

MOTION 1

I move the Council close the public hearing and defer action to a future Council meeting.

MOTION 2

I move the Council continue the public hearing to a future Council meeting.





COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Analyst

DATE: July 15, 2014

RE: Drive-through Window Service
Petition: PLNPCM2009-00169

Sponsor: Council Member Luke Garrott

PROJECT TIMELINE:

Briefing: April 22 / July 15, 2014

Set Date: April 1, 2014

Public Hearing: April 22, 2014

Potential Action: TBD

There is not a proposal from the administration for this item

NEW INFORMATION

On April 22, 2014 the Council held a public hearing pertaining to the proposed drive-through window amendments. At that time, the Council decided to continue the public hearing until after the Council discussed the proposed changes during a work session briefing.

The Council is scheduled to discuss the proposed changes during the July 15 work session. The continued public hearing is also scheduled for that date.

Six individuals spoke during the April 22, 2014 public hearing. Comments from the public included safety concerns such as; window robberies, increased risks to pedestrians, cyclists, and service providers. Others said that the proposal would have a negative impact on business including potentially requiring early closures and building modifications, increased costs due to additional staff needed to keep the dining area open, impact on **employee's** salaries/business revenues, and increased insurance costs.

During the month of May, representatives from the Restaurant Association and various businesses that would be impacted by the proposed changes met with Council Members Rogers, Mendenhall and LaMalfa. The group expressed opposition to the proposed changes. They cited safety concerns for employees and customers, increases in business costs including; labor, security, remodeling and insurance. Generally, they expressed the opinion that there is not a demand for this service. They



requested the Council table this proposal and asked if they could meet with the Council to devise other ways to address any concerns about drive-through service.

Additionally, the Risk Manager for the Utah Restaurant Association sent a letter outlining what they feel are the safety hazards of opening drive-throughs to pedestrians and cyclists. *Please see Attachment D.*

The City’s Business Advisory Board discussed the proposed changes during their May meeting. They sent a letter to the Council expressing their concerns. *Please see Attachment E.* Although the Board supports the City’s general efforts to increase walkability they do not support the drive-through proposal for the following reasons:

- safety concerns;
- negative economic impacts to businesses;
- lack of demand for the service; and
- the City should not dictate how a business should be run.

Both the Restaurant Association and the Business Advisory Board asked that the Police Department review and comment on the proposed changes. The Police Chief provided the following comments on the proposed changes:

“There are several Cities across the nation that prohibit walk-up traffic through drive-through vendors during night-time hours. Some areas have seen an increase in robberies where this has been allowed. Clerks have been subject to incidents that they would not normally be subjected to from pedestrians. The Police Department is not opposed to walk-up traffic in the downtown areas. While we have not seen a dramatic increase in crimes within the Salt Lake City area, we should approach all ordinances being aware of downsides and the possibility of increased associated disorder. “

ATTACHMENTS

- | | |
|----------------|---|
| • Attachment A | Open City Hall / Email Comments |
| • Attachment B | March 2014 Council Letter |
| • Attachment C | Draft of Proposed Ordinance |
| • Attachment D | Letter from Restaurant Association Risk Manager |
| • Attachment E | Letter from the Business Advisory Board |

The following information was provided for the April 22 public hearing. It is provided again for background purposes.

ISSUE AT-A-GLANCE

Proposed changes to drive-through service windows would allow patrons to have equal access to services from businesses with drive-through facilities, regardless of whether they arrive on foot, bicycle, in a motor vehicle or via another mode of transportation. These changes have been proposed with the goal of creating a walkable and sustainable community, inclusive of all City residents and visitors.

Initially, staff had suggested incorporating **all proposed changes in the City's** zoning ordinance. However, staff then realized that existing businesses would not be subject to the equal access change. Therefore, it is now proposed to include the amendments in two sections of City code: Title 21 A- Zoning and Title 5 - Business License Requirements

21A.40.060 - Drive-through facility regulations (Future construction & significant remodeling)
Design standards to improve pedestrian access would include:

- Direct pedestrian entry through the front of the building shall be provided from public streets and sidewalks to the building entrance. Crossing driveways, stacking lanes or parking areas shall be avoided.
- Well-articulated pedestrian routes and zones shall be provided on the site, linking building entrances and parking areas.
- Decorative paving, or similar material, complimented by landscaping, shall be used where appropriate to delineate these linkages

Existing businesses would not be subject to these proposed regulations as legal nonconforming uses. However, any future developments would be subject to the new requirements. **According to the City's code**, "A nonconforming use that lawfully occupies a structure or lot may be continued so long as it remains otherwise lawful, subject to the standards and limitations" in chapter [21 A. 38 - Nonconforming Uses And Noncomplying Structures](#).

Additionally, the drive-through section proposal includes the reordering of the drive-through facility chapter.

Title 5 - Business License Requirements

The operation requirements of businesses with drive-throughs, would include the standard that during business hours, a business must be accessible to all customers.

- During business hours, a building with a drive-through facility shall be accessible to all customers either through the drive-through, a walk-up window, in the dining room or by other means, notwithstanding whether they arrive on foot, bicycle, in a motor vehicle or another mode of transportation.

Council Staff is working with the Attorney's Office and the Administration to determine where the business licensing section of this proposal would best fit in Title 5.

POLICY QUESTIONS

- Would the Council like to have the amendments which would affect Title 21A be reviewed by the Planning Commission?

The Council is legally entitled to act on this petition without returning it to the Planning Commission. These proposed amendments to drive-through accessibility have not been reviewed by the Planning Commission. This proposal was raised after the petition was transmitted to the Council Office. The Council has the authority to accept, reject or modify recommendations of the Planning Commission as long as they are with the scope of the petition. However, since this proposal would create many nonconforming uses, would the Council like the Planning Commission to provide a recommendation?

ADDITIONAL & BACKGROUND INFORMATION

In November 2013, the Council adopted extensive revisions to the City's Land Use Tables. As part of that project, drive-through standards were reviewed and amended. However, at the time of adoption, the Council voted to further study possible amendments pertaining to drive-through service facilities in order to consider changes that would make drive-throughs more accessible to patrons who are not in automobiles. The Council adopted the original amendments to the land use tables, but elected to delay the decision on drive-through standards so they could solicit public feedback.

In addition to the accessibility item, other standards for drive-throughs are being considered that would improve pedestrian access and safety of future drive-through developments. These provisions include: direct pedestrian entry through the front of the building - facing the street and clearly delineated pedestrian routes linking building entrances to the parking areas and public sidewalks.

If the Council adopts the proposed design standards for a business, only new businesses, or businesses undergoing extensive remodeling, will be required to comply. An existing business will not be required to reconfigure their site for these new standards, unless they undergo extensive remodeling.

A letter was sent out to businesses in Salt Lake City who currently operate a drive-through and other stakeholders were notified through email distribution lists for review and comment. The letter introduced the topic, informed people of the public hearing on April 22 and identified the various ways to submit public comments to the Council. The topic was posted on Open City Hall. To date over 60 comments have been submitted. The Council Office has also received a handful of emails on the topic. Below is a summary of the comments received.

Comments in support

- This proposal would make SLC more bike/pedestrian friendly.
- Promotes a greener city.
- This will help air quality because it will eliminate idling and encourage more people to ride bikes.
- This could help keep drunk drivers off the road because people can walk to a drive -through instead of having to drive.
- Some comments suggested an outright ban for all drive-throughs.
- Some expressed support for the design standards for pedestrian access in parking lots and to the public sidewalks.
- Access and service for all is a good idea.

Comments in opposition

- This is government overreach, classic over-regulation.
- Let the market – supply and demand - dictate if there are enough people who will use a walk up window, not the government.
- Business should be able to decide their own hours and how they provide service - based on economics and security.
- This hurts businesses because it will raise costs – will require additional staff and architectural changes to buildings.
- Safety concerns for workers.
- Will encourage more robberies/thefts.

- Existing businesses may find it difficult to balance new service requirements with their risk management goals.

CC: David Everitt, Karen Hale, Art Raymond, Holly Hilton, Eric Shaw, Mary De La Mare-Schafer, Wilf Sommerkorn, Cheri Coffey, Nick Norris, Michaela Oktay, Lex Traugher, Orion Goff, Les Koch, Larry Butcher, Margaret Plane, Paul Nielson, City Council Liaisons, Mayors Liaisons

File Location: Community And Economic Development Dept., Planning Division, Zoning Text Amendment, conditional & permitted land use tables, outdoor dining and drive-through window service zoning regulations

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

All On Forum Statements sorted chronologically

As of July 10, 2014, 1:33 PM



As with any public comment process, participation in Open City Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

Introduction

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

The Salt Lake City Council is currently considering development standards for drive-through service windows. Keeping in mind the City's goals of creating a walkable and sustainable environment, and being inclusive of all City residents and visitors, the proposed changes would allow all patrons to have equal access and service regardless of whether they arrive on foot, bicycle, in a motor vehicle or via another mode of transportation.

Due to the fact that many drive-through windows stay open longer than the dining room, it is proposed that some improvements to drive-through service accessibility be examined. The Council recognizes there may be some limitations due to insurance considerations. Therefore, as an alternative, property owners could provide service through other means; such as having a designated walk-up window or making dining room services available during the same business hours as drive-through services.

It is proposed that the following amendment be included in the development standards for drive-throughs:

Accessibility of Service: During business hours, a building with a drive-through facility shall be accessible to all customers either through the drive-through, a walk-up window, in the dining room or by other means, notwithstanding whether they arrive on foot, bicycle, in a motor vehicle or another mode of transportation.

The Council is seeking comments and suggestions. We want to hear from business that would be affected by the proposed changes.

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

As of July 10, 2014, 1:33 PM, this forum had:

Attendees:	319
On Forum Statements:	50
All Statements:	77
Hours of Public Comment:	3.9

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

Name not shown in District 5

July 1, 2014, 5:30 PM

If I hear the words sustainable environment one more time I am going to puke. This coming from an administration that thinks putting as many people into as small a space as possible improves the environment or existing lifestyle. You're all nuts.

Jeremy Beckham in District 2

May 22, 2014, 10:06 PM

I support this proposal. If we want to sit back and wait for the "free market" to solve our air quality problems in this city, we'll all be dead of old age before the problem gets solved. Also, it's delusional to think that we have a car-centric culture as a result of the 'free market.' The government has played an active role in encouraging the use of personal automobiles, namely by building so much infrastructure to support the use of cars - roads, traffic lights, parking lots, meters, etc. So let's not kind ourselves. Our government does and always will play an active role in fostering an environment that encourages or discourages certain modes of transportation. I'm not saying that's right or wrong, it's just inevitable. Recognizing that reality, I support our city government enacting regulations to incentivize walking and bicycling. These are healthier and cleaner alternatives to the use of cars.

Earl Lewis in District 7

May 22, 2014, 1:17 PM

Accessibility at drive-throughs? Who cares? Close this and move on to more pressing matters. Spending any more time on this is a waste of my tax dollars.

Name not shown in District 6

May 12, 2014, 6:41 PM

If this passes, I intend to idle my car every chance I get just out of spite. Catch me if you can.

Stan Kairawicz outside Salt Lake City

April 28, 2014, 6:55 AM

Leave it alone, Stop fixing things that don't need fixing.

Name not shown in District 4

April 26, 2014, 9:37 PM

Only the USA has drive thru everything. Other economies do just fine without this car-centric access model for retail businesses. A better idea would be to ban drive thru altogether (for less emissions), but given that is unlikely to happen, the proposal of fair access for all is very reasonable and deserving of support.

Myron Willson in District 5

April 26, 2014, 11:08 AM

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

I support this discussion and hope something is enacted. As a frequent pedestrian and cyclist it is challenging to wait for service in the auto lane. If structured properly the ordinance would not have to compromise worker safety.

Name not shown outside Salt Lake City

April 22, 2014, 5:21 PM

There is too rough a crowd on the streets late at night! This would put employees at risk of robbery and or assault! I think the council should spend a week at night up in salt lake to see what kind of crowd there is up there!

Name not shown in District 6

April 22, 2014, 7:33 AM

Our city council must have too much time on their hands to be dreaming up things like this. What about all the graffiti, vandalism, theft and violence going on out here? Doesn't anyone care about actual quality-of-life problems?

Name not shown in District 5

April 16, 2014, 10:01 PM

I love the spirit of this proposed change; a walkable, bike friendly city is something we can all get behind. However, that's really all this proposed change has, is spirit. This, respectfully, sounds like a law that really wants to be needed. It sounds like a law looking for a problem.

So, the current problem, as I understand it, is that a person who wants some Taco Bell at 2am, but cannot operate a car...or does not own one, will not be able to go south of the border until the restaurant dining room opens at 7am?? Has this very specific customer/citizen demographic been so marginalized as to need a law to rescue it from a tacoless 2am?

Acknowledging that laws are not always there to solve problems but also to influence behavior, what behavior is this promoting?? Is it the "Hey its 3am let's walk not drive to McDonald's because there is a walk-up window," behavior??

How will the law operate? Besides requiring a walk-up window to be built, will the law mandate that the walk-up window be staffed as long as the dining room is closed? At which point the council should ask itself what has led these multi-nationals to close their dining rooms after a certain hour?

Will this ordinance include banks? If not, then why? The banks would argue it's a security concern. Does a drive-through restaurant not have the same security concerns?

Again, I understand the spirit of the proposed law and which behaviors and problems it seeks to promote and solve respectively. However, I really hope the council examines this proposal through the more practical lens that the Salt Lake Council is known for rather than the more rhetorical one that this proposal actually serves.

Name not shown in District 1

April 13, 2014, 8:24 AM

This proposal is a gross violation of private property rights and far outside the proper role of government. In no

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

way should the city council attempt to dictate such things. This is an extremely bad idea and good example of paternalistic government run amok.

Name not shown in District 6

April 10, 2014, 12:25 PM

It is interesting to read all the statements about drive-thru as related to eating establishments. As I read the proposal I see nothing limiting the requirement to restaurants. Would this not apply to banks, credit unions, dry cleaners and any other establishment with a drive-thru? This should be a business decision not one made by local government. I can see business owners making the decision to close at an earlier hour rather than have to go to the expense of having a walk-up/bike-up window. Hey, just close earlier, reduce the hours for employees and save money on payroll, payroll taxes and healthcare costs by putting everyone on part-time. Yep, **sarcasm** City Hall that will work quite well. Let's encourage businesses to relocate outside the city limits of Salt Lake City.

Let businesses have their business model and function in ways that help them survive and add to the city. Back off city council and give business men and women the opportunity to really do business within the city.

Name not shown in District 6

April 10, 2014, 10:50 AM

To Deborah Walling. I appreciate your comments, but the notion of folks being able to bike drunk instead of drive drunk is small consolation. Be careful out there.

Name not shown in District 6

April 10, 2014, 10:41 AM

Eliminate drive-thru anything! With our lousy air quality, it's preposterous to encourage idling.

Name not shown outside Salt Lake City

April 10, 2014, 9:18 AM

I think this is a blatant government overreach. Let the private sector work on its own! If consumers find this such a necessary thing to do, let them petition or boycott the establishment and give the company a chance to respond to true consumer demands.

I think it is evil to force companies to provide these drive-through services. I strongly oppose this.

Name not shown in District 1

April 10, 2014, 8:41 AM

I agree that patrons should be serviced regardless of the means of arrival, but vehemently disagree that our City government has any business declaring what a business must do when the business owner selects how to operate the business the businessperson, not the City, owns.

It isn't mentioned, but there is no preclusion that someone arriving on horseback must also be accomdated. Ditto a heavy truck. Quite an expense involved to make a good fit there.

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

If they choose to make the drive-thru available only to cars, for security reasons for example, then what compensating protection is promised by this action, and who has signed up to pay for it? Same question follows for the insurance, structural, hardscaping, and landscaping requirements. Yes those will cost plenty - just tour some of the variations which abound in SLC, (which also help create the local flavor). Imagine what it will take to make cookie-cutter approaches to any and all. Just imagine what it will do to the character of a business if that element of all business be so similar by being so closely defined.

If the originators of this were honest, they would have included in the title or description that this is another go at social engineering . A thinly disguised, untested and unproven variant, but with the end goal of suppressing individuality and coercing uniformity.

Businesses have enough working against them already, and the best run survive, and even thrive. If that includes allowing pedestrians to compete with cars in the drive-thru, great. If they have found that doesn't work for them, that is a calculation they have made - knowing full well they are missing sales by not being all-inclusive. The reasons may be safety of the employees, liability issues from comingling various forms of traffic, or other reasons they choose, it is their business.

Mat Kent outside Salt Lake City

April 10, 2014, 8:08 AM

I would ask who it is that the council is trying to put out of business. There are those that wouldn't be able to afford to make the changes required or wouldn't have the real estate for it and I'm guessing that those that can easily comply, or already accommodate for customers in this way, are lobbying for a new regulation that would help restrict their competition. In a free market you make what you have work as well as you can. If I want to start a restaurant that only has drive-through service, I should be able to do so. If you don't care for that kind of service, you have the right not to shop there. I'm not trying to be mean by not allowing you to get food the way you want, I want your money as much as you want my food. But if that's what I've decided to do, then I live with the consequences.

P Mattingly in District 6

April 10, 2014, 7:10 AM

Another bad idea from the creative minds of the progressive liberals that have taken over our city government. These socialist bent people have no concept of free enterprise and the success it has brought to this country.

If a business comes to the understanding that they are losing a lot of money by not having a special entrance just for someone who walks up or rides a bike, they will be the first to provide one. This is what an independent business capitalist does to stay in business without having a manipulative government telling him to do it.

A government should protect us from the bullies both foreign and national and provide services for the public that private enterprise probably would not like police, water and sewer and roads.

Making a law that requires a business to serve a guy coffee through a special opening who rides up in a snowstorm late at night does not qualify although an image of him riding off with a hot coffee in one hand and shifting gears with the other comes to mind.

What's next, limiting the amount of hours each day you can tie up your dog? Stay tuned. They are working on

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

that one too.

Name not shown outside Salt Lake City

April 9, 2014, 10:39 PM

This proposal steps over the boundaries of appropriate government and crosses into violating free market principles. Every new requirement placed on a business adds to the cost of running that business, increasing the challenges to staying financially solvent and paying its employees a good wage. If there is truly a demand for walk-up services, the healthiest thing for all involved is for those desiring the service to speak personally to the manager or owner of whichever business it is. Enough voices will make a difference. Having the county council mandate it instead is a little like running to Mom and demanding that she fix the problem for you. Learning to solve the problem yourself with the person-- or in this case, the business-- you have issues with leads to real progress. Communicating politely while you're at it helps, too.

Name not shown in District 1

April 7, 2014, 9:27 PM

This is not a city issue. It's a free market issue. Any business that wants to have a walk up window can already have one. We don't need big government to demand it. Supply and demand stipulate that if there are enough people who will use a walk up window, then the businesses will make one to generate revenue. Leave the free market alone. The role of the city government is not to meddle in this way.

Name not shown in District 7

April 7, 2014, 4:14 PM

I think this a great idea. Salt Lake City has many bikers and walkers, I am one of them. Just the other night after last call at the bars, I wanted to go to McDonald's but I was denied food because I had walked. This has also happened to me when biking at other fast food restaurants that are open late. I think this is an obvious step needed for the city if biking is going to keep gaining popularity (bikes available for use around the city) and as we strive to reduce pollution in the city. This also promotes safe drinking for those who drink. If the only way one can get food is to be in a car at the drive thru... people are more likely to get in their car and drive drunk. Allowing pedestrians in the drive-thru will make it safer for people to get food without getting behind the wheel and protect others from drunk drivers on the road. As for security, opening the inside could be a potential problem, but not at the windows (keep them locked unless serving) and have a way of keeping track of pedestrians just like we do for cars. Pedestrians could even push a button (order now (similar to Sonic's)) so that the workers know someone has arrived. All in all I think this is a good idea, if I hadn't seen this I would've started talking to someone about this proposal as well. A city that promotes biking needs this if they are going to continue to promote that message and see the results they want.

Deborah Walling in District 6

April 6, 2014, 4:03 PM

This is a great idea, although opponents do have some legitimate concerns. While it should be relatively fair and straight-forward for fast-food business owners who are planning renovations or new construction to

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

accommodate walk/ bike-up customers, existing businesses may find it difficult to balance new service requirements with their risk management goals. Some public comments are promoting a generous amount of time to “grandfather” existing businesses, which may be reasonable to a degree. I think there are cost-effective options to support an accelerated implementation in full consideration of safety, however. For example, businesses may require pre-payment by electronic/ mobile purchase from on-foot/ cyclist customers to remove the risk of motorists striking pedestrians/ cyclists in the drive-through lane. The electronic pre-payment would also diminish the risk of crimes against the business or injury to employees in the course of delivering purchased items to customers via an alternative door or window (other than the drive-through window). Just as many businesses require a minimum purchase amount or impose a surcharge for credit card purchases (in order to cover associated transactional costs), it would be reasonable for businesses serving late-night customers (in any mode of transportation) to impose a modest, late-night service charge. Another direction which would also have environmental benefits would be to phase-out drive-through service entirely, as idling vehicles produce unnecessary pollution. Instead of creating exceptions for pedestrians to access walk-up service, perhaps walk-up service should become the norm, with exceptions created to provide service for those who are physically unable to do so.

Eric Hamren outside Salt Lake City

April 5, 2014, 2:31 PM

Completely in favor of having changes that allow better accessibility. Personally, I have had several occasions where I was denied service at a drive thru because I was on foot or on a bike, yet the dining area is closed. And whenever I'm on a bike, they never notice that I'm waiting to place an order and I always have to ride up to the main window, which screws up their system

Name not shown in District 2

April 5, 2014, 6:36 AM

There is a safety issue here. We currently have an issue with bank robberies. Now you want those business that stay open later to have walk-up traffic. Not a good idea. During the day the front doors are open and you can walk right in. Don't need a special window, use the front door! After hours drive-through allow for extended business hours. Without putting staff at risk. Workers clean & prep while being safely behind locked doors. Not something the city should try to enforce. If a business can make more money with a walk-up window, they would build one. Notice they do not . . .

Now, as for the walk ways not crossing driveways. This is a good idea. Too many business give the drive-through right of way at the risk of the walk-in customers.

Martin Cuma in District 6

April 4, 2014, 9:14 PM

Sounds good to me, I am tired of feeling like a second class citizen whenever I walk or bike. Most of our city's infrastructure is built around the car, it's time to change it.

Leslie Keating in District 4

April 4, 2014, 7:12 PM

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

Yes and then some. Not only do I think we should demand equal access for those who do not have cars but I think we should also work on getting rid of drive throughs in the city. Idling cars are one of the biggest causes of unnecessary pollution and we should be doing everything we can to decrease our air pollution. I think we should put a stop to any new drive throughs and phase out existing drive throughs in a five/ten year plan. I'm speaking as a mother of two young children who realizes that this is a sacrifice for people to get out of their cars, but the bigger sacrifice is the effects of pollution on our health.

Name not shown in District 4

April 4, 2014, 6:49 PM

Walking is my primary mode of transport and I appreciate and support this proposal. It provides another really good step towards a more pedestrian friendly city. I do believe that it could go further by beginning to limit new drive through construction in additional zones (beyond transit, etc.) and include higher requirements for idle free standards/enforcement. I am a business owners that owns two store fronts and understand the extra stretch for local business to compete in the global market. However, we all have to do our part to recapture our health and quality air. As good community citizens, business needs to and can lead the way.

Name not shown in District 7

April 4, 2014, 3:07 PM

If driving through the driver must be required to turn off the engine if they do not have a vehicle that does this automatically (such as a Prius) as idling adds to air pollution.

Nate Housley in District 4

April 4, 2014, 2:42 PM

I like the proposal. I think more people and businesses could benefit from realizing that cars are not the only mode of transportation.

Brian Rallison in District 5

April 4, 2014, 2:40 PM

I wonder if there has been some studies done for the safety of the employees for walk-up windows that are open during late or when it is dark. I like the idea very much, I would just hope that the city is not causing more risk to people.

Name not shown in District 5

April 4, 2014, 12:58 PM

I think it would be better for us to get rid of drive thrus entirely, but if we absolutely have to have them, they SHOULD service every mode of transportation available, including feet, bicycles, skateboards and everything else.

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

But I would prefer to just see drive-thru's go away. It makes our city less walkable if we aren't forced out of our cars.

jeri fowles in District 4

April 3, 2014, 8:05 PM

Why are we not talking about requiring that drivers turn off their engines while at drive-thrus? Even if I had more access to a drive-thru on my bike I wouldn't want to wait behind someone who wouldn't turn off their car.

JOY DANTINE in District 1

April 3, 2014, 6:09 PM

Yes, let the restaurants decide; I trust they decided to work with the City Council in this matter that "plagues" us all. Banks and restaurants have a monopoly on drive-through "technology" whereas, this "approach" to business sense goes without saying. Access and service all and all will come. Some customers will chose to exit their vehicle and walk up to window. How grand and long overdue is this concept? If some can not read between the lines, I am highly in favor of this legitimate consideration. I trust the business partners are not as frustrated as some citizens are. Great proposal!

Name not shown in District 1

April 3, 2014, 5:54 PM

This is good. Go for it.

Richard Madsen in District 7

April 3, 2014, 5:53 PM

Stay out of it. Its none of the council business. Let the fast food industry decide. Just keep on riding you bikes to work. Not every body wants to walk or ride a bike, or take public transportation.

Name not shown in District 5

April 3, 2014, 3:48 PM

What is it with people and their loaded adjective use? I'm down for the idea. It'd be nice to have more access for cyclists and pedestrians to areas of business. Perhaps in the future this will provide incentive to take more low cost and alternative means of getting around. Also utilizing alternative means of transportation greatly benefit the city in both economically and socially.

District 5.

Thomas Tischner in District 5

April 3, 2014, 3:43 PM

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

This is just one more (of MANY) ridiculously stupid ideas coming out of Becker's and the city council's control addled brains. Most people in SLC don't live in downtown apts and use cars on a daily basis. Leave it alone and let businesses and customers choose how to live. Stop trying to regulate every aspect of our lives. Are you trying to make SLC as screwed up as NYC? If so, you're on the right path.

Name not shown in District 5

April 3, 2014, 3:35 PM

City Council and the mayor should be required to do an economic impact study (impact to the regulatee) for every one of their proposed 'standards'. The benefits sought by this regulation will never happen. If you force a window for 'after hours' or walk in, the business will just shut down the drive thru, impacting 99% of the customers for the benefit of the 1% who are too lazy to walk inside. Businesses would have to spend tens of thousands of dollars for the extra windows, safety features, added inspections and mandatory assessments that will evolve around this. It is not worth it for the benefit to folks who can just walk in. If the council wants a good project, how about regulating the traffic lights crisscrossing the city. north-south and east-west are controlled separately and it is impossible to drive across town without stopping at 7-10 signals. This causes excess start-stopping and idling, creating the horrendous SLC smog that we don't need. Do something that benefits everyone—drivers and pedestrians alike. Of course the answer to my question is that the city purposely screws up anything to do with using autos in the city to further their goal of creating an urban environment without any cars at all.

Name not shown in District 6

April 3, 2014, 1:45 PM

Excellent idea! I'd like to see pedestrian access and crosswalks on interstate freeways as well. Equal access for all!
Don't waste your time.....and my tax dollars even discussing this.

Mike Christensen outside Salt Lake City

April 3, 2014, 1:23 PM

I feel that it is discriminatory for businesses to refuse service to people who are not arriving in a car. I don't understand how it would be financially beneficial for businesses to limit their customer bases. For example, I have seen hungry truckers turned away from late night drive through windows for walking up to the window, since their rigs are too big for the drive through windows. It's mind boggling why a business owner would want to discourage entire segments of potential patrons from being able to access the business.

Name not shown in District 5

April 3, 2014, 11:33 AM

We oppose your Drive-Through ordinance. We feel that the Accessibility component will place an undue burden on those businesses and will result in the closing of many of the late-night drive through windows that allow people—especially women and the elderly—a safer more secure method to obtain services at a late hour of the night when they are likely to feel more vulnerable, and are more vulnerable, to predators. The Mayor and

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

City Council seem determined to control every aspect of commerce in the city, to make it comply with their vision of a city with very constricted automobile use. However, I think most of the citizens in the city want to have the benefit of the use of their cars within the city, including the option to have drive-through windows available for their convenience and safety. City Council, please focus your desire to pass ordinances on things that are important to all citizens, like reducing crime and poverty in the city (e.g., giving businesses incentives to create more jobs) instead of trying to find every nit-picky little way you can to reduce automobile use.

Name not shown in District 5

April 3, 2014, 11:19 AM

This is a terrible idea -- why even waste time on this topic.

Drive Throughs are there for a purpose and should not accommodate every possible situation (bikes, walkups, wheel chairs, kids, etc). There are huge safe issues and why force businesses to modify their stores and drive throughs to accommodate a small few. If there was a true need and a large enough market then a restaurant would remain open or provide for walk up service.

How many people have actually complained about this and requested walk up windows?

I have another great idea for SL City to waste their time on... how about any location that does not have a drive through be required to add a drive through. See how ridiculous this proposed change by the city is.

The City should really be asking, can we save money by firing the person who decided to waste TAX PAYER money even considering this topic.

Robert Barth in District 4

April 3, 2014, 9:32 AM

This topic seems to have started a Libertarian range fire. It is so surprising that even the suggestion of any kind of regulation can set off such defensive, angry reactions... That being said, why not open this topic up further? For example, what justifies continued community support of car-centric and car-dependent businesses in the first place? The idea of community support (cross-sidewalk access, enforcement, establishing a legally justified hierarchy of protection with pedestrians and bike riders at the bottom) provided to a business catering to the convenience of automobile drivers is straight out of the mid-20th Century and is obviously increasingly unrealistic and unsustainable in our urban environment. Given Salt Lake City's many goals of restoring walkability, ensuring equal pedestrian/cyclist safety, and encouraging a more earth-friendly, human-oriented urban environment why would our city government want to support more car-dependency? I can suggest we start the discussion by considering the idea that drive-through services be made available only to those who have no other means of reaching a business - and that a disability/limited physical mobility tag be required in order to use any drive-through service in Salt Lake City.

Christi Baum in District 2

April 3, 2014, 8:44 AM

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

Keep your government out of business unless it's for safety. If a business wants to have different service times for different means, it is up to the customers of that business to tell them they don't like it.

Name not shown in District 7

April 3, 2014, 8:43 AM

Idling is unavoidable in a drive-through, turning on and off one's engine for six or more times damages the ignition system, I don't see how re-designing the windows would fix this problem, maybe I missed the point, Would we, then, be supposed to park, and walk to the window? Clearly there is not enough parking space in SLC. I think the sentiment behind this proposal is positive, but is not a good idea.

Name not shown in District 1

April 3, 2014, 8:27 AM

LESS GOVERNMENT IS BETTER GOVERNMENT!

Why do we need more legislation telling business owners how to run their business? Get out of my house, my business, and my life. Let me decide how my business should be ran, let me decide if I need a walk-up window, and if I should set different hours for drivers vs. pedestrians!

Why is this even up for discussion?!?

Steve Davis in District 6

April 3, 2014, 7:49 AM

Seriously, do you really want to regulate everything to death, clearly the answer is YES! Welcome to Salt Lake City, the home of the new \$10 burger. Less government is better government.

Name not shown in District 7

April 3, 2014, 7:17 AM

Just another solutioun looking for a problem. Another stupid idea from our eco-terrorist mayor, who does not personally follow the laws and environmentalist lifestyle he pushes onto the public. New campaign slogan: Ralph Becker: Fining you into prosperity since 2006.

Name not shown in District 5

April 3, 2014, 6:36 AM

Ridiculous. This is taking bicycle-mania much too far. But I'd suggest a deal: if SLC 1) requires owners to license every bicycle, and 2) develops regulations that define bike riders as either vehicles, pedestrians, or something else, I might support this idea. Of course, regulations would involve enforcement - maybe even ticketing cyclists who ride on the sidewalk, blow through stop signs and red lights, and cross in crosswalks while switching to traffic lanes. As long as riders' behavior is utterly unpredictable and often dangerous, I don't favor offering any additional privileges.

Name not shown in District 4

April 3, 2014, 6:20 AM

All On Forum Statements sorted chronologically

As of July 10, 2014, 1:33 PM

<http://peakdemocracy.com/1590>

Page 14 of 15

Drive-through regulations

What do you think of proposed changes to Salt Lake City Development Standards for Drive-Through Facilities?

This is an idiotic idea. Salt Lake City government should better understand its role. This is an intrusion into private business that rings of gestapoism. What next? Shall we determine what hours businesses can be open? Or, tell them what they can sell? How about just making them meet customers half way to their homes so they don't have to walk so far? This goes too far in telling private business how they go to market and will deliver very little in making the city more walkable. If you want to make the city more walkable how about putting more police on foot or bicycles to at least make us feel more safe from the dozens of people begging or trying to con walkers out of money. Enforce the laws on the books now such as noise (loud motorcycles, leaf blowers, etc,) bikes on sidewalks, cars that ignore pedestrians. Enforce trash and weed codes. Before you add more laws just work on enforcing those we already have, please. Get real. Maybe all of you in planning should really spend more time walking around downtown -- not just from your car/metro stop to your office.

Comment

Pulled 4-15-14

Dear Sir: As per your letter dated March 28th 2014, you are saying that you are going to change the system on our drive through, yet you are not taking in consideration of my employees. We are open from 9am through 3am. We close the lobby at 12am because we have had problems with robbery, drunks, mis-behavior, and abuse to my employees. The safety of each and every one of my employees is first, regardless what you want to do, especially that almost all my employees are family. If you feel that you want to fine me because I am not going to follow your ways of thinking, PLEASE FEEL FREE TO DO SO!!!!!!!!!

FOR-Nick, As a past downtown cafe owner I think this is a fabulous idea! It promotes a greener Salt Lake and will increase business. Denise Cerreta Founder One World Everybody Eats

Nick - I'm not in support of this as it has been defined. I agree that any patron should be allowed to be served through a service window after hours, but if you mandate that the dining room be open late, the businesses will shut down their late night service. If you mandate that the service windows be rebuilt to accomodate handicapped (wheelchair) - they won't do the retro-fit and they'll just close their late night service. Having been a repeated target of theft at night at our Salt Lake business, I wouldn't imaging that the businesses would pay the money to hire security at night if they are forced to open the dining room. Let the business decide what they want to do based on economics and security. Jeff Young

So what:s the point? To offer service at all hours from all points requires extra staff and quite probably some architectural changes to make it safe for pedestrians to access drive up windows. Why is this a pressing matter? Why should more regulations be added? Business owners should have a choice about how best to serve their clientele. P.S. I am not a business owner. Just a citizen who needs an M.A. In bureaucracy, it seems. Jessica Hatch 2586 Elizabeth St. #6 SLC. UT 84106 Sent from my Windows Phone

I believe this needs to be a business decision, not a city decision. The businesses that offer late night service or 24 hr service do so because they know people are still out and about in SLC and they want to offer that service for those customers. There is one risk in offering this type of service, increased criminal activity. The criminal activity at night versus the day is typically more aggravated as well. Business owners have required people at the drive through to be in a car, because they are less likely to come through the window and commit a robbery. Businesses are also placing one way see through signage on the windows as well so people can not watch the place from a distance as they plan an attack. Drive through only windows at night is a very important safety issue for business owners. Changing the ordinance would create an environment which could put employees in a dangerous position after hours. Especially when business owners lower staffing levels, sometimes to only one employee at that time of day. I am an officer but I am not speaking as a representative of the police department.

Nick - I can only assume this (see attachment) would be relating to any new construction or remodels of our existing drive ups/buildings? This isn't something they would force our existing buildings to upgrade and meet the standard?

Return to Staff Report

March 28, 2014

RE: Proposed Changes to Salt Lake City Design Standards for Drive-Through Facilities

Greetings,

The Salt Lake City Council is currently considering design standards for drive-through service windows. **Keeping in mind the City's goals of** creating a walkable and sustainable environment, and being inclusive of all City residents and visitors, the proposed changes would allow all patrons to have equal access and service regardless of whether they arrive on foot, bicycle, in a motor vehicle or via another mode of transportation.

Many businesses with drive-through windows offer extended hours at their drive-through windows and in some cases the services are available only to those in an automobile. Due to this fact, it is proposed that some improvements to drive-through service accessibility be examined. The Council recognizes there may be some limitations due to insurance considerations. Therefore, as an alternative, business owners could provide service through other means; such as having a designated walk-up window or making dining room service available during the same business hours as drive-through service.

It is proposed that the following amendment be included in the design standards for drive-throughs:

Accessibility of Service: During business hours, a building with a drive-through facility shall be accessible to all customers either through the drive-through, a walk-up window, in the dining room or by other means, notwithstanding whether they arrive on foot, bicycle, in a motor vehicle or another mode of transportation.

This provision would apply to existing drive-through service windows throughout the City.

Additionally, other standards are being considered that would improve pedestrian access and safety of future drive-through developments. These provisions include: direct pedestrian entry through the front of the building, facing the street and clearly delineated pedestrian routes linking building entrances to the parking areas and public sidewalks.

The Council is seeking comments and suggestions. We want to hear from businesses and all others that would be affected by the proposed changes. The first step in this discussion is a public hearing scheduled for **Tuesday, April 22, 2014 at 7:00 p.m.** in the City and Council building, 451 South State Street, Room 315. If you would like to submit comments, please attend the public hearing or consider the following methods.

- Open City Hall, **the City's online forum:** www.slcgov.com/opencityhall. Look for the drive-through window topic.
- Salt Lake City Council website: www.slccouncil.com - "*We're Listening.*"
- Email: nick.tarbet@slcgov.com
- Write: Salt Lake City Council
451 South State Street, Room 304
P.O. Box 145476
Salt Lake City, UT 84114-5476
- Phone: (801) 535-7600
- Fax: (801) 535-7651
- 24- Hr Comment Line: (801) 535-7654

If you are unable to attend the City Council's **public hearing on** April 22, you can watch it on channel 17 or from a computer by visiting: www.slctv.com and clicking on "**watch SLCTV live.**"

Best Regards,

A handwritten signature in blue ink, appearing to read 'Charlie Luke', with a stylized flourish extending to the right.

Charlie Luke
Chair, Salt Lake City Council

CL/nt

SALT LAKE CITY ORDINANCE
No. _____ of 2014
(An ordinance amending Section 21A.40.060
of the *Salt Lake City Code* pertaining to drive-through facility regulations)

An ordinance amending Section 21A.40.060 (Zoning: Accessory Uses, Buildings and Structures: Drive-Through Facility Regulations) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00169 to amend provisions regarding drive-through facilities.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on September 26, 2012 to consider a request made by Salt Lake City Mayor Ralph Becker (Petition No. PLNPCM2009-00169) to amend various sections of Title 21A (Zoning) of the *Salt Lake City Code* to revise and relocate land use tables, to amend certain definitions, to amend regulations concerning outdoor dining, and to amend provisions regarding drive-through service windows; and

WHEREAS, at its September 26, 2012 meeting, the planning commission voted to transmit a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, the city council held a public hearing on this matter on November 12, 2013 at which the city council approved some proposed amendments and voted to study additional issues concerning drive-through facilities; and

WHEREAS, after additional study of drive-through facility issues, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of *Salt Lake City Code* section 21A.40.060. That section 21A.40.060 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Drive-Through Facility Regulations), shall be, and hereby is, amended to read as follows:

21A.40.060: DRIVE-THROUGH FACILITY REGULATIONS:

A. Purpose:

The regulations of this section are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on site and off site traffic and pedestrian flow. The specific purposes of this section are to:

1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
2. Promote safer and more efficient on site vehicular and pedestrian circulation;
3. Reduce conflicts between queued vehicles and traffic on adjacent streets.

B. Applicability and Permit Requirements:

Drive-through facilities may be authorized as accessory uses to permitted uses or conditional uses as listed on the tables of permitted and conditional uses set forth in part III of this title, specific district regulations for residential, commercial, manufacturing, downtown, gateway, and special purpose districts when developed in accordance with the standards of this section.

C. Additional Application Materials Required:

In addition to the site plan and standard application requirements as set forth in chapter 21A.58 of this title, an applicant for a business with drive-through facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, placement of audio equipment (if this type of equipment will be used) and a litter cleanup plan. A litter cleanup plan shall address litter cleanup on site and off site and shall include, but not be limited to, a litter pick up schedule and a map of the cleanup area.

D. Findings Required For Approval:

~~The approval of a drive through facility shall require that the review authority first make all of the following findings:~~

- ~~1. The proposed location of the drive through facility will not result in adverse impacts upon the vicinity after giving consideration to a litter cleanup plan, the hours of operation, noise and light generation, traffic circulation, and the site plan;~~

- ~~2. The proposed parking and circulation plan will provide adequate area for safe stacking and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses;~~
- ~~3. When a drive-through use adjoins any residentially used or residentially zoned property, a minimum six foot (6') high masonry wall or solid fence shall be erected and maintained along such property line;~~
- ~~4. A traffic study addressing both on site and off site traffic and circulation impacts may be required as part of the permit application.~~

D~~E~~. Standards.

1. Stacking Lane Standards.:

These standards ensure that there is adequate on site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

a~~1~~. Gasoline Pumps. : A minimum of thirty six feet (36') of stacking lane is required between a curb cut and the nearest gasoline pump;

b~~2~~. Other Drive-Through Facilities:

i~~a~~. Primary Facilities. : A minimum of one hundred twenty feet (120') for a single stacking lane or sixty feet (60') per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured back to the point of service or final service window. Stacking lanes do not have to be linear.

ii~~b~~. Accessory Facilities. : A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations;

iii~~3~~. Stacking Lane Design ~~A~~and Layout. : Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation; and

iv~~4~~. Stacking Lanes Identified. : All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

2~~F~~. Traffic Circulation Requirements.:

a~~1~~. Only one driveway providing vehicular access to and from the drive-through window or service area shall be provided from any ~~local street, as defined in the major street plan of the Salt Lake City transportation master plan;~~

- b2. The driveway providing access to the service windows shall be at least fifty feet (50') from the back of the curb of an intersecting street measured to the centerline of the proposed driveway; and
 - c3. Internal traffic circulation patterns on the lot shall be adequate to keep traffic from backing into a street or blocking access to any required parking spaces located on the lot.
 - d. A traffic study addressing both on-site and off-site traffic and circulation impacts may be required as part of a permit application for a drive-through facility.
- 3G. Noise Levels. Noise emitted from drive-through service windows and related features (such as remote ordering equipment at outdoor menu boards at fast food restaurants) shall not exceed the levels as established by the Salt Lake Valley health department. Noise generating equipment includes, but is not limited to, items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.
4. Air Quality. Drive through facilities shall post Idle Free signs pursuant to Chapter 12.58 of this code.
5. Accessibility.
- a. Direct pedestrian entry through the front of the building shall be provided from public streets and sidewalks to the building entrance. Crossing driveways, stacking lanes or parking areas shall be avoided.
 - b. Well-articulated pedestrian routes and zones shall be provided on the site, linking building entrances and parking areas.
 - c. Decorative paving, or similar material, complimented by landscaping, shall be used where appropriate to delineate these linkages.

E. Findings Required for Approval.

The approval of a drive-through facility shall require that the review authority first make all of the following findings:

- 1. The proposed location of the drive-through facility will not result in adverse impacts upon the vicinity after giving consideration to a litter cleanup plan, the hours of operation, noise and light generation, traffic circulation, and the site plan;
- 2. The proposed parking and circulation plan will provide adequate area for safe stacking and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses;

3. When a drive-through use adjoins any residentially used or residentially zoned property, a minimum six foot (6') high masonry wall or solid fence shall be erected and maintained along such property line;

4. The site plan meets the accessibility standards required in this section.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2014.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2014.

Published: _____.

SALT LAKE CITY ORDINANCE
No. _____ of 2014
(An ordinance amending Section 21A.40.060
of the *Salt Lake City Code* pertaining to drive-through facility regulations)

An ordinance amending Section 21A.40.060 (Zoning: Accessory Uses, Buildings and Structures: Drive-Through Facility Regulations) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00169 to amend provisions regarding drive-through facilities.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on September 26, 2012 to consider a request made by Salt Lake City Mayor Ralph Becker (Petition No. PLNPCM2009-00169) to amend various sections of Title 21A (Zoning) of the *Salt Lake City Code* to revise and relocate land use tables, to amend certain definitions, to amend regulations concerning outdoor dining, and to amend provisions regarding drive-through service windows; and

WHEREAS, at its September 26, 2012 meeting, the planning commission voted to transmit a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, the city council held a public hearing on this matter on November 12, 2013 at which the city council approved some proposed amendments and voted to study additional issues concerning drive-through facilities; and

WHEREAS, after additional study of drive-through facility issues, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of *Salt Lake City Code* section 21A.40.060. That section 21A.40.060 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Drive-Through Facility Regulations), shall be, and hereby is, amended to read as follows:

21A.40.060: DRIVE-THROUGH FACILITY REGULATIONS:

A. Purpose.

The regulations of this section are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on site and off site traffic and pedestrian flow. The specific purposes of this section are to:

1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
2. Promote safer and more efficient on site vehicular and pedestrian circulation;
3. Reduce conflicts between queued vehicles and traffic on adjacent streets.

B. Applicability and Permit Requirements.

Drive-through facilities may be authorized as accessory uses to permitted uses or conditional uses as listed on the tables of permitted and conditional uses set forth in part III of this title, specific district regulations for residential, commercial, manufacturing, downtown, gateway, and special purpose districts when developed in accordance with the standards of this section.

C. Additional Application Materials Required.

In addition to the site plan and standard application requirements as set forth in chapter 21A.58 of this title, an applicant for a business with drive-through facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, placement of audio equipment (if this type of equipment will be used) and a litter cleanup plan. A litter cleanup plan shall address litter cleanup on site and off site and shall include, but not be limited to, a litter pick up schedule and a map of the cleanup area.

D. Standards.

1. Stacking Lane Standards.

These standards ensure that there is adequate on site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

- a. Gasoline Pumps. A minimum of thirty six feet (36') of stacking lane is required between a curb cut and the nearest gasoline pump;

b. Other Drive-Through Facilities:

- i. Primary Facilities. A minimum of one hundred twenty feet (120') for a single stacking lane or sixty feet (60') per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured back to the point of service or final service window. Stacking lanes do not have to be linear.
- ii. Accessory Facilities. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations;
- iii. Stacking Lane Design and Layout. Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation; and
- iv. Stacking Lanes Identified. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

2. Traffic Circulation Requirements.

- a. Only one driveway providing vehicular access to and from the drive-through window or service area shall be provided from any street;
 - b. The driveway providing access to the service windows shall be at least fifty feet (50') from the back of the curb of an intersecting street measured to the centerline of the proposed driveway; and
 - c. Internal traffic circulation patterns on the lot shall be adequate to keep traffic from backing into a street or blocking access to any required parking spaces located on the lot.
 - d. A traffic study addressing both on-site and off-site traffic and circulation impacts may be required as part of a permit application for a drive-through facility.
3. Noise Levels. Noise emitted from drive-through service windows and related features (such as remote ordering equipment at outdoor menu boards at fast food restaurants) shall not exceed the levels as established by the Salt Lake Valley health department. Noise generating equipment includes, but is not limited to, items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.
4. Air Quality. Drive through facilities shall post Idle Free signs pursuant to Chapter 12.58 of this code.

5. Accessibility.

- a. Direct pedestrian entry through the front of the building shall be provided from public streets and sidewalks to the building entrance. Crossing driveways, stacking lanes or parking areas shall be avoided.
- b. Well-articulated pedestrian routes and zones shall be provided on the site, linking building entrances and parking areas.
- c. Decorative paving, or similar material, complimented by landscaping, shall be used where appropriate to delineate these linkages.

E. Findings Required for Approval.

The approval of a drive-through facility shall require that the review authority first make all of the following findings:

1. The proposed location of the drive-through facility will not result in adverse impacts upon the vicinity after giving consideration to a litter cleanup plan, the hours of operation, noise and light generation, traffic circulation, and the site plan;
2. The proposed parking and circulation plan will provide adequate area for safe stacking and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses;
3. When a drive-through use adjoins any residentially used or residentially zoned property, a minimum six foot (6') high masonry wall or solid fence shall be erected and maintained along such property line;
4. The site plan meets the accessibility standards required in this section.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2014.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2014.
Published: _____.

HB_ATTYY-#37765-v4-Ordinance_drive_thrus.DOCX

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____
Paul C. Nielson, *Senior City Attorney*

SALT LAKE CITY ORDINANCE
No. _____ of 2014
(Enacting drive-through facility regulations)

An ordinance enacting Chapter 5.07 (Drive-Through Facility Regulations) of the *Salt Lake City Code*.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on September 26, 2012 to consider a request made by Salt Lake City Mayor Ralph Becker (Petition No. PLNPCM2009-00169) to amend various sections of Title 21A (Zoning) of the *Salt Lake City Code* to revise and relocate land use tables, to amend certain definitions, to amend regulations concerning outdoor dining, and to amend provisions regarding drive-through service windows; and

WHEREAS, at its September 26, 2012 meeting, the planning commission voted to transmit a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, the city council held a public hearing on this matter on November 12, 2013 at which the city council approved some proposed amendments and voted to study additional issues concerning drive-through facilities; and

WHEREAS, after additional study of drive-through facility issues, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Enacting *Salt Lake City Code* Chapter 5.07. Chapter 5.07 of the *Salt Lake City Code* (Drive-Through Facility Regulations), shall be, and hereby is, enacted to read as follows:

Chapter 5.07
DRIVE-THROUGH FACILITY REGULATIONS

5.07.010: PURPOSE:

The regulations of this chapter are intended to allow all patrons of a business to have equal access and service regardless of whether they arrive on foot, bicycle, in a motor vehicle or another mode of transportation.

5.07.020: APPLICABILITY:

Any business with a drive-through facility shall conform to the provisions of this chapter.

5.07.030: ACCESSIBILITY:

During business hours, a business in a building with a drive-through facility shall be accessible to all customers either through the drive-through, a walk-up window, in the dining room or by other means, notwithstanding whether they arrive on foot, bicycle, in a motor vehicle or another mode of transportation.

5.07.040: NOISE LEVELS:

Noise emitted from a drive-through facility (such as remote ordering equipment at outdoor menu boards at fast food restaurants) shall not exceed the levels as established by the Salt Lake Valley health department. Noise generating equipment includes, but is not limited to, items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

5.07.050: AIR QUALITY:

Idle Free signs shall be posted at drive through facilities pursuant to Chapter 12.58 of this code.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2014.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2014.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____
Paul C. Nielson, *Senior City Attorney*

Return to Staff Report

Nick Tarbet
Salt Lake City Council
451 South State Street, Room 304
PO Box 145476
Salt Lake City UT
84114-5476

July 9, 2014

Derrick A. Smith, CIC, CRM, CWCA
Presidio Insurance Group
5295 South 300 West, Suite 550
Salt Lake City, UT 84107

Dear Nick,

I am the Risk Manager and insurance consultant for the Utah Restaurant Association. We are writing to you concerning the safety hazards of opening the drive thru windows to pedestrians or cyclists. There is sufficient evidence to demonstrate the hazards of allowing pedestrians at the drive through window. There are also significant safety concerns for the employees working at these windows. At the normal restaurant counter, inside the building, there is on average 3 feet of counter space between customers and the employees. The average space between the drive thru window and the outside of the building is approximately 8 inches. This puts the employees in close proximity to those that approach the window. It exposes the employees to potential violence such as armed robbery or physical assault from disorderly individuals. This creates an unacceptable risk for the safety of restaurant employees. In addition, pedestrian traffic that is served inside of the building would be dissuaded from acting in an inappropriate manner due to the other patrons entering and exiting the building. The main reason the dining room is closed from roughly 10 or 11 pm to 6 a.m. is the significant drop in foot traffic which increases the risk to employees from disorderly individuals and would be robbers or thieves.

In addition to the hazards associated with having the employees face to face with customers, there is the additional hazard of allowing pedestrian traffic to stand in the traffic lane of the drive thru window. It is a common practice, both on public streets and public shopping areas, to have areas designated specifically for foot traffic. Examples would be cross walks and side walks. The potential for auto pedestrian accidents is increased substantially if both types of traffic are allowed to utilize the same space. For this reason, insurance companies would be required to increase the premiums they charge to restaurants for liability insurance premiums because of the increased exposure and the potential for a tragic accident to occur. We also want to make the city aware of the fact that the consumption of alcoholic beverages increases after work hours and that we cannot control the physical condition of the drivers that would come through the windows either intoxicated or under the influence of drugs and alcohol.

In addition to the comments made above, the members of our association have stated that if foot traffic is mandated as part of public policy requiring restaurants to allow foot traffic, pedestrians or cyclists through their drive thru windows, when the dining room is closed, they

would shut down the restaurants as opposed take on the additional risk to their employees and their facilities. They have also stated that they are opposed to paying increased insurance premiums in order to comply with any ordinance the city would look to pass. In addition the potential for lost sales tax revenues to Salt Lake City could be substantial, considering the fact that the restaurants would be shuttered for an additional 6 to 8 hours every night.

Listed below are links to several recent news stories related to the bad things occurring at restaurants when pedestrians approach the drive thru window. There are 1,030,000 links "drive up window robbery" on google. We are asking the city council to reject any rule, policy, or other changes that would require restaurants to serve non-motorized vehicles through drive thru windows. It has been suggested by the city council that restaurants absorb the cost to install a walk up window. Again, the same safety concerns would exist for either the drive up window or a walk up window.

Kind regards,

Derrick A. Smith, CIC, CRM, CWCA

2 pedestrians hit by car in front of Beechview McDonald's

BEECHVIEW, Pa. —

Officials said two people were hurt after being struck by a car in front of a Beechview McDonald's Monday night.

Police said the two victims were taken to a nearby hospital to be treated for minor leg injuries.

Emergency responders said the incident happened just before 9 p.m. on West Liberty Avenue.

Pittsburgh police continue to investigate. There is no word on if the driver will face charges.

<http://www.wpxi.com/news/news/local/2-pedestrians-hit-car-front-beechview-mcdonalds/nT87x/>

Pedestrian Hit, Killed Outside Ballard McDonald's

Police are on scene at the McDonald's at 14th and Market after a pedestrian was apparently run over by a car. We're working to get more details and will update shortly.

<http://www.seattlemet.com/news-and-profiles/publicola/articles/pedestrian-hit-killed-outside-ballard-mcdonalds>

Marshall man dies after hit by truck in McDonald's parking lot

MARSHALL (KYTX) - On Monday November 11, 2013 at 8:39am, Marshall Police Communications received a 911 call in reference to a vehicle/pedestrian accident in the parking lot of McDonald's located on Victory Drive.

<http://www.cbs19.tv/story/23957850/pedestrian>

Robbers use McDonald's drive-thru window

They came in through the drive-thru window.

That's what suburban New York police are saying happened early Thursday during a robbery at a Long Island McDonald's.

Nassau County police say a driver ordered food at a McDonald's on Sunrise Highway in Massapequa about 3:51 a.m.

When the vehicle approached the window, the 20 year old female employee opened it and two men on foot, one armed with a handgun, forced their way through.

They ordered the woman and another 20-year-old female employee to the floor.

<http://www.myfoxny.com/story/22644856/robbers-use-mcdonalds-drive-thru-window>

Robber gets in through Dunkin drive-up window with machete

MANCHESTER, Conn.- Police are looking for help identifying a suspect accused of holding up a Dunkin' Donuts with a machete.

On Monday at 5:00 am, a suspect with a large knife forced his way into the Dunkin' Donuts drive-thru window at 445 Hartford Road Manchester. The suspect had first tried to enter through the front doors but changed plans after finding the door locked.

Once inside, the suspect forced two employees to the ground and then ordered a third to retrieve an undisclosed amount of money from the register. The suspect then exited out the drive-thru window, and fled north on Palm Street. There were no injuries.

<http://wtnh.com/2014/06/16/robber-gets-in-through-dunkin-drive-up-window/>

2nd McDonalds robbed with suspects entering through drive-thru window

THE WOODLANDS, Texas – Another McDonalds was robbed in Montgomery County Friday night, deputies said.

According to the Montgomery County Sheriff's Office, a customer was waiting at the drive-thru at 8:45 p.m. when three gunmen ran up and climbed through the window of the restaurant located in the 6700 block of Woodlands Parkway near Kuykendahl.

Investigators said the robbers were wearing hoodies and bandanas. After taking the money, they fled the scene on foot.

One employee was reportedly injured during the crime, deputies said.

<http://www.khou.com/news/crime/2nd-McDonalds-robbed-with-suspects-entering-through-drive-thru-window-227515651.html>

Suspects shoot into Magna McDonald's drive-thru window in attempted robbery; no injuries

MAGNA, Utah — Police are trying to find whoever fired into a McDonald's drive-thru window in Magna while trying to commit a robbery.

Authorities say nobody was injured in the incident that happened about 5:30 p.m. on Thursday.

Investigators say a vehicle with three males inside pulled up to the window and an occupant showed a gun and demanded cash.

Police say the employee backed away and one man shot through the window. The bullet hit the freezer.

<http://www.therepublic.com/view/story/50cb2512b1914b31b757c380f3aea3e2/UT--Drive-Thru-Shooting-Magna>

Robbery At The Drive-Thru Window

HAZLE TOWNSHIP — Police are investigating a hold-up at a fast food restaurant drive-thru in Luzerne County. Authorities said the thief walked up to the window at the McDonald's on Route 309 in Hazleton Township, near Hazleton around 10:15 p.m. Thursday and demanded cash. Troopers said the man reached through the drive-thru window, grabbed the drawer, and took off with money.

<http://wnep.com/2012/11/02/robbery-at-the-drive-thru-window/>

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June 11, 2014

Salt Lake City Council
c/o Councilman Luke Garrett

Re: Business Walk-up Window Service

First of all, as Salt Lake City's Business Advisory Board (BAB) we support Salt Lake City's initiatives towards increasing access to and encouraging walkable and bikeable neighborhoods and business districts. Secondly, as board members, we are stewards to a much larger local business constituency. And, as representatives of local businesses, we are writing to let you know that it is our collective opinion that the negative impacts of the proposed walk-up window service to businesses outweigh the goals of the initiative.

Below are some of the concerns we discussed as a Board at our BAB meeting on May 14, 2014:

- Unnecessary restriction on businesses to provide services that already meet customer needs.
- Potential additional staffing and expense to keep lobbies or windows open with little economic benefit.
- Safety and liability concerns of allowing access to walk-up windows.
 - We agree that the Police department should be consulted as part of this process.
- Additional safety concerns of encouraging walking and biking after dark.
- Walk-up windows service is not necessary at this time as a broad brush across the City except for such areas in the future which are specifically designated for walkable/bikeable business zones.
- There is not a precedent, good or bad, that we can look for guidance or as an example.
- Possible unintended consequences including targeting specific types of businesses while others are affected or unaffected though they may be similar (c-stores, retail, banking, etc).

Alternatively, we suggest that the City consider offering incentives to businesses that off walk-up windows such as license fee reductions, or favored status for insurance purposes, or as mentioned previously do so only as a voluntary effort, as part of a pilot program, or on a limited small-scale basis in areas that where e.g. walkability is a primary feature of form-based zoning.

Thank you for considering the perspective of local business owners.

Sincerely,
SLC Business Advisory Board:

Paula Jojola Brog, Chair
Lucy Cardenas
Ryan Corbin
Angela Brown

Steve Labrum, Vice-Chair
JD Smith
John Lair

Spencer Lloyd
Casey McDonough
Judy Reese Cullen

Ex-officio Members: Ryan Evans, Camille Winnie, Kristen Lavelett