

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS  
BY-LAW NO. \_\_\_\_\_**

**Being a By-law to adopt Amendment No. 22 to the  
Official Plan of the Town of The Blue Mountains**

The Council of The Corporation of the Town of The Blue Mountains in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P.13, hereby enacts as follows:

1. Amendment No. 22 to the Official Plan of the Town of The Blue Mountains, is hereby adopted.
2. The Clerk is hereby authorized and directed to submit Amendment No. 22 together with the required record, to the appropriate Approval Authority for approval.
3. This By-law shall come into force and take effect on the day of the final passing by Council, subject to any approval necessary pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
Corrina Giles, Town Clerk

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I hereby certify that the foregoing is a true copy of By-law No. \_\_\_\_\_ as enacted by The Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

DATED at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed: \_\_\_\_\_  
Corrina Giles, Town Clerk

**AMENDMENT NO. 22  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWN OF THE BLUE MOUNTAINS**

\_\_\_\_\_, 2010

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TOWN OF THE BLUE MOUNTAINS**

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**AMENDMENT NO. 22 TO THE  
TOWN OF THE BLUE MOUNTAINS  
OFFICIAL PLAN**

**THE CONSTITUTIONAL STATEMENT**

**PART A - THE PREAMBLE** does not constitute a part of this Amendment.

**PART B - THE AMENDMENT** consisting of the following text constitutes Amendment No. 22 to the Official Plan for the Town of The Blue Mountains.

## **PART A - THE PREAMBLE**

### **1. PURPOSE**

The purpose of this Amendment is to establish policies for drive-through facilities in the Town of The Blue Mountains Official Plan.

### **2. LOCATION**

This Amendment amends the policies of the Town's Official Plan by permitting drive-through facilities on lands designated "Highway Commercial HC" and portions of the Arthur/King Street Corridor of the "Commercial COM" designation in the Thornbury Urban Area. A key map has not been provided as the Amendment potentially applies to all lands designated "Highway Commercial HC" and sections of lands designated "Commercial COM" in the Town.

### **3. BASIS**

#### Overview

This Amendment is prepared in response to the need to plan for and regulate drive-through facilities in the Town of The Blue Mountains. The Official Plan does not currently provide policies specific to drive-through facilities in the municipality. Many people primarily associate drive-throughs with fast-food and coffee restaurants however, drive-throughs are now often associated with banks, dry cleaning establishments, pharmacies, car wash establishments and other types of uses. Drive-through facilities provide convenient and fast service to customers. However, drive-through facilities can also generate high levels of traffic potentially creating internal (on-site) and external (off-site) traffic issues, and pedestrian safety issues. Contributing to on- and off-site traffic issues can be queuing lanes that are deficient in size and/or located too close to site access points. This is especially true during peak hours and with poorly designed sites, often resulting in significant spill-over onto adjacent public streets. This issue can be further intensified where site access points on corner lots are located too close to intersections.

Another contributing factor to traffic circulation issues are queuing lanes that are interrupted (i.e. not continuous), commonly the result of drive-through facilities established on lots that are deficient in size or poorly designed. Also, some sites, especially those related to drive-through restaurant facilities, have been designed such that parking spaces and loading areas are blocked by drive-through lanes (or vehicle overflow from these lanes). One of the most significant concerns with respect to drive-through facilities is the impact on adjacent residential areas. Impacts can result from noise generated from drive-through intercoms, music (from vehicles) and voices (from patrons and employees), and vehicle engines. The 'spill-over' lighting from lamp-posts, order boards and other directional signage is often cited as a concern for residents. In addition, concerns are often raised with respect to air-quality impacts resulting from idling vehicles, and odours from garbage bins and receptacles primarily related to restaurant uses. Impacts resulting from noise, vehicle exhaust and odours are often intensified by drive-through facilities that operate 24 hours per day or during 'late-night'/'early morning' hours. Another concern for many municipalities and residents has been the lack of attention to preserving streetscapes and urban design standards when reviewing proposals for new drive-through facilities.

On January 26, 2009, Council passed Interim Control By-law (ICBL) No. 2009-9 to effectively apply a Town-wide prohibition on the use of any land, buildings or structures for the purposes of drive-through facilities and adult entertainment establishments for a period of 12 months. On December 14, 2009, Council passed By-law No. 2009-83 to extend the ICBL for an additional six (6) months, to July 26, 2010. On June 28, 2010, Council passed By-law No. 2010-45 to provide for a further and final extension to the ICBL to January 25, 2011.

The ICBL provided the Town with the opportunity to comprehensively study the issues, and establish appropriate policies and regulations to guide the establishment and use of these types of facilities. Meridian Planning Consultants Inc. was retained by the Town to undertake the Study which resulted in five possible options for regulating these uses. The preferred option of permitting drive-through facilities in specified commercial areas subject to specific policies and criteria is the basis for this Amendment. This Amendment would permit drive-through facilities on lands designated “Highway Commercial HC” and portions of the Arthur/King Street Corridor of the “Commercial COM” designation in the Thornbury Urban Area, subject to the existing policies of the Plan, and policies and criteria in a new Drive-through Facilities Section in the General Development Policies Section of the Plan. This new Section includes a requirement for a site-specific amendment to the Zoning By-law(s) for any drive-through facility, defines drive-through service facility and stacking lane, and provides criteria/policies for the design and built form of these facilities.

In addition, the Amendment contains a policy whereby Council shall consider the adoption of Urban Design Guidelines to establish standards with respect to built form and streetscape, pedestrian circulation, vehicular access and parking, landscaping and signage for drive-through facilities.

## **PART B - THE AMENDMENT**

All of this part of the document entitled “Part B - The Amendment” consisting of the following text constitutes Amendment No. 22 to the Official Plan of the Town of The Blue Mountains.

### **DETAILS OF THE AMENDMENT**

The Official Plan is hereby amended as follows:

**Item 1:**        **Section 3 GENERAL DEVELOPMENT POLICIES** is hereby amended by adding the following new subsection:

#### **“3.24        Drive-through Facilities**

- (1)            Drive-through facilities are normally associated with restaurants, financial institutions, automobile services stations and a limited range of retail and service uses such as pharmacies and dry cleaning establishments, and are typically located in auto-oriented commercial designations. In this Plan, drive-through facilities are only permitted on lands designated “Highway Commercial HC” and certain lands in the Arthur/King Street Corridor of the “Commercial COM” designation in the Thornbury Urban Area, subject to the definitions and policies of this Section. Proposals for all new drive-through facilities will be subject to concurrent applications for a zoning by-law amendment and site plan approval.
- (2)            Within the planned pedestrian-oriented, main-street portions of the Arthur/King Street Corridor of the “Commercial COM” designation, zoning by-law amendments for new drive-through facilities will not be permitted where such uses would interfere with the intended function and form of these designations and areas/corridors.
- (3)            The following definitions shall apply with respect to drive-through facilities:
  - (a)            “Drive-through service facility” means a building or structure where goods or services are offered to the public within a parked or stationary motor vehicle by way of a service window or device.
  - (b)            “Stacking lane” means an area of land that is used exclusively for motor vehicles whose occupants are waiting to be provided with goods, materials or services.
- (3)            Council must be satisfied that traffic from a drive-through facility can be accommodated on area roads and will not conflict with truck traffic, and that an appropriate amount of parking and landscaping is located on site.
- (4)            Drive-through facilities should be designed to minimize visual, traffic and noise impacts on adjacent residential development. The Town may require proponents to submit a noise impact study, traffic impact study and illumination (photometrics) study/plan in support of any applications for a drive-through facility. The Town may also require proponents to provide funds or securities to cover the costs of any required peer review of these studies.
- (5)            Council shall consider the following additional matters when reviewing proposed drive-through facilities:
  - (a)            Drive-through facilities shall be incorporated into a larger building form, where possible.
  - (b)            Drive-through facilities shall be designed and located to minimize visual impact on the streetscape. In this regard, drive-through

stacking and pick-up lanes should not be located between the front face(s) of the building and the street line(s).

- (c) Any drive-through facility must be located on a lot sufficiently sized to accommodate all activities associated with the drive-through facility.
- (d) All buildings containing drive-through facilities shall be oriented to the primary street frontage.
- (e) No portion of the stacking lane shall be located within the required minimum yard setbacks for buildings or structures.
- (f) Drive-through facilities shall be sufficiently separated from residential uses to avoid issues of land use compatibility.
- (g) Drive-through facilities will have sufficient dedicated stacking lanes and separation from site access points to prevent vehicles from interfering with on-site and off-site vehicular circulation.
- (h) No portion of a stacking lane shall be located between a building and street line unless all of the components of a drive-through service facility, excluding the building, are located no closer than 10.0 metres from the front and exterior side lot lines.

- (6) Council shall consider the adoption of Urban Design Guidelines for drive-through facilities to establish guidelines with respect to built form and streetscape, pedestrian circulation, vehicular access and parking, landscaping and signage.

**Item 2:** **Section 4.21 HIGHWAY COMMERCIAL HC** is hereby amended by adding the following new sentence at the end of subsection 4.21.2 (1):

“Drive-through facilities are also permitted subject to the policies of the Plan including Section 3.24.”

**Item 3:** **Section 4.27 THORNBURY URBAN COMMUNITY** is hereby amended by adding the following new sentence at the end of subsection 4.27.3.2 (7) (iii):

“Drive-through facilities may also be permitted subject to the policies of the Plan including Section 3.24.”

## **IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through Zoning By-law Amendments pursuant to the *Planning Act* and other relevant legislation.