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Regulation of Drive-Through Facilities and Drive-Up Windows

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Background Information

The Lexington-Fayette Urban County Planning Commission processed a Zoning Ordinance Text Amendment (ZOTA) in the spring of 2025 in response to the adoption of HB 443, which was codified as KRS 100.275. KRS 100.275 requires that all regulations governing development plans be objective standards that can be reviewed ministerially.

The Division of Planning led a comprehensive review of the existing regulations in the fall of 2024. The regulations for drive-through facilities were identified as one such section of the Zoning Ordinance that was overly vague and outdated. In concert with the Division of Traffic Engineering, an update to Article 16-9 – Stacking Area was included with a broad ranging ZOTA for consideration by the Planning Commission.

Current Regulation

The current regulation was adopted in 1983 and has not been amended in any significant way since that time. It reads as follows:

> **Sec. 16-9 - Stacking area.**
>
> For any use which utilizes a drive-in or drive-through window or service area, a vehicular stacking area shall be provided for a minimum of five (5) vehicles. Such vehicular stacking area shall not include any space located at the windows or service areas, shall be provided wholly on the property and shall not include any right-of-way. Where menu boards or other stopping points are utilized before moving to the window or service area, the vehicular stacking area shall not include the space at the stopping point nor the spaces between that stopping point and the window or service area. The vehicular stacking area shall be subject to all yard, paving, landscaping and other requirements of a vehicular use area, as contained in Article 18.

Proposed Regulation

The recommended text amendment to this section from the Planning Commission included several changes to broaden the one-size fits all approach. The recommended text regulates the number of stacking spaces required based on the land use. Upon review of the text with several Council members and developers, there are a few small changes that are suggested.

The proposed regulations are as follows:

Sec. 16-9. ~~Stacking area.~~ Drive-Through Facilities and Drive-Up Windows

~~For any use which utilizes a drive-in or drive-through window or service area, a vehicular stacking area shall be provided for a minimum of five (5) vehicles. Such vehicular stacking area shall not include any spaces located at the windows or service areas, shall be provided wholly on the property and shall not include any right-of-way. Where menu boards or other stopping points are utilized before moving to the window or service area, the vehicular stacking area shall not include the space at the stopping point nor the spaces between that stopping point and the window or service area. The vehicular stacking area shall be subject to all yard, paving, landscaping and other requirements of a vehicular use area, as contained in Article 18.~~

(a) A vehicular stacking area shall be provided for any drive-up window or drive-through facility. Such vehicular stacking area shall not include any right-of-way, shall be provided wholly on the property, and shall not interfere with the use of any parking spaces provided. The minimum number of required stacking spaces within the vehicular stacking area shall include the space at the initial point of service, including but not limited to, a window, menu board, service area or other stopping point. Each stacking space shall be **twenty (20)** feet in length. The vehicular stacking area shall not include the area between the initial point of service and any subsequent window, service area or other stopping point.

The vehicular stacking area shall be subject to all yard, paving, landscaping, and other requirements of a vehicular use area, as contained in Article 18 when vehicular traffic entering the drive-thru and traffic within an adjacent drive aisle are moving in opposite directions in order to provide separation between the drive-through lane and other drive aisles on the site.

(1) For drive-up windows, a minimum of three (3) stacking spaces shall be provided.

(2) For quick-service food and beverage services, accessory to a restaurant, a minimum of six (6) stacking spaces shall be provided for the first drive-through lane. For any subsequent drive-through lane, a minimum of three (3) stacking spaces shall be provided. **Stacking spaces may be distributed across all drive-through lanes.**

(3) For quick-service food and beverage services without indoor service or seating, and provision of retail products, including packaged food and beverages, a minimum of six (6) stacking spaces shall be provided per drive-through lane.

(4) For banks, and pharmacies a minimum of three (3) stacking spaces shall be provided for the first drive-through lane, with no additional stacking spaces required for multiple lanes.

(5) For self service carwash facilities, a minimum of two (2) stacking spaces shall be provided per bay.

(6) **For automatic carwash facilities, a stacking distance of thirty (30) feet measured from an entrance gate or payment location.**

(7) The number of required stacking spaces may only be modified or waived by the Planning Commission on a final development plan based on the recommendations of an Operational Plan if the Planning Commission makes a finding that modifying **the minimum stacking requirements**

will not impede traffic circulation on-site, negatively impact adjoining properties or land uses, nor create a public safety hazard.

(8) An Operational Plan shall include the following:

a. A site plan with an applicable tracking path simulation (e.g. AutoTURN) for the design vehicle of the drive-through facility;

b. The required stacking area;

c. The drive-through width; and

d. The pedestrian circulation.

(b) General Standards for Drive-Up Windows - Drive-up windows, including the stacking area, shall be screened from any adjoining residential use or zone, public park, place of religious assembly, school, or childcare facility by a 6-foot tall, solid fence in addition to any VUA or property perimeter screening required by Article 18. **Such screening shall be required only along the length of the drive-through lane(s).**

(c) General Standards for Drive-Through Facilities shall meet the requirements established for Drive-Up Windows, in addition to the following:

(1) Drive-through lanes shall be a minimum of ten (10) feet and a maximum of twelve (12) feet in width, **and shall maintain a turning radius of 10 feet.**

~~(2) A minimum of one direct pedestrian walkway a minimum of five (5) feet in width shall be provided that allows pedestrians to access the building from the right-of-way without crossing drive-through lanes.~~

~~(3) All components of the drive-through facilities, including but not limited to menu boards, stacking lanes, ordering points, and other objects associated with the drive-through shall be located to the side or rear of the building.~~

(4) If a bail out lane for unobstructed exit capability is provided, it must be a minimum width of 10 feet and run parallel to the drive-through lane. If such bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.

(5) Pedestrian walkways shall be clearly visible and emphasized by enhanced paving or markings where they intersect drive-through lanes.

Planning Commission recommended text = RED
Suggested changes - **BLUE**

Conclusion

Drive-through regulations are necessary to allow the safe maneuvering of vehicles on private property for various land uses and to ensure such facilities do not impact the flow of traffic along public streets. The proposed text amendment will promote drive-through facilities that are appropriately sized and supportive of the principal use, which will be an improvement from the current standard.