

**CITY OF TRENTON
ORDINANCE NO. 802-1**

An Ordinance to make amendments to the city of Trenton Zoning Ordinance Articles II, XIII, and XXVI; “Definitions,” “B-2 District,” and “Off-Street Parking, Parking Layout, and Loading and Unloading,” respectively. There are currently 36 parcels zoned B-2 (out of 7,783 zoned parcels) located on the following streets: West Road, Van Horn Road, King Road, and Fort St. The number of parcels designated to B-2 will not change as a result of this text amendment.

Section 1. Article II, Section 110-28, Definitions, is hereby amended as follows:

- A. Shall include the new definition for a “restaurant, fast food drive-through”: A business establishment designed and intended to provide a driveway approach and temporary motor vehicle standing space or stacking space where customers *shall* receive food or nonalcoholic beverage service from *a window or booth* while in their motor vehicles.

Section 2. Article XIII, Section 110-273, Special Land Use, is hereby amended as follows:

- A. Section 110-273(6) shall be amended to include: “restaurant fast food sit-down *with or* without a drive-through.”
- B. Section 110-273(6) Fast food drive-throughs shall meet the following standards:
 - a. When a public address system will be used to take orders from an outdoor menu board or display from drive-through customers, the drive-through lane and the menu board display must be located in the nonrequired front yard when the use abuts a residential district or an office service district. In the event the narrowness of the site prevents the location of the menu display board in the nonrequired front yard, it may be placed in the nonrequired side yard that is farthest from a residential district or office service district.
 - b. Any drive-through lane shall be separate from a road, public right of way, loading and unloading area, or vehicle maneuvering lane.
 - c. *Only one ingress and egress shall be provided on major thoroughfares but shall not be located within 60 feet from an intersection.*
 - d. *Given the nature of this use, parking standards for a drive-through can be reduced or waived entirely by the Planning Commission in circumstances where the applicant can prove that existing parking spaces are sufficient. Landscaping standards based on parking spaces still apply according to the number of spaces that would be required based on the parking formula and the dimensions of the drive-through lane.*
- C. Section 110-273(e) shall remove the following: “*restaurants of any kind*” and “*and when such uses will be accessed only from an interior service drive or marginal access drive system serving the center, there being no direct access permitted to any abutting public street from any ancillary freestanding use.*”

Section 3. Article XXVI, Off-Street Parking, Parking Layout, and Loading and Unloading is hereby amended as follows:

- A. Section 110-551 (16) Numerical Off-Street Parking Requirements shall now include “fast food drive-through” under “business and commercial” under column letter “u” with an updated parking formula “1 space for every two employees in the largest working shift and one space for every four seats”
- B. 110-552 (1) Vehicle Stacking Spaces shall now include “fast food drive-through” in the first row of the table.

Section 4. Savings Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 6. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 7. Readings. This Ordinance shall be given a first reading on September 7, 2021, shall be enacted on September 20, 2021.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 20th day of September, 2021.

Steven Rzeppa, Mayor
Debra R. Devitt, City Clerk