



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

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

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

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

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

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

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

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

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

93 or proposed buildings on or near the site and the traffic patterns from such buildings or  
94 cause frequent turning movements across sidewalks and pedestrian ways, thereby  
95 disrupting pedestrian circulation within a concentration of retail activity.  
96

97 (2) Applications for such uses shall provide whatever traffic analysis is required by DeIDOT for  
98 the review and consideration of the Town, or shall provide documentary evidence from DeIDOT  
99 stating that no analysis is required.

100  
101 (3) Such uses shall be located on an arterial or collector street, as depicted on the DeIDOT  
102 Functional Classification Map. Such uses shall only take access from an arterial or collector  
103 street, as depicted on the DeIDOT Functional Classification Map.  
104

105  
106 (4) When such uses abut a lot in a residential district, any lot upon which there is a dwelling  
107 as a permitted use under this chapter, or a right-of-way that serves a residential district, the  
108 use shall be screened, along the entire length of the property boundary abutting the  
109 residential district, dwelling, or right-of-way by a solid wall or a substantial, sightly, solid  
110 fence, not less than eight (8) feet in height, together with a twenty (20) feet wide planting  
111 strip on the outside of such wall or fence, which shall be maintained in good condition.  
112 Screening requirements within this planting strip shall be as provided for in other sections  
113 of these regulations.  
114

115 (5) When a drive-through facility is placed adjacent to the public right-of-way or other  
116 public access thoroughfare, the drive-through cartway shall be screened from view with a  
117 combination of structures and landscaping as determined by the Board of Adjustment.  
118

119 (6) Such uses shall be limited to one drive-through pre-order board, one order board and  
120 one associated stacking lane.  
121

122 (7) Stacking lanes for such uses shall be at least one-hundred eighty (180) feet in length  
123 measured from the point of ordering and shall not block any parking spaces or drive aisles.  
124

125 (8) There shall be a bypass lane of at least ten (10) feet in width along the entire length of  
126 the drive-through lane.  
127

128 (9) Drive-through lanes shall be separated from other aisles by a mountable curbed island.  
129

130 (10) The allowable dimensions of the order board and any associated canopy shall be as  
131 provided for in other sections of these regulations.  
132

133 (11) Such uses may install an overhead clearance bar to warn of over height vehicles. The bar  
134 shall only include the words "maximum height" or "clearance" and the height measurement. No  
135 logos or advertisement are allowed. The bar must be placed within the developable area of the site  
136 outside of any required buffering, within the drive through lane, and be attached to the Pre-Order  
137 Board if one is to be installed. The bar shall be a single arm pivoting or break away type and may  
138 have no hanging appurtenances, and may not be illuminated.  
139

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

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

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

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

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

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

162  
163 (2) Applications for such uses shall provide whatever traffic analysis is required by DeIDOT for  
164 the review and consideration of the Town, or shall provide documentary evidence from DeIDOT  
165 stating that no analysis is required.

166  
167  
168 (3) Such uses shall be located on an arterial or collector street, as depicted on the DeIDOT  
169 Functional Classification Map. Such uses shall only take access from an arterial or collector  
170 street, as depicted on the DeIDOT Functional Classification Map.

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

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

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

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

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

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

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

205  
206 (11) Outdoor above ground grease traps are prohibited.

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

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

216  
217 **Restaurant, Fast – Food**

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

221  
222 **Restaurant, Fast – Food with Drive-Through**

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

228  
229 **Restaurant, Fast – Food with Drive-In**

230 An establishment whose principal business is the sale of pre-prepared or rapidly prepared food  
231 directly to the customer over the counter in a ready-to-consume state for consumption either within

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

237

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

240

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242

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244

245

**TOWN COUNCIL OF OCEAN VIEW**

246

By: \_\_\_\_\_  
Mayor

247

248

249

250 {Seal}

251

Attest: \_\_\_\_\_  
Town Clerk

252

253

254

255 Introduction:

256

257 Planning & Zoning Commission Review:

258 First Reading:

259

260 Second Reading:

261 Adopted:

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