



46 (1) The use at the proposed location will not create a traffic hazard or traffic nuisance  
47 because of its location in relation to similar uses, necessity of turning movements in relation  
48 to its access to public roads and intersections, or its location in relation to other buildings  
49 or proposed buildings on or near the site and the traffic patterns from such buildings or  
50 cause frequent turning movements across sidewalks and pedestrian ways, thereby  
51 disrupting pedestrian circulation within a concentration of retail activity.

52  
53 (2) Applications for such uses that take access from Town rights-of-way shall require a  
54 traffic operational analysis or a traffic impact study report prepared by a Delaware  
55 registered engineer with experience and qualifications in the preparation of operational  
56 analysis and traffic impact studies. The administrative official shall determine what level  
57 of analysis is required and shall set the scoping limits for the analysis. Applications for  
58 such uses that take access from State of Delaware rights-of-way shall provide whatever  
59 analysis is required by the State for the review and consideration of the Town, or shall  
60 provide documentary evidence from the State stating that no analysis is required.

61  
62 (3) When such uses abut a lot in a residential district, any lot upon which there is a dwelling  
63 as a permitted use under this chapter, or a right-of-way that serves a residential district, the  
64 use shall be screened, along the entire length of the property boundary abutting the  
65 residential district, dwelling, or right-of-way by a solid wall or a substantial, sightly, solid  
66 fence, not less than eight (8) feet in height, together with a twenty (20) feet wide planting  
67 strip on the outside of such wall or fence, which shall be maintained in good condition.  
68 Screening requirements within this planting strip shall be as provided for in other sections  
69 of these regulations. For such uses proposed within existing developments that do not  
70 provide the width required above, alternate screening requirements may be approved by  
71 the Board of Adjustment, provided that planting strip meets the minimum screening  
72 requirements of the Code.

73  
74 (4) Hours of operation for such uses shall be limited to 5:00 am to 11:00 pm.

75  
76 (5) Such uses shall not share dumpster facilities within developments with multiple uses.  
77 Separate dumpster facilities shall be provided for such uses. Screening for these facilities  
78 shall be as provided for in other sections of these regulations.

79  
80 (6) Outdoor above ground grease traps are prohibited.

81  
82 (7) Any revisions, modifications, changes, or additions to an approved application shall be  
83 approved by the Board of Adjustment and shall be subject to all applicable sections of this  
84 Land Use and Development code.

85  
86  
87 **C. Fast - Food Restaurant with Drive-through**

88  
89 (1) The use at the proposed location will not create a traffic hazard or traffic nuisance  
90 because of its location in relation to similar uses, necessity of turning movements in relation  
91 to its access to public roads and intersections, or its location in relation to other buildings

92 or proposed buildings on or near the site and the traffic patterns from such buildings or  
93 cause frequent turning movements across sidewalks and pedestrian ways, thereby  
94 disrupting pedestrian circulation within a concentration of retail activity.  
95

96 (2) Applications for such uses shall require a traffic operational analysis or a traffic impact  
97 study report prepared by a Delaware registered engineer with experience and qualifications  
98 in the preparation of operational analysis and traffic impact studies. The administrative  
99 official shall determine what level of analysis is required and shall set the scoping limits  
100 for the analysis.  
101

102 (3) Such uses shall be located on, and take access from an arterial or collector street, as  
103 depicted on the DelDOT Functional Classification Map.  
104

105 (4) When such uses abut a lot in a residential district, any lot upon which there is a dwelling  
106 as a permitted use under this chapter, or a right-of-way that serves a residential district, the  
107 use shall be screened, along the entire length of the property boundary abutting the  
108 residential district, dwelling, or right-of-way by a solid wall or a substantial, sightly, solid  
109 fence, not less than eight (8) feet in height, together with a twenty (20) feet wide planting  
110 strip on the outside of such wall or fence, which shall be maintained in good condition.  
111 Screening requirements within this planting strip shall be as provided for in other sections  
112 of these regulations.  
113

114 (5) When a drive-through facility is placed adjacent to the public right-of-way or other  
115 public access thoroughfare, the drive-through cartway shall be screened from view with a  
116 combination of structures and landscaping as determined by the Board of Adjustment.  
117

118 (6) Such uses shall be limited to one drive-through pre-order board, one order board and  
119 one associated stacking lane.  
120

121 (7) Stacking lanes for such uses shall be at least one-hundred eighty (180) feet in length  
122 measured from the point of ordering and shall not block any parking spaces or drive aisles.  
123

124 (8) There shall be a bypass lane of at least ten (10) feet in width along the entire length of  
125 the drive-through lane.  
126

127 (9) Drive-through lanes shall be separated from other aisles by a mountable curbed island.  
128

129 (10) The allowable dimensions of the order board and any associated canopy shall be as  
130 provided for in other sections of these regulations.  
131

132 (11) Such uses may install an overhead clearance bar to warn of over height vehicles. The bar  
133 shall only include the words "maximum height" or "clearance" and the height measurement. No  
134 logos or advertisement are allowed. The bar must be placed within the developable area of the site  
135 outside of any required buffering, within the drive through lane, and be attached to the Pre-Order  
136 Board if one is to be installed. The bar shall be a single arm pivoting or break away type and may  
137 have no hanging appurtenances, and may not be illuminated.  
138

139 (12) Hours of operation for such uses shall be limited to 5:00 am to 11:00 pm for the indoor  
140 portion of the restaurant and 5:00 am to 9:00 pm for the drive-through.

141  
142 (13) Such uses shall not share dumpster facilities within developments with multiple uses.  
143 Separate dumpster facilities shall be provided for such uses. Screening for these facilities  
144 shall be as provided for in other sections of these regulations.

145  
146 (14) Outdoor above ground grease traps are prohibited.

147  
148 (15) Any revisions, modifications, changes, or additions to an approved application shall  
149 be approved by the Board of Adjustment and shall be subject to all applicable sections of  
150 this Land Use and Development code.

151  
152  
153 **D. Fast – Food Restaurant with Drive-In**

154  
155 (1) The use at the proposed location will not create a traffic hazard or traffic nuisance  
156 because of its location in relation to similar uses, necessity of turning movements in relation  
157 to its access to public roads and intersections, or its location in relation to other buildings  
158 or proposed buildings on or near the site and the traffic patterns from such buildings or  
159 cause frequent turning movements across sidewalks and pedestrian ways, thereby  
160 disrupting pedestrian circulation within a concentration of retail activity.

161  
162 (2) Applications for such uses shall require a traffic operational analysis or a traffic impact  
163 study report prepared by a Delaware registered engineer with experience and qualifications  
164 in the preparation of operational analysis and traffic impact studies. The administrative  
165 official shall determine what level of analysis is required and shall set the scoping limits  
166 for the analysis.

167  
168 (3) Such uses shall be located on, and take access from an arterial or collector street, as  
169 depicted on the DelDOT Functional Classification Map.

170  
171 (4) When such uses abut a lot in a residential district, any lot upon which there is a dwelling  
172 as a permitted use under this chapter, or a right-of-way that serves a residential district, the  
173 use shall be screened, along the entire length of the property boundary abutting the  
174 residential district, dwelling, or right-of-way by a solid wall or a substantial, sightly, solid  
175 fence, not less than eight (8) feet in height, together with a twenty (20) feet wide planting  
176 strip on the outside of such wall or fence, which shall be maintained in good condition.  
177 Screening requirements within this planting strip shall be as provided for in other sections  
178 of these regulations.

179  
180 (5) Such uses shall be limited to three dedicated drive-in spaces. Each drive-in space may  
181 have an individual order board. The drive-in spaces shall not count toward the required  
182 number of parking spaces.

184 (6) Such uses may install a roof structure above the dedicated drive in spaces. The  
185 structure shall be no larger than reasonably necessary to cover the dedicated spaces. The  
186 structure shall comply with the applicable setback and height requirements of the zoning.  
187 The structure may be labeled with the words “maximum height” or “clearance” and the  
188 height measurement only. No logos or advertisement are allowed.

189  
190 (7) The allowable dimensions of the order boards shall be as provided for in other sections  
191 of these regulations.

192  
193 (8) Such uses proposing drive-through facilities in conjunction with a proposed drive-in  
194 shall meet the requirements for fast-food restaurants with drive-through in addition to these  
195 requirements.

196  
197 (9) Hours of operation for such uses shall be limited to 5:00 am to 11:00 pm for the indoor  
198 portion of the restaurant and 5:00 am to 9:00 pm for the drive-in.

199  
200 (10) Such uses shall not share dumpster facilities within developments with multiple uses.  
201 Separate dumpster facilities shall be provided for such uses. Screening for these facilities  
202 shall be as provided for in other sections of these regulations.

203  
204 (11) Outdoor above ground grease traps are prohibited.

205  
206 (12) Any revisions, modifications, changes, or additions to an approved application shall  
207 be approved by the Board of Adjustment and shall be subject to all applicable sections of  
208 this Land Use and Development code.

209  
210  
211 Section 4. Amend Ocean View Code Chapter 140, Article XXI, Section 152, , by adding  
212 to Terms Defined, in the appropriate alphabetical order of the existing terms, the following:

213  
214 **Restaurant, Fast – Food**

215 An establishment whose principal business is the sale of pre-prepared or rapidly prepared food  
216 directly to the customer over the counter in a ready-to-consume state for consumption either within  
217 the restaurant building or off the premises. These types of establishments do not offer table service.

218  
219 **Restaurant, Fast – Food with Drive-Through**

220 An establishment whose principal business is the sale of pre-prepared or rapidly prepared food  
221 directly to the customer over the counter in a ready-to-consume state for consumption either within  
222 the restaurant building or off the premises. These types of establishments do not offer table service.  
223 Food may be ordered by the customer and/or served to the customer while remaining in their  
224 vehicle at a menu board or building opening, such as a door or window.

225  
226 **Restaurant, Fast – Food with Drive-In**

227 An establishment whose principal business is the sale of pre-prepared or rapidly prepared food  
228 directly to the customer over the counter in a ready-to-consume state for consumption either within  
229 the restaurant building, off the premises or in vehicles parked on the premises. These types of

230 establishments do not offer table service. Food may be ordered by the customer and/or served to  
231 the customer while remaining in their vehicle at a menu board or building opening, such as a door  
232 or window or served to the customer in their vehicle in a designated area intended for consuming  
233 the food while parked on the premises.

234  
235 Section 5. This ordinance shall become effective upon its adoption by a majority of the  
236 members of the Town Council present and voting.

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238  
239  
240  
241  
242

**TOWN COUNCIL OF OCEAN VIEW**

243 By: \_\_\_\_\_  
244 Mayor

245  
246 {Seal}

248 Attest: \_\_\_\_\_  
249 Town Clerk

250  
251  
252 Introduction:

253  
254 Planning & Zoning Commission Review:

255 First Reading:

256  
257 Second Reading:

258 Adopted:

259 **Synopsis:** This ordinance amends the definition of a fast-food restaurant and sets forth standards  
260 for the use as a special exception in General Business Districts and in the MXPC zone. It also adds  
261 and defines fast-food restaurant with drive-through as well as fast-food restaurant with drive-in to  
262 the Table of Permitted Uses as uses requiring special exceptions in the General Business Districts  
263 and sets forth standards for each. It moves surgical centers to Section 140-121 to the extent the  
264 Town should ever adopt standards therefore in order to utilize Section 140-128 for fast-food  
265 restaurant standards.