



## Board of Supervisors

1800 Sandy Hook Road  
Goochland, VA 23063

Meeting: 08/01/17 03:00 PM  
Department: Planning & Zoning  
Category: Ordinance Amendment to Appendix A or B  
Prepared By: Tom Coleman  
Department Head: Todd Kilduff

### ADOPTED ORDINANCE

(ID # 2399)

✓ Vote Record - Ordinance 2399						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended						
			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ned Creasey	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Manuel Alvarez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Robert Minnick	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 1, 2017, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:**

**Ordinance to amend the Goochland County Zoning Ordinance's drive-thru business provisions to add minimum design standards (Article 21, Division 2, Section 9); to add a definition of "drive-thru business" and amend the definition of "restaurant" (Article 30); to add "drive-thru business, in accordance with Article 21, Section 9" as a by-right use in the B-1 (Article 16) and M-1 (Article 18) districts; to change the by-right restaurant uses listed in the B-1, B-2 (Article 17), and M-1 to "restaurant;" to remove "fast food restaurants and/or drive-in restaurants" as a conditional use in the B-1 district and as a by-right use in the B-3 district (Article 17A); to add "drive-thru business" as a conditional use in the B-2 district to replace "drive-in restaurant, drive-thru uses;" and to remove the redundant "restaurant" as a by-right use listed in the M-2 district (Article 19)**

**WHEREAS**, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

**WHEREAS**, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia enable a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, the Board of Supervisors wishes to adopt standard regulations for the safe design of drive-thru businesses; and

**WHEREAS**, the proposed ordinance amendment will permit such uses by right in the Business, General (B-1); Interchange, Commercial (B-3); Industrial, Limited (M-1); and Industrial, General (M-2) districts if design standards are met, and will permit such uses with a conditional use permit in the Business, Limited (B-2); and

**WHEREAS**, pursuant to Virginia Code § 15.2-2286(A)(7), this amendment is required to serve the public necessity, convenience, general welfare and comport with good zoning

**WHEREAS**, the Goochland County Planning Commission duly advertised and held a public hearing on this request on Thursday, July 13, 2017, pursuant to Virginia Code § 15.2-2204, and recommended approval of the proposed ordinance; and

**WHEREAS**, the Goochland County Board of Supervisors duly advertised and held a public hearing on the proposed ordinance on Tuesday, August 1, 2017, pursuant to Virginia Code § 15.2-2204; and

**WHEREAS**, the proper advertisement and public hearing was conducted as required by law and the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator's Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063.

**NOW, THEREFORE, BE IT ORDAINED**, that the Goochland County Code is hereby amended and this ordinance is hereby enacted as follows:

1. **Article 16 (Business, General, District B-1), Section 2 (Uses and structures permitted by right) and Section 3 (Conditional uses permitted by special exception) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:**

**Section 2. - Uses and structures permitted by right.**

...

23. Restaurants

...

34. Drive-thru business, in accordance with Article 21, Division 2, Section 9.

**Section 3. - Conditional uses permitted by special exception.**

...

~~11. Fast food restaurants and/or drive in restaurants.~~

...

**Article 17 (Business, Limited, District B-2), Section 2 (Uses and structures permitted by right) and Section 3 (Conditional uses permitted by special exception) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:**

**Section 2. - Uses and structures permitted by right.**

...

5. Restaurant, ~~sit down~~.

...

**Section 3. - Conditional uses permitted by special exception.**

...

2. ~~Drive in restaurant, drive thru uses~~ Drive-thru business.

...

3. **Article 17A (Interchange Commercial, District B-3), Section 2 (Uses and structures permitted by right) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:**

**Section 2. - Uses and structures permitted by right.**

...

~~3. Fast food restaurants and/or drive in restaurants~~

...

4. **Article 18 (Industrial, Limited, District M-1), Section 2 (Uses and structures permitted by right) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:**

**Section 2. - Uses and structures permitted by right.**

...

19. Restaurants

...

22. Drive-thru business, in accordance with Article 21, Division 2, Section 9.

5. **Article 19 (Industrial, General, District M-2), Section 2 (Uses and structures permitted by right) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:**

**Section 2. - Uses and structures permitted by right.**

...

~~25. Restaurants.~~

...

6. **Article 21 (Supplementary Regulations), Division 2 (Streets and Highways; Motor Vehicles), Section 9 (Design standards for a by-right drive-thru business) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby added as follows:**

**Section 9. - Minimum design standards for a by-right drive-thru business.**

(a) Site design.

(1) Vehicular movement. Each drive-thru business shall be designed to provide safe, unimpeded movement of vehicles at site access points, as well as within drive

- aisles and parking areas; and
- (2) Pedestrians. The site shall not create unsafe conditions for pedestrians. Pedestrian crossings are required and must be clearly marked with enhanced paving and/or pavement markings.
- (b) Drive-thru lane requirements. Drive-thru lanes shall include a stacking area for vehicles, as required in (d) of this section, and shall not impede traffic movements or cross or overlap a drive aisle or off-street parking.
- (c) Bypass lane. Each drive-thru business shall provide a bypass lane. Bypass lanes shall have a minimum width of 10 ft.
- (d) Stacking area.
- (1) Each initial point of service shall have a stacking area. An “initial point of service” is any designated place for customers to begin a transaction from a vehicle, e.g., ATM, menu board, intercom, window, or similar place.
- (2) Stacking areas shall not block access to parking spaces.
- (3) Each stacking area space shall be a minimum of 10 ft. x 20 ft.
- (4) The stacking area requirements are as follows, per initial point of service, but the POD Administrator may allow variations if the overall site design is safe and provides adequate mobility and storage for vehicles:

<u>Use</u>	<u>Spaces required</u>
<u>Bank; financial institution</u>	<u>5 spaces</u>
<u>Restaurant</u>	<u>6 spaces</u>
<u>Dry cleaner</u>	<u>2 spaces</u>
<u>Pharmacy</u>	<u>2 spaces</u>
<u>Car wash:</u>	
<u>Automated or self-service</u>	<u>2 spaces</u>
<u>Full service</u>	<u>6 spaces</u>
<u>Service station; fueling facility:</u>	
<u>Two-way</u>	<u>1 space on each end of each fuel pump island</u>
<u>One-way</u>	<u>2 spaces on approach end of each fuel pump island</u>
<u>Vehicle maintenance facility</u>	<u>1 space</u>
<u>Parking Decks</u>	<u>1 space</u>
<u>All other uses</u>	<u>To be determined by the POD Administrator</u>

- (e) Menu or preview board shall be
- (1) Designed to reduce visibility from off-site residential uses.
- (2) Oriented away from public rights-of-way or located with landscaping approved by the POD Administrator to decrease visibility.
- (3) Designed to be compatible with the principal structure and similar in terms of color, materials, scale, and form.
- (4) Speakers:
- (i) Shall be oriented away from residential districts or uses, and
- (ii) Shall not be audible off the property.
- (f) Conditional use permit. In zoning districts that permit drive-thru businesses in accordance with these provisions, a drive-thru business that cannot or does not meet these requirements may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with

the requirements of this section.

**7. Article 30 (Definitions) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:**

...

21.1 Drive-thru business: A building, structure, or use with facilities enabling customer transactions from vehicles. This definition does not include a drive-in theater.

...

80. *Restaurant:* A building in which, for compensation, food or beverages are dispensed for consumption, ~~on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.~~

...

**8. Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the County Code are readopted in their entirety as if set forth herein.**

**9. This ordinance shall be effective immediately.**

A COPY ATTEST:

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John A. Budesky, County Administrator  
Goochland County Board of Supervisors