

## ORDINANCE NO. 651-2023

### AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT, ALABAMA

**WHEREAS**, it has been determined that the Zoning Ordinance should be amended in order to include additional requirements related to restaurants or businesses with drive-thru facilities; and

**WHEREAS**, the Planning Commission of the City of Spanish Fort held a public hearing on October 30, 2023, and the City Council of the City of Spanish Fort held a meeting on November 20, 2023, for the purpose of receiving public comments on proposed amendments to Ordinance No. 51-96, as amended, the Zoning Ordinance of the City of Spanish Fort; and

**WHEREAS**, the City Council has determined that said Zoning Ordinance should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:**

**SECTION 1.** Ordinance No. 51-96, as amended, is hereby amended by adding Section 7.9 DRIVE-THRU FACILITIES which reads as follows:

#### **7.9 DRIVE-THRU BUSINESSES:**

**7.91.** Applicability. This Section applies to any business with a drive-thru lane(s), such as restaurants, banks, pharmacies, dry cleaners, etc., where specifically allowed by the Zoning Ordinance and/or the Table of Permitted Uses and Conditions.

#### **7.92.** Vehicle Stacking Area.

- a. A queuing space is defined as a minimum of nine (9) feet wide by nineteen (19) feet long.
- b. All drive-thru lanes shall conform to AASHTO standards but shall in no case be less than nine (9) feet in width.
- c. Each drive-thru lane shall provide at least three (3) queuing spaces from the right-of-way to the order station if both an order station and service window are provided in separate locations.
- d. Each drive-thru lane shall provide at least three (3) queuing spaces from the right-of-way to the service window if a separate order station is not provided.
- e. Upon leaving the service window, there shall be at least one (1) queuing space between the service window and the right-of-way.
- f. Each drive-thru lane shall be striped, marked and otherwise appropriately delineated in accordance with the "Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways" or as approved by the City Engineer.
- g. Each drive-thru lane must be designed around the back of the building to allow for sufficient vehicle stacking and to avoid negative impacts on the rights-of-way, unless otherwise approved by the Planning Commission.
- h. Circulation design alternatives, such as multiple queuing lanes, shall be approved by the City Engineer.

#### **7.93** Screening.

Where a drive-thru business adjoins residentially zoned property or a residentially used building site, a six (6)-foot high privacy fence shall be constructed and maintained on interior property lines. The privacy fence shall be composed of wood, brick, masonry, or other material that matches the principal building's siding materials.

**7.94** In Shopping Centers.

Drive-thru businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center and common circulation routes within the center, unless an alternative circulation plan is approved by the City Engineer.

**7.95** Menu board.

One (1) drive-thru menu/order board per drive-thru lane may be allowed, subject to the terms and conditions of the Sign Ordinance. Said menu/order board must be located a minimum of twenty-five (25) feet from any residential property line, and must conform to the following standards and the City's noise ordinance, whichever is more restrictive, for maximum volume (documentation from manufacturer required with permit application for menu board sign).

Table 7.9.1

Distance from the Speaker (Feet) SPL	Menu Board Speaker Volume (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

**SECTION 2.** Section 6.4, Table of Permitted Uses and Conditions, of Ordinance No. 51-96, as amended, is hereby amended by adding the provisions contained in the attached Exhibit A which is incorporated herein by reference.

**SECTION 3.** Section 6.4, Table of Permitted Uses and Conditions, of Ordinance 51-96, as amended, "Bank or Credit Union, including drive-in" is hereby amended to read in its entirety as set forth in the attached Exhibit B which is incorporated by reference.

**SECTION 4.** Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

**SECTION 5.** If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

**SECTION 6.** This Ordinance shall become effective upon its adoption or as otherwise required by state law.

*ADOPTED and APPROVED this 20<sup>th</sup> day of November, 2023.*



Michael M. McMillan  
Mayor



Rebecca A. Gaines, CMC  
City Clerk

**EXHIBIT 'A'**  
**6.4 - TABLE OF PERMITTED USES AND CONDITIONS**

	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Cafe, grill, lunch counter, delicatessen with drive-thru, but not including night club, bar, tavern and drive-in, shall be in compliance with special provisions Section 7.9										R	R				
Restaurant with drive-thru, shall be in compliance with special provisions Section 7.9										R	R				

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL

**EXHIBIT 'B'**  
**6.4 - TABLE OF PERMITTED USES AND CONDITIONS**

	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Bank or Credit Union, including drive-thru, shall be in compliance with special provisions Section 7.9								R	R	R	R				R

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL