

**STAFF REPORT:**

**Planning and Building Services Department**



**REPORT TO:** Planning & Building Services Committee  
**MEETING DATE:** November 2, 2009  
**REPORT NO.:** PL.09.116  
**SUBJECT:** Drive-through Facilities Project Update  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.09.116, Drive-through Facilities Project Update.**

**B. Background**

The purpose of this report is to provide Council with an update on the status of the Drive-through Facilities Project.

On January 26, 2009, Council approved the passage of Interim Control By-law No. 2009-09, which prohibits for a period of twelve months the use of any land, buildings or structures for the purposes of drive-through facilities and the land use issues associated therewith on lands zoned General Commercial (C1), Highway Commercial (C2), Recreational Commercial (C4), Village Core General Commercial (C5), Village Core Service Commercial (C6), Village Core Resort Commercial (C7), Local Commercial (C8), Service Industrial (M1), General Industrial (M2), Institutional (I) , Private Recreational (PREC), Recreational Ski Facility (SF) and Development (D) as established and declared in the Township of Collingwood Zoning By-law 83-40, as amended, and on all lands zoned Core Commercial C1, General Commercial C2, Local Commercial C3, Recreational Commercial C4, Industrial M1 Zone and Institutional I as established and declared in the Town of Thornbury Zoning By-law 10-77, as amended.

Council further directed staff to complete a study relating to the prohibition and/or regulation of drive-through facilities and the land use issues associated therewith in the municipality.

At present, the Town of The Blue Mountains Official Plan does not contain specific policies or directives with regard to drive-through facilities within the Town. As well, the Town's two current Zoning By-laws do not define drive-through facilities and therefore cannot regulate these uses within the Town. As a result, future problems may arise if a potential operator of such an establishment submits an application to amend one, or both, of the Zoning By-laws.

The Town subsequently retained Meridian Planning Consultants Inc. to undertake the study. The purpose of the study is to examine the prohibition and/or regulation of drive-through facilities and the associated lands uses within The Blue Mountains. An appropriate policy framework will be structured for the purpose of addressing this issue, including the identification of any necessary amendments to the Town of The Blue Mountains Official Plan and incorporation of provisions into the Town's Comprehensive Zoning By-law (currently being drafted).

The study consists of four phases in accordance with the Terms of Reference which include:

**Phase 1 – Background**

1. Meet with Town staff to understand the current regulatory environment affecting drive-through facilities.
2. Review information from other municipalities and how they have addressed land use conflicts regarding drive-through facilities.
3. Compile and analyze information and evaluate the effectiveness of the various approaches (identified from the review process) for either prohibiting or regulating drive-through facilities.
4. Prepare a Background Paper based on the evaluation of different approaches, legislative basis for prohibiting or regulating land uses, possible land use concerns and present a variety of policy options.

**Phase 2 – Public Consultation**

1. Meet with the Zoning By-law Project Advisory Committee and the Zoning By-law Project Technical Working Group to garner their input and other Town staff as needed.
2. Hold a public information meeting to present the Background Paper and the policy options which includes input from Town staff

**Phase 3 – Policy Direction**

1. Provide preliminary recommendations to Town staff.
2. Develop a draft policy framework including Official Plan Amendments and Zoning By-law Provisions (which may be included in the Zoning By-law Project work).
3. In tandem with the Zoning By-law Project work, hold a formal public meeting and present draft documents to Council.

#### **Phase 4 – Final Recommendation**

1. Establish a final policy recommendation which may include Official Plan Amendments and Zoning By-law Provisions (which may be included in the Zoning By-law Project work).

The end product of the Study will include Official Plan policies and Zoning By-law provisions which will address drive-through facilities.

The first three tasks of Phase 1 have been completed. Meridian are currently preparing the Background Paper based on their review of current Official Plans and Zoning By-laws to determine what provisions should be included in the Official Plan and Zoning By-law to ensure that such facilities are appropriately located and regulated. This Background Paper will be presented to Planning Staff in early November for review. As part of Phase 2 of the study, Planning Staff and the consultant will be meeting the week of November 23, 2009, to discuss the Background Paper and to prepare for the Public Information Meeting which will be held in December, 2009.

From a high level review, which will be expanded upon in the Background Paper, Meridian has identified that there is no consistent approach taken by municipalities in dealing with drive-through facilities. Approaches take into account the type of community a municipality is, history of dealing with issues and land use conflicts and other issues. A number of Official Plans and Zoning By-laws reviewed reveal the following, however, this is not an inclusive list.

##### Official Plan

Some Official Plans remain silent on the issue, discouraging new facilities municipal-wide, prohibitions in downtown areas, historic areas, mainstreets and town/village centres, permitting in auto-oriented designations and permitting in certain designations but requiring site-specific zoning by-law amendments and site plan control. Some municipalities have also adopted stacking space requirements.

##### Zoning By-law

A large number of municipalities reviewed contain definitions of Drive-throughs in their Zoning By-laws as well as setback requirements for lane, speakers, order boards and site access points. There may also be setbacks from street lines, front lot lines and exterior lot lines. Other zoning issues to consider include screening, noise attenuation fencing, building envelope on lot and prohibiting drive-through facilities abutting residential zones.

##### **Interim Control By-law**

Interim Control By-law No. 2009-09, will expire on January 25, 2010, with Meridian's work pertaining to Drive-through Facilities scheduled to be completed in March, 2010. Staff will be recommending that Interim Control By-law No. 2009-09, be amended to extend the time period for another year pursuant to Section 38(2) of the *Planning Act*. This will be brought forward at the December, 2009, Planning and Building Committee Meeting.

### **C. The Blue Mountains' Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community

### **D. Environmental Impacts**

The work pertaining to Drive-through Facilities is not expected to have significant adverse impacts on any element of the environment.

### **E. Budget Impact**

Meridian has been retained at a cost of \$11,999.53 (exclusive of GST).

### **F. Attachments**

1. Meridian Planning Consultants Inc. Memorandum dated October 27, 2009, regarding Project Update, Drive-through Facilities Review.

Submitted by:

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## MEMORANDUM

**To:** David Finbow & Cindy Welsh, Town of The Blue Mountains  
**From:** Nick McDonald & Mark Stone  
**Date:** October 27, 2009  
**Re:** Project Update  
Drive-through Facilities Review  
Our File No: 3807

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As requested, we have prepared this memorandum to provide a detailed update respecting the Drive-through Facilities Review project.

### 1.0 DRIVE-THROUGH FACILITIES REVIEW

#### 1.1 Project Description

Many people primarily associate drive-throughs with restaurants however, drive-throughs are now being associated more commonly with banks, dry cleaning establishments, drug stores and other types of uses. Drive-through facilities can generate high levels of traffic creating internal and external traffic issues, and pedestrian safety issues. In addition, noise is an issue with many facilities, mainly as a result of speaker generated sounds and late-night/early-morning hours of operation, and especially on lots adjacent to, or in close proximity to residential areas. In recent years, drive-throughs have begun to migrate into older parts of urban areas and it is for this reason that many municipalities have either prohibited drive-throughs in such areas or included regulations that severely restrict their location.

The intent of this review is to determine what provisions should be included in the Official Plan and Zoning By-law to ensure that such facilities are appropriately located and regulated.

According to Town Staff, there are two existing drive-through facilities in the Town:

- Car wash (near intersection of Arthur St & Victoria St)
  - Designated Commercial in Thornbury Urban Area
  - Zoned General Commercial (C2) - Thornbury By-law
- Tim Hortons (at corner of Grey Rd 19 & Wintergreen Pl)
  - Designated Commercial in Thornbury Urban Area
  - Zoned General Commercial (C2) - Thornbury By-law

Given the limited number of existing drive-through facilities, this is a good opportunity for the Town to establish a well thought-out and effective policy and regulatory strategy.

With the assistance of Town Staff, the following tasks have been completed or are ongoing:

- Start up meeting with staff to identify issues and obtain staff perspectives
- Review of current Official Plan and Zoning By-law policies and regulations with respect to Drive-through facilities
- Review of current best practices in a number of select Ontario municipalities
- Preparation of draft report (ongoing)

Based on the analysis completed to date, the following is a summary of existing Official Plan policies and zoning regulations, and identified issues and findings to date respecting Drive-through facilities.

## 1.2 Town Official Plan

The Town's current Official Plan (OP) provides limited specific policy direction with respect to Drive-through facilities. Restaurants and other drive-through related uses are permitted in a range of designations without specific prohibitions and land use controls. For example, food service establishments are permitted in the Blue Mountain Village Core, restaurants are permitted in the Blue Mountain Resort Commercial designation but restaurants are not defined in the OP.

Section 3.3(7) Commercial Areas of the OP states that in considering an application for Zoning By-law Amendment for proposed commercial development, the Town shall consider a number of factors including:

- (a) the adequacy of on-site parking and loading areas provided;
- (b) the adequacy of access points which shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic;
- (c) the design, layout and massing of the development so as to blend in with adjacent development, the character of the area, and the natural environment;
- (d) the adequacy of buffer plantings between commercial uses and any adjacent residential area;

Section 3.3(12) of the OP states that "all new commercial development shall be subject to site plan control and shall have particular regard for and show sensitivity to surrounding residential uses as well as the visual amenities and attractions of the development".

Section 3.17 Buffering of the OP contains the following policies:

- (1) Where different land uses abut, every effort shall be made to avoid potential conflicts between such different uses. Where deemed appropriate, buffering shall be required for the purpose of reducing or eliminating the adverse effects of one land use upon the other. A buffer may consist of open space, a berm, wall, fence, plantings, or any combination of the aforementioned sufficient to accomplish the intended purpose. The use of site plan control shall be exercised, where

appropriate, to ensure adequate buffering is provided and maintained.

- (2) In some cases, abutting uses which are considered incompatible may be prohibited under the Zoning By-law where buffering is considered inadequate to properly mitigate land use conflicts. Incompatible mixed uses on the same lot, such as a residence above a commercial garage, may also be prohibited.

### 1.3 Town Zoning By-laws

The existing By-laws do not specifically define Drive-through uses but do define a number of uses that, today, could typically include a drive-through component but do not given the age of these by-laws. The following is a summary of existing definitions and zone permissions that must be reviewed further with respect to Drive-through facilities:

#### Collingwood By-law

- Automobile Washing Establishment or Car Wash is defined.
- Restaurant, Drive-in Restaurant and Take-out Restaurant are defined but the definitions do not appear to include drive-through facilities.
- Bank and Financial Institutes, Places of Entertainment, Eating Establishments and Drive-in Restaurants are permitted in the General Commercial C1 Zone
- Automobile Washing Establishment, Places of Entertainment, Eating Establishments and Drive-in Restaurants are permitted in the Highway Commercial C2 Zone
- Eating Establishment and Bank or Financial Institute are permitted in the Recreational Commercial C4 and Village Core General Commercial C5 Zones
- Automobile Washing Establishments are permitted in the Service Industrial M1 and General Industrial M2 Zones

#### Thornbury By-law

- Restaurant, Drive-in Restaurant and Take-out Restaurant are defined but the definitions do not appear to include drive-through facilities.
- Restaurants and Financial Institutions are permitted in the Core Commercial C1 Zone. Financial Institution is not defined.
- All types of defined restaurants and Financial Institutions are permitted in the General Commercial C2 Zone. Restaurants are permitted in the Recreational Commercial C4 Zone.
- Car Washing Establishments are permitted in the General Commercial C2 Zone. Car Washing Establishment is not defined but Automobile Washing Establishment is defined.
- Accessory uses, buildings and structures are also permitted in the C1, C2 and C4 Zones.

Given that there is a lack of policy direction and regulation in the Town's Official Plan and Zoning By-laws, the Town does not have the ability to effectively control Drive-through facilities.

### 1.4 Other Municipalities

In order to identify possible approaches to Drive-through facilities, Meridian has chosen a

cross-section of municipalities to review. The subject municipalities are:

• Ajax	• Burlington	• Clarington
• Collingwood	• Halton Hills	• Kitchener
• Milton	• Mississauga	• Oakville
• Ottawa		

Our review has revealed that there is no one consistent approach taken by municipalities in dealing with drive-through facilities. It seems apparent that a municipality's unique approach may be based on the type of community, history of dealing with issues and land use conflicts, and other factors. There are a wide range of policy approaches in Official Plans including silence on the issue, discouraging new facilities municipal-wide, prohibitions in downtown areas, historic areas, mainstreets and town/village centres, permitting in auto-oriented designations, and permitting in certain designations but requiring site-specific zoning by-law amendments and site plan control.

Most municipalities have adopted stacking space requirements, especially for restaurants (including coffee shops) to deal with site traffic circulation issues, and impacts on adjacent roads due to insufficient onsite stacking lanes.

A summary of how these municipalities are dealing with the issue of Drive-through facilities is provided in this section and in a Table attached in Appendix 1.

The following is a short summary of the trends in Official Plans and/or Zoning Bylaws:

- Some municipalities permit facilities in a range of commercial and mixed-use zones, while others prohibit in a specified range of zones;
- Definitions in Zoning By-law are common place including defining drive-through ingress and egress, queuing lane;
- Stacking space requirements:
  - Bank - 4 to 5 spaces
  - Car wash - 4 to 15 spaces (majority at 10 spaces)
  - Restaurant - 5 to 15 (majority in 7 to 12 spaces range)
- Most municipalities use number of spaces approach for stacking; some use minimum lane length;
- Most municipalities also indicate number of stacking spaces pre and post order board or pickup window
- Typical required stacking space size is 3 x 6 metres
- Setbacks typically measured from lane, speakers and order boards.
  - From residential zone - ranges from 3 to 50 metres. Many municipalities are adopting a 30 metre minimum distance separation between drive-through facilities (building, lane, display boards, speakers) and residential zones based on an Ontario Municipal Board decision in the City of Toronto. The Board concluded that a 30 metre separation would provide sufficient protection of adjacent uses with respect to noise and other issues, while not significantly impacting the ability of commercial businesses to operate. The Board also found that, in some instances, a separation distance greater than 30 metres may be appropriate.

- Some municipalities have setbacks from site access points - ranges from 10 to 18 metres
- Some municipalities have setbacks from street line, front lot line and exterior lot line
- Other Official Plan, zoning and design criteria including:
  - prohibiting drive-throughs on lots abutting a residential zone
  - landscape screens required between lane and street line
  - lanes not permitted between main/front wall of building and any street
  - lanes not permitted in minimum yard setbacks
  - not permitted on lots less than specified lots size
  - minimum requirements for noise attenuation fencing associated with drive-through uses; fencing can also provide a needed visual barrier
  - requirements for noise studies and traffic studies in support of new or expanded drive-through facilities
  - urban design requirements to address concerns respecting urban design, maintaining pedestrian linkages, impact of wall, order board and pylon signage, illumination impacts, etc.
  - prohibition of any component of drive-through service laneways in front yards

## 2.0 Project Timing

The following represents a general summary timeline for the Drive-Through Facilities Review project:

November

- Prepare and meet with staff to discuss options respecting Adult Entertainment (AE) and Drive-through (DT) Reviews

December

- Attend public information meeting respecting AE and DT Reviews

January

- Preparation of, and meet with staff to discuss, Draft Amendments to the Official Plan and Zoning By-law
- Council consider extension to Interim Control By-law

February

- Attend Planning Act public meetings for Zoning By-law Review, AE & DT
- Meet with staff to discuss comments received

March

- Prepare final Official Plan and Zoning By-law Amendments (AE & DT) for Council consideration.

## 3.0 SUMMARY

Many municipalities are now attempting to address the growth in the number of drive-throughs by way of zoning. In some instances, municipalities are also exploring the ability to prohibit these facilities by way of by-laws enacted pursuant to the Municipal Act (health and public nuisance). Further, many municipalities are looking at these uses as a challenge to active transportation initiatives, new urbanism and promoting street related uses.

In many instances, drive-throughs, from a land use perspective may be supportable in certain areas, provided there are appropriate separation distances from residential zoned lands, buffers are established and streetscaping issues are addressed.

Sincerely,



Nick McDonald, MCIP, RPP  
Partner



Mark Stone, BES, MCIP, RPP  
Senior Planner

**APPENDIX 1 - OTHER MUNICIPAL OFFICIAL PLANS & ZONING BY-LAWS**  
**DRIVE-THROUGH FACILITIES**

<b>MUNICIPALITY</b>	<b>OFFICIAL PLAN</b>	<b>ZONING BYLAW</b>
Ajax	No specific policies for d/t's	<ul style="list-style-type: none"> <li>• D/t facilities permitted in several zones: Local Commercial, General Commercial, Downtown Mixed Use, Uptown Mixed Use, Automobile Commercial, Prestige Employment</li> <li>• Restaurant d/t not permitted in Automobile Commercial zone</li> </ul>
Burlington	<ul style="list-style-type: none"> <li>• Adult Entertainment defined</li> <li>• AE uses permitted in General Employment designation</li> </ul>	<ul style="list-style-type: none"> <li>• D/t's permitted in specified employment, commercial and uptown mixed use centre zones</li> <li>• D/t's prohibited in downtown mixed-use centre zone</li> <li>• d/t facilities defined</li> <li>• l/s screen required for elevations of buildings (with d/t facilities) facing a street</li> <li>• external conveyer pick-up systems not permitted in a yard abutting a street and shall be setback 15 m from res zone</li> </ul>
Clarington	<ul style="list-style-type: none"> <li>• D/t facilities not desirable in Town &amp; Village Centres</li> <li>• D/t's will be prohibited in certain areas and appropriately regulated in other areas</li> <li>• All buildings containing d/t facilities shall be oriented to the primary street frontage</li> <li>• No portion of stacking lane shall be located in setback area</li> <li>• D/t's shall be sufficiently separated from residential uses to avoid issues of land use compatibility</li> </ul>	<ul style="list-style-type: none"> <li>• D/t's only permitted by site-specific exception</li> <li>• No portion of the stacking lane shall be located between a building and street line</li> </ul>
Collingwood	<ul style="list-style-type: none"> <li>• No policies in OP</li> <li>• Definition of restaurant includes 'drive-in services'</li> </ul>	<ul style="list-style-type: none"> <li>• Drive-in use and queuing aisle defined</li> </ul>
Halton Hills	<ul style="list-style-type: none"> <li>• D/t's prohibited in Downtown Area designation</li> <li>• D/t's generally discouraged when not compatible with surrounding land uses, etc. and shall be               <ul style="list-style-type: none"> <li>○ incorporated into a larger building form, where possible</li> <li>○ designed and located to minimize visual impact on the streetscape. In this regard, drive through stacking and pick up lane should not be located between the front face of the building and the public sidewalk.</li> </ul> </li> </ul>	Proposed ZBL <ul style="list-style-type: none"> <li>• D/t Service Facility defined</li> <li>• Location of ingress and egress spaces, and length of queuing lane defined</li> <li>• Requirement for multiple queuing lanes provided</li> </ul>

	<ul style="list-style-type: none"> <li>o designed to minimize visual, traffic and noise impacts on adjacent residential development.</li> <li>• D/t Service Facility defined</li> </ul>	
Kitchener	No specific policies for d/t's	<ul style="list-style-type: none"> <li>• D/t's not permitted in any zones except for car washes</li> <li>• Drive-through facility defined</li> <li>• D/T stacking lane must be setback 3 m from any street line; 4.5 m in Mixed Use Corridor Zone; 1 m in Downtown Zone provided l/s structure provided in setback area</li> </ul> <p>All commercial d/t facilities with intercom order station:</p> <ul style="list-style-type: none"> <li>• Must comply with MOE noise level guidelines</li> <li>• Are prohibited if located within 60 m of residential or institutional zone (with certain exceptions) unless a noise study confirms that the use (with or without mitigation) can satisfy MOE guidelines</li> </ul>
Milton	<ul style="list-style-type: none"> <li>• D/t's prohibited in 'Downtown Core Commercial' designation</li> </ul>	<ul style="list-style-type: none"> <li>• D/t service facility defined</li> <li>• Ingress spaces shall be located before the first point of contact</li> <li>• Egress spaces shall be located between ingress space and the final point of contact</li> <li>• The queuing <i>lane</i> associated with the <i>drive-through service use</i> shall be the total number of required ingress spaces and egress spaces</li> <li>• Where multiple queuing <i>lanes</i> are required on a <i>lot</i>, the queuing <i>space</i> requirements shall be provided for each individual queuing <i>lane</i> in compliance with the provisions of Section 5.14.</li> <li>• D/t's permitted in Commercial Node (C1-C), Office Node (C1-E), Mixed Use (C1-F), Secondary Mixed Use (C2), Local Commercial (C3), Auto Commercial (C5), Business Commercial (C6) Zones</li> <li>• In all zones above, buildings containing d/t must be setback additional 2 m from front or exterior lot lines</li> </ul>
Mississauga	<p>Commercial Uses:</p> <ul style="list-style-type: none"> <li>• D/t's not permitted on Mainstreets</li> <li>• Motor Vehicle Commercial designation – d/t takeout restaurant accessory to service station subject to design criteria, compatibility, traffic circulation, etc.</li> </ul>	<p>Commercial &amp; Employment Zones – d/t permitted:</p> <ul style="list-style-type: none"> <li>• Restaurant</li> <li>• Gas bar/service station</li> <li>• d/t banking machine permitted accessory to financial institution in C2, C3, E2 &amp; E3 zones</li> </ul>
Oakville	<ul style="list-style-type: none"> <li>• Current OP does not contain specific policies</li> </ul>	<p>Current Zoning (subject to ICBL):</p> <ul style="list-style-type: none"> <li>• D/t's permitted in majority of commercial</li> </ul>

	<ul style="list-style-type: none"> <li>New OP, Livable Oakville, prohibits d/t's within all Growth Areas including Downtown, Kerr Village, Uptown Core, Palermo Village, Bronte Village &amp; Midtown. Also prohibits in all Mixed Use designations</li> </ul>	<ul style="list-style-type: none"> <li>and employment zones</li> <li>Not permitted on lots abutting a residential zone</li> </ul>
Ottawa	<ul style="list-style-type: none"> <li>OP prohibits d/t's, gas bars, service stations &amp; auto sales on Traditional Mainstreets, with some exceptions.</li> <li>However, these uses are permitted on Arterial Mainstreets</li> </ul>	<ul style="list-style-type: none"> <li>D/t facilities permitted in several zones: Arterial Mainstreet, General Mixed Use &amp; Mixed Use Centre</li> </ul>