

**STAFF REPORT:**

**Planning & Building Services Department**



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** December 8, 2010  
**REPORT NO.:** PL.10.120  
**SUBJECT:** Drive-through Service Facilities,  
Official Plan and Zoning By-law  
Amendments  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council receive Planning Staff Report PL.10.120, Drive-through Facilities, Official Plan and Zoning By-law Amendments; and**

**THAT Council direct staff to bring forward an Official Plan and Zoning By-law Amendments pertaining to Option 6 of this report.**

**B. Background**

On September 8, 2010, a statutory public meeting was held to obtain formal public and agency comments on the preliminary recommendations pertaining to Drive-through Service Facilities as provided by Meridian Planning Consultants. Comments received from that meeting are provided in Attachment 2.

Council was presented with the proposed Official Plan Amendment to the existing Town of The Blue Mountains Official Plan so as to restrict the establishment of drive-through facilities to specific and limited commercial areas along the Highway 26 Corridor subject to specific criteria, and having regard to the recommendations of the Community Improvement Plan and the Planning and Urban Design Strategy. Council was also presented with the proposed Zoning By-law Amendments to the Township of Collingwood Zoning By-law No. 83-40 and the Town of Thornbury Zoning By-law No. 10-77, so as to clarify that drive-through establishments are not permitted as a right and that any proposed drive-through facility would be subject to a public Zoning By-law Amendment process.

At the September 8, 2010, statutory public meeting, Victor Labreche of Labreche Patterson & Associates Inc., acting on behalf of the Ontario Restaurant Hotel and Motel Association (ORHMA), advised the Planning & Building Committee that his client objects to the Draft Official Plan Amendment (OPA) for Drive-through Facilities along with the two proposed Zoning By-law Amendments.

On October 5, 2010, Staff and Meridian Planning Consultants met with Victor Labreche, Maurice Luchich and Michelle Saunders (representing the Ontario Restaurant Hotel and Motel Association) with the objective of resolving the industry's concerns while maintaining consistency with the current Official Plan (OP), Draft Community

Improvement Plan (CIP), Draft Planning, Urban Design and Sustainability Study (PUDS) and other relevant documents. Discussions at the meeting resulted in Town Staff proposing two additional options to the industry (being Options 6 and 7 developed by Town Staff and our Consultant for consideration/discussion). These options are:

6. An Official Plan Amendment that would introduce specific policies related to drive-throughs that would continue to permit drive-through facilities within the areas designated Highway Commercial along Highway 26 and Commercial along the King/Arthur Corridor in Thornbury along with Zoning By-law Amendments that would introduce a Holding “-h” symbol on all lands that would otherwise permit a drive-through and specific regulations for drive-throughs. The Official Plan Amendment and Zoning By-law Amendments would include criteria/requirements for the lifting of the H symbol.
7. An Official Plan Amendment that would introduce specific policies related to drive-throughs that would continue to permit drive-through facilities within the areas designated Highway Commercial along Highway 26 and Commercial along the King/Arthur Corridor in Thornbury along with Zoning By-law Amendments that would introduce specific regulations for drive-throughs but not permit a drive-through as-of-right in any zone (a site specific zoning by-law amendment would be required to introduce a drive-through).

Correspondence was received by the Town from Victor Labreche dated October 28, 2010, in which he summarizes his client's disagreement with these options. Meridian Planning along with the Town further studied the Option of utilizing the Holding symbol and are reporting back to Council on how this option can be utilized for drive-through service facilities.

As Council may recall, the first five options presented were as follows:

1. Status Quo
2. Prohibit in All Areas
3. Permit in All Commercial Areas
4. Permit in All Commercial Areas Based on Established Criteria
5. Permit in Specified Commercial Areas

Council's preferred option was number 5, to permit in specified commercial areas, which was presented to the public at the September 8, 2010, statutory public meeting.

In light of the additional discussions with the industry, Town Staff and Meridian Planning Consultants continue to be of the opinion that there is a need for a process involving Council, and the public, for consideration of drive-through applications on land that abut residential uses. In that regard, Town Staff and Meridian are recommending the following:

1. Revise the Official Plan Amendment to permit drive-through service facilities on all commercially-zoned lands within the “Highway Commercial HC” designation

and the Arthur/King Street Corridor of the “Commercial COM” designation. The use of a Holding symbol will only be applied to commercially-zoned lands abutting a property currently zoned to permit residential uses. A drive-through service facility will not be permitted until the Holding symbol is removed, provided Council is satisfied that the proposed drive-through service facility is designed such that:

- (a) All components of the drive-through service facility are sufficiently setback from adjacent lots to minimize visual, traffic, lighting and noise impacts on adjacent residential development.
  - (b) The proposed development conforms with the Town’s design guidelines and provides for safe and efficient pedestrian access to the site.
2. Revise the Zoning By-law Amendments to remove the originally recommended zoning provision requiring all components of a drive-through service facility to be setback a minimum of 30 metres from any Residential Zone boundary. A reduced setback may be approved based on the submission of supporting information. This provision can be deleted as there are existing setback requirements from residential zones in the existing Zoning By-laws and by utilizing a Holding symbol provision.
3. Delete the proposed zoning provision which established a minimum setback of 10 metres of any drive-through service facility component and the front or exterior side yards. The site plan approval process, urban design guidelines and the existing provisions in the Zoning By-laws will ensure that Town objectives can be achieved.

The original proposed Official Plan Amendment and Zoning By-law Amendments have now been revised to incorporate the recommended Option 6. These modified documents are attached to this report.

With respect to the existing drive-through establishment located in Thornbury, east of Victoria, north side of Arthur Street, Town Staff are recommending that this use be recognized as a complying use and, subsequently the implementing draft Zoning By-law reflects this.

Town Staff and Meridian Planning Consultants are satisfied that the Town has completed the necessary review or study as required pursuant to Section 38 of the *Planning Act* has been completed; that extensive consultation has occurred; that the proposed Official Plan Amendment and Zoning By-law Amendments represent good planning.

Town Staff are now seeking Council’s direction with regards to moving forward with the adoption of an Official Plan Amendment and approval of the two Zoning By-law Amendments.

### **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**

The Budget for this project is \$14,450.65 (exclusive of GST). There will be an overage given the extensive consultation with stakeholders and required unbudgeted attendance by the Consultant at Committee and Council meetings.

### **F. Attachments**

1. Final Recommendations Memorandum, Town of The Blue Mountains – Drive-through Facilities Study Proposed Official Plan & Zoning By-law Amendments.
2. Town of The Blue Mountains, Drive-through Facilities Study, Comments Received Through Public Consultation Process.
3. Revised proposed Official Plan Amendment No. 22.
4. Revised Proposed Zoning By-law Amendments.

Submitted by:

---

Cindy Welsh, MCIP, RPP  
Senior Policy Planner  
The Blue Mountains  
26 Bridge Street E., Box 310  
Thornbury, ON N0H 2P0  
Tel: (519) 599-3131, ext. 262  
Toll Free: 1-888-258-6867  
Fax: (519) 599-3018  
E-mail: [cwelsh@thebluemountains.ca](mailto:cwelsh@thebluemountains.ca)

---

David Finbow  
Director, Planning & Building Services  
The Blue Mountains  
26 Bridge Street E., Box 310  
Thornbury, ON N0H 2P0  
Tel: (519) 599-3131, ext. 246  
Toll Free: 1-888-258-6867  
Fax: (519) 599-3018  
E-mail: [dfinbow@thebluemountains.ca](mailto:dfinbow@thebluemountains.ca)



## MEMORANDUM

**To:** David Finbow & Cindy Welsh  
**From:** Mark Stone  
**Date:** November 30, 2010  
**Re:** Final Recommendations Memorandum  
Town of The Blue Mountains - Drive-through Facilities Study  
Proposed Official Plan & Zoning By-law Amendments  
Our File No: 3807

---

As you know, we prepared the Background & Options Paper for Regulating Drive-through Facilities in June 2010. The planning review process has consisted of extensive consultation with the public, the industry and Town Council. This consultation included a Public Open House in December 2009, a number of presentations to the Town Planning & Building Committee and Council, the statutory public meeting in September 2010, and meetings and discussions with industry representatives in June and October of this year.

The intent of this Memorandum is to:

1. Summarize and respond to issues raised and comments received throughout the planning review process.
2. Provide additional comments, advice and recommendations respecting the subject applications.

### 1. Comments & Issues

Attached to this Memorandum is a chart summarizing and responding to the various comments and issues raised during the course of our work, including comments from members of Committee and Council, the public, the industry, Grey County, Nottawasaga Valley Conservation Authority, Niagara Escarpment Commission and the Ministry of Transportation.

### 2. Summary & Recommendations

#### Official Plan

As noted in the Background and Options Paper, the following designations in the current and in effect Official Plan were not intended for auto-oriented uses such as drive-through service facilities:

- **The Blue Mountain Village Core/Area**, which includes the Blue Mountain Village Core and the Blue Mountain Resort Commercial sub-designations which is “intended to be developed as a compact pedestrian oriented village to include commercial, residential and recreational uses in a system of narrow streets and pedestrian squares”.
- **The Village Centre** designation, which permits small-scale restaurants and taverns. However, the policies of this designation promote the conversion of existing dwellings to commercial uses instead of new building construction, the preservation of the existing character of the Village Centre, and only limited commercial establishments are permitted which do not require large amounts of land.
- **The Resort Commercial** designation, which only permits dining uses as a support or use associated with commercial accommodation.
- **The Village Commercial** designation (Clarksburg), which permits commercial uses including all forms of retail, service and recreational commercial facilities, business and professional offices. However, prior to a rezoning for a change to more intensive uses, Council must be satisfied with criteria including compatibility of the type and scale of the proposed use with surrounding uses and Village character.
- **The Thornbury Commercial** designation, permits all forms of retail and service commercial, business and professional offices, restaurants, places of entertainment, etc. There are two functionally distinct areas within the Thornbury Commercial designation: the Bruce Street Core and the Arthur/King Street Corridor. The Bruce Street Core is the historical commercial core of the Town and the scale of uses is limited by the size of existing buildings and lack of parking in area; and the intent in this area is to maintain the small town feel and attractiveness.

The Official Plan identifies the following two designations where drive-through service facilities could be contemplated because of their planned function and location:

- The Arthur/King Corridor of the Thornbury Commercial designation - restaurants and prepared food outlets are permitted; and uses which due to space and parking requirements do not suit the Bruce Street Core.
- The Highway Commercial designation which primarily serves vehicular traffic and some limited small scale retail and service commercial uses, including eating establishments. Small scale eating establishments are limited to a maximum of 100 seats and an Official Plan Amendment is required to exceed this maximum.

#### **Options / Draft Official Plan Policies & Zoning Provisions**

On the basis of the above analysis, the focus of our work was to develop policies for drive-through service facilities in only those designations where the current Official Plan already provides for their development in principle.

In the Background and Options Paper prepared prior to the public meeting, five options were presented for the Town’s consideration, and the “Permit in Specified Commercial Areas” Option was recommended. The draft Official Plan Amendment

(OPA) circulated to agencies and the public prior to the September 2010 public meeting included policies that would permit drive-through service facilities only on lands designated "Highway Commercial HC" and in the Arthur/King Street Corridor of the "Commercial COM" designation in the Thornbury Urban Area. The policies of the draft OPA also required approval of a Zoning By-law Amendment and Site Plan Approval for all new drive-through uses. The policies of the draft OPA at the time would also require the Town to consider a number of other issues prior to the approval of any new drive-through service facility through a rezoning process including:

- Traffic impacts
- Sufficient landscaping and on-site parking
- Minimization of visual, traffic and noise impacts on adjacent residential properties
- Urban design policies and guidelines

The draft by-laws prepared prior to the public meeting to amend the Township of Collingwood and Town of Thornbury Zoning By-laws provided definitions for "drive-through service facility" and "stacking lane" and modified existing use definitions to clarify that drive-through service facilities were not permitted without an amendment to the Zoning By-law. The draft by-laws also provided regulations with respect to:

- Stacking lane and space requirements
- Location of ingress and egress lanes
- Length of stacking lanes
- Size of stacking spaces
- Setbacks from Residential Zone boundaries
- Stacking Lane Setback from Driveways
- Location of stacking lanes, order boxes and wall openings relative to front and exterior yards

The limits of the Highway Commercial designation are clear in the Official Plan. However, the limits of the Bruce Street Area (BSA) and Arthur/King Corridor (AKC) of the Thornbury Commercial designation are not defined in the current OP schedules. Because the limits of the BSA and AKC are not defined on a schedule in the current OP, the draft OPA circulated prior to the September 2010 public meeting relied on the policies of the current OP and policy in the draft OPA which would exclude lands within the planned pedestrian-oriented, main street portions of the area.

### **Issues and Final Recommendations**

It was clear during the consultation process that there was some confusion in describing and understanding the limits of the BSA and AKC areas discussed above. Therefore, for the purposes of this Study, we have defined the BSA and AKC areas based on a review of current OP policies describing the BSA and AKC areas, aerial photography, and ongoing Town studies (e.g. CIP & PUDS). The suggested limits of the AKC area are shown on the attached Schedule 1.

As already noted, a range of issues and concerns were raised during the preparation of the Study and the consultation process and are summarized in the attached chart

referenced in Section 1 of this Memorandum. However, the following main issues were identified as part of the consultation process as requiring further consideration:

- Internal (on-site) and external (off-site) traffic issues, and pedestrian safety issues
- Impacts on nearby residential areas (e.g. noise, lighting, air quality)
- Streetscape preservation and implementation of urban design standards
- Appropriateness of proposed zoning standards

The 'drive-through industry' was well represented throughout the consultation process and made many detailed comments and recommendations. It is their position that all of these issues can be addressed primarily through the site plan approval process and the implementation of urban design guidelines. In response and with respect to pedestrian safety, streetscape preservation and urban design, we suggest that the site plan approval process, coupled with appropriate zoning and site plan standards and the implementation of urban design guidelines can satisfy these issues/concerns. Based on our review of other municipal standards, experience with the design of drive-through service facilities and discussions with the industry, it is our view that the standards in the proposed by-law's dealing with stacking lane requirements, minimum size of stacking spaces and minimum setback between the stacking lane and driveways are appropriate.

It is important to note that urban design guidelines are simply 'guidelines' to assist municipalities and land owners to implement the vision and policies of the Official Plan, clarifying the desired type of development in the community. Urban design guidelines are not considered applicable law and therefore, are not regarded as part of the review of a building permit unless the guidelines are implemented in a Zoning By-law. However, through Section 41(4) of the Planning Act and the Site Plan Control process, municipalities can now consider matters concerning exterior design, including the character, scale, appearance and design features of buildings, and sustainable design provided the Official Plan contains policies that deal with these issues. On the basis of the above, and in response to comments made, it is now recommended that the Town permit drive-through service facilities as-of-right on lands designated "Highway Commercial HC" and in the Arthur/King Street Corridor of the "Commercial COM" designation in the Thornbury Urban Area, subject to site plan control and urban design guidelines, instead of requiring a rezoning.

However, we continue to believe that there is a need for a planning process involving Council for the consideration of drive-through applications on land that abut residential uses. In this regard and rather than requiring a rezoning it is recommended that the Town apply a Holding Symbol to all commercial lands abutting properties currently zoned to permit residential uses. The use of a Holding Symbols is discussed in the following section.

### **Holding Provisions**

Under Section 36 of the Planning Act, the Council of a local municipality may pass a zoning by-law to "specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-

law". The Act also requires provisions in the Official Plan relating to the use of a Holding symbol in the Zoning By-law. Council can consider removal of a Holding Symbol upon application of the landowner provided it is satisfied that the criteria for removal of the Holding Symbol have been met. The Act would also require the Town to provide notice of its intention to remove the Holding Symbol in a manner and to persons and public bodies as prescribed. Subsection 36 (3) of the Act states that where such an application for removal of a Holding symbol is refused or council refuses or neglects to make a decision within 120 days of receipt of the application, the applicant may file an appeal with the Ontario Municipal Board.

To address community concerns with respect to potential impacts on nearby residential areas, it is proposed that the Town apply a Holding symbol to all commercial lands abutting properties currently zoned to permit residential uses. The proposed Holding symbols would be lifted to permit a drive-through service facility provided Council is satisfied that the proposed use is designed such that:

- (a) All components of the drive-through service facility are sufficiently setback from adjacent lots to minimize visual, traffic, lighting and noise impacts on adjacent residential development.
- (b) The proposed development conforms with Town urban design guidelines and provides for safe and efficient pedestrian access to the site.

With the requirements for Site Plan Control, urban design and the Holding Symbol criteria for commercial properties adjacent to properties zoned for residential use, we are recommending the removal of the originally recommended zoning provision requiring all components of a drive-through service facility be setback a minimum of 30 metres from any Residential Zone boundary. As noted in the Background and Options Paper, the recommended 30 metre minimum setback was based on a 2002 Ontario Municipal Board decision respecting drive-through uses in the City of Toronto. The intent of utilizing the 30 metre setback was to establish an accepted 'starting-point' for the consideration of noise and other impacts, but could be reduced through the rezoning process and based on the submission of supporting information. However, we are comfortable recommending the deletion of this standard given the existing setback requirements from residential zones in the existing Town Zoning By-laws, and the Holding Symbol criteria and requirements described in this Memorandum.

We are also recommending the deletion of the proposed zoning provision which established a minimum setback of 10 metres of any drive-through service facility component and the front or exterior side yards. We believe that the site plan approval process, urban design guidelines and the existing provisions in the Town Zoning By-laws will ensure that Town urban design and built form objectives can be achieved.

#### **Need for additional public meeting**

The proposed Zoning By-law Amendments now propose the use of a Holding symbol to implement the policies of the existing Official Plan and proposed Official Plan Amendment. Under Section 34(17) of the Planning Act, "where a change is made in a proposed by-law after the holding of the public meeting...the council shall determine

whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law...".Section 11.16.3 (9) of the Official Plan states that "where after the public meeting, in Council's opinion, any substantive modification is proposed to the Amendment, a further public meeting shall be undertaken..." but shall not be required "...if Council is satisfied that such modifications do not significantly alter the proposed Amendment, or where the nature of the modifications is addressed at the public meeting. The determination of Council as to giving further notice is final, irrespective of the extent of the change made in the proposed Amendment".

It is our opinion that the recommendations contained in this memorandum respond to the concerns raised and are therefore less restrictive than what was proposed at the public meeting. In addition, all of the concerns identified in our initial report, are and will be addressed through the planning process recommended in this memorandum. On this basis, it is our opinion that no further public meeting is required.

## Town of The Blue Mountains Drive-through Facilities Study Comments Received Through Public Consultation Process

ISSUE / COMMENT	RESPONSE
Remove Zoning By-law Amendment (ZBA) requirement - all lands designated should be pre-zoned to allow Drive-Through Facilities (DTFs).	<ul style="list-style-type: none"> <li>□ Agree to pre-zoning lands in appropriate commercial designations, already zoned commercial and appropriate in principle for drive-throughs.</li> <li>□ Proposed Holding symbol approach in cases where lands abut residential zones would provide Council the opportunity to determine if proposed use can be designed to minimize impacts on residential uses.</li> </ul>
OP prohibitions of DTFs are not appropriate based on Ontario Municipal Board (OMB) decisions and case law.	<ul style="list-style-type: none"> <li>□ Disagree - OPs are not statutory documents but are policy documents intended to develop and implement a vision of the Municipality, including directing certain types of uses to certain areas in a Municipality. It is our opinion that DTFs are not permitted in the Bruce Street Area of the "Commercial COM" designation in the Thornbury Urban Area and other designations.</li> </ul>
<p>DTFs should be treated like other commercial uses (example commercial parking lots). DTFs function similar and takes the place of what the function of the otherwise permitted parking lot to accommodate customers to obtain service of the main restaurant uses.</p> <p>DTFs locate anywhere a parking lot would otherwise be located; why is Town prohibiting DTFs but not prohibiting/restricting parking lots; provided DTFs are regulated by typical requirements for vehicle stacking &amp; reasonable setbacks, with Urban Design Guidelines (UDGs), DTFs are no different or less compatible than a parking lot associated with any restaurant, retail or service commercial use.</p>	<ul style="list-style-type: none"> <li>□ Review only deals with DTFs; no ability to deal with policies &amp; regulations respecting commercial parking lots.</li> <li>□ It is assumed that, through the upcoming OP Review, the Town will review location and design considerations related to commercial parking lots and other auto-related uses.</li> <li>□ There are differences between a parking lot and a DTF (e.g. potential noise impacts associated with order board speakers).</li> <li>□ If there is a noise issue in a commercial parking lot (e.g. crowd gathered, car parked with music playing), one can contact the municipality to register a noise complaint. However, it is not the same if there is noise generated from an integral component of that use.</li> <li>□ It is implied that parking lots are permitted by the Town as-of-right or subject to very limited review. The establishment of parking lots are typically also subject to the review of technical studies and drawings including lighting plans, noise studies, etc.</li> </ul>

ISSUE / COMMENT	RESPONSE
Proposed OPA and ZBA prepared and received in advance of public meeting - "essentially sets in stone the course of action".	<ul style="list-style-type: none"> <li>□ OPA and ZBA presented at public meeting are <u>proposed</u>.</li> <li>□ <i>Planning Act</i> requires the Town to provide a copy of the draft OPA and information respecting the proposed ZBA (which often includes a draft By-law).</li> </ul>
Lack of Town consultation and provision of information.	<ul style="list-style-type: none"> <li>□ Study commenced in 2009 with draft Paper made available in Nov/09, public open house in Dec/09, and presentations to Town committee and Council in 2010.</li> <li>□ There has been ongoing dialogue with the industry.</li> </ul>
Proposed OPA and ZBA completely <u>remove</u> all existing as-of-right permissions and introduces a Town-wide prohibition of DTFs.	<ul style="list-style-type: none"> <li>□ Not true. See earlier comments and proposed OPA and Zoning By-laws.</li> <li>□ Existing legally established DTFs in the Town will be recognized in the Zoning By-law.</li> <li>□ Any expansion or redevelopment of any existing DTF will be subject to the new OP and By-law provisions, and UDG's.</li> </ul>
Areas where DTFs are to be permitted are very limited.	<ul style="list-style-type: none"> <li>□ Not true. Extensive areas designated and zoned to permit DTFs.</li> </ul>
Town of Whitchurch-Stouffville (WS) proposed same approach as BM but modified their approach by removing ZBA requirement in response to legal advice the Town received.	<ul style="list-style-type: none"> <li>□ A ZBA approach is not proposed in Blue Mountains. July 13, 2010 Staff Report to WS Council in Committee to deal with appeals to the Town's new ZBL including appeals on behalf of McDonalds, Wendy's, A&amp;W, TDL and OHMRA. Staff recommended:</li> <li>□ Removing exclusion of DTFs from definitions of restaurant and take-out restaurant to permit DTFs as-of-right. No discussion in report explaining why they abandoned the original ZBA requirement approach.</li> <li>□ Reduced parking requirement for DTFs by 20% across the board; industry requested 33% reduction. Appears staff supported 20% reduction based on a 'draft' report submitted by an engineering firm that reviewed "various studies, OMB decisions and analyses conducted for various site specific parking reductions associated with drive thru restaurants". Staff supports the 20% parking reduction as it "would be consistent with a recent decision of the OMB in Ottawa". (Actually it was a Dec/09 decision and was the result of a settlement between the City &amp; TDL). Staff indicated that any proposal for a reduction &gt;20% would be considered via minor variance or ZBA application.</li> <li>□ OP currently provides for auto-related uses in two land use designations and</li> </ul>

ISSUE / COMMENT	RESPONSE
	<p>not in others. This approach is not being varied.</p> <ul style="list-style-type: none"> <li>□ A reduction in parking may be appropriate in some cases however, must be supported by studies prepared for proposals on a case-by-case basis.</li> </ul>
DTFs reduce parking requirements and therefore zoning should recognize this.	<ul style="list-style-type: none"> <li>□ Different areas and circumstances will call for different parking requirements. Propose that Town consider parking reductions on a site-by-site basis.</li> </ul>
Proposed BM By-law is a “placeholder By-law” - OMB considers this approach inappropriate as per Waterloo Region OMB decision (OPA 58).	<ul style="list-style-type: none"> <li>• Disagree - all of the lands deemed to be appropriate for DTFs will be pre-zoned for DTFs.</li> </ul>
DTFs are not traffic generators; DTFs locate on heavily travelled roads and as such are not typically considered a ‘destination oriented’ use in the same way as grocery or retail/service commercial area considered; DTFs rely on ‘pass-by-traffic’.	<ul style="list-style-type: none"> <li>□ Agree that DTFs are not traffic generators like other destination oriented uses but it is inaccurate to suggest that DTFs only rely on pass-by-traffic.</li> <li>□ However, they can be traffic generators on their own if there is only one such use in an area.</li> </ul>
Need for more compact form of development and therefore restaurants with DTFs are more supportable than restaurants without. DTFs require less land area for parking.	<ul style="list-style-type: none"> <li>• This may be true in some circumstances but can not be argued for all types of DTFs and all types of communities. Compact form of development is supportable but should not be used in isolation of other planning policy to support DTFs.</li> </ul>
Meridian Study spends considerable time outlining why DTFs don’t comply with PPS; DTF prohibitions proposed in draft OPA and ZBA are not in conformity with PPS; DTFs are more in-compliance with the PPS than not; object to ‘Adverse Effects’ references.	<ul style="list-style-type: none"> <li>□ Meridian Study only identified <u>applicable</u> sections of PPS.</li> <li>□ Adverse effects reference is in PPS section that deals with land use compatibility.</li> </ul>
Meridian Report is not a “Study”; case law stating that to accomplish prohibitions of any kind, need for fulsome study of true and unsubstantiated issues; many subjective and incorrect statements; information re: other municipalities is incorrect or current.	<ul style="list-style-type: none"> <li>□ It is our opinion that the work completed in advance of and following the public meeting is sufficient to support the recommended Official Plan and Zoning By-law Amendments.</li> <li>□ While the approaches of other municipalities were reviewed, the recommended approach in The Blue Mountains is based on the local context.</li> </ul>
Reference to page 18 of Meridian Report - no municipality has out-right ban on DTFs -why is the consultant proposing a ban?	<ul style="list-style-type: none"> <li>□ This is not a ban on DTFs. OP will permit DTFs in specified commercial areas subject to site plan approval and removal of a Holding symbol in certain circumstances.</li> </ul>
Since 2005, no appealed OP/OPA prohibiting DTFs has been sustained before OMB.	<ul style="list-style-type: none"> <li>□ See comment above.</li> </ul>

ISSUE / COMMENT	RESPONSE
<p>No justification for 2/3 of ingress spaces before order box in By-law.</p> <ul style="list-style-type: none"> <li>□ Some operators require 5 spaces between product pick-up window and service window and with another 10 spaces required, a total of 15 would be required for the site.</li> </ul>	<ul style="list-style-type: none"> <li>□ Calculations are incorrect - if a total of 12 queuing spaces are required, 8 are required before the order box. If the operator requires 5 spaces after the order box, a total of 13 would be required, not 15.</li> </ul>
<p>Need for large truck parking on-site.</p>	<ul style="list-style-type: none"> <li>□ Providing for large truck parking on commercial sites will significantly reduce available land and potentially impact the ability to reduce the amount of paved site area. By-law enforcement issue?</li> </ul>
<p>Concerns with existing Tim Hortons on nearby residential:</p> <ul style="list-style-type: none"> <li>- Noise impacts</li> <li>- Non-replacement of dead buffer trees</li> <li>- Lights shining in house windows</li> <li>- Like to see ban on DTFs</li> </ul>	<ul style="list-style-type: none"> <li>□ Holding symbol approach will support the detailed review of any proposal ensuring that potential impacts on adjacent residential are considered and addressed.</li> </ul>
<p>County (September 7/10 letter)</p> <ul style="list-style-type: none"> <li>- Does not appear to be any issues in relation to PPS</li> <li>- Current County OP has no policies related to DTFs; proposed new OP in line with current OP</li> <li>- Request comments on proposed OPA &amp; ZBA's from MTO given Hwy 26 frontage</li> </ul>	
<p>Ministry of Transportation(September 14/10 letter)</p> <ul style="list-style-type: none"> <li>- OPA should include policy advising of requirement to consult with MTO for any proposed DTF in vicinity of Hwy 26</li> <li>- Stacking lanes must be setback a minimum of 14 metres from the property limit of a Provincial Highway to ensure any future widening will not eliminate the lane. If owner places lane in area lost due to future widening, MTO will not compensate owner for loss.</li> </ul>	
<p>Niagara Escarpment Commission (September 14/10 email)</p> <ul style="list-style-type: none"> <li>- No direct objection on the merits of these</li> </ul>	

ISSUE / COMMENT	RESPONSE
amendments - Majority of lands not located within Niagara Escarpment Plan area or located within existing built-up areas - Town has Anti-idling by-law and enablement of DTFs may be counter-productive to this environmental measure	
Nottawasaga Valley Conservation Authority (August 30/10 letter) - No objection	

**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

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

\_\_\_\_\_  
Corrine Giles, Town Clerk

\*\*\*\*\*

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

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

<b>INDEX</b>	<b>PAGE</b>
The Constitutional Statement	(i)
<b>PART A – THE PREMABLE</b>	<b>1</b>
Purpose	1
Location	1
Basis	1
<b>PART B – THE AMENDMENT</b>	<b>3</b>
Introductory Statement	3
Details of the Amendment	3
Schedule A-22 - Land Use Plan	
Implementation and Interpretation	6

**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 service facilities in certain land use designations 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 the Arthur/King Street Corridor of the "Commercial COM" designation in the Thornbury Urban Area. A land use schedule showing the lands designated "Highway Commercial HC" is not attached to this Amendment as it applies to all lands designated "Highway Commercial HC" in the Town. However, Schedule A-22 to this Amendment is attached to identify the extent of the Arthur/King Street Corridor in the "Commercial COM" designation in the Thornbury Urban Area.

### **3. BASIS**

#### Overview

This Amendment has been 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, although it already does contemplate auto-oriented uses in certain designations. 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, a poorly designed drive-through service facility can result in potential issues including:

- Internal and external traffic issues
- Pedestrian safety issues
- Impacts on nearby residential areas (e.g. noise, lighting)

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 for a period of 12 months. On December 14, 2009, Council passed By-law No. 2009-83 to extend the ICBL for an additional 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 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 review 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.

On the basis of a review of these options and submissions made by the industry and residents, this Amendment permits drive-through service facilities on all lands designated “Highway Commercial HC” and in the Arthur/King Street Corridor of the “Commercial COM” designation in the Thornbury Urban Area, subject to the existing policies of the Plan, and the policies and criteria in a new Drive-through Facilities Section in the General Development Policies Section of the Plan.

The effect of this Amendment is to permit drive-through service facilities on all commercially-zoned lands within the “Highway Commercial HC” designation and the Arthur/King Street Corridor of the “Commercial COM” designation. However, this Amendment provides the basis for the use of a Holding symbol will be applied to any commercially-zoned lands abutting a property currently zoned to permit residential uses. A drive-through service facility will not be permitted until the Holding symbol is removed, provided Council is satisfied that the proposed drive-through service facility is designed such that:

- (a) All components of the drive-through service facility are sufficiently setback from adjacent lots to minimize visual, traffic, lighting and noise impacts on adjacent residential development.
- (b) The proposed development conforms with Town urban design guidelines and provides for safe and efficient pedestrian access to the site.

The boundaries of the Arthur/King Street Corridor are described but not identified on a schedule of the current Official Plan. Based on a review of Official Plan policies, aerial photography and ongoing studies, a boundary for the Arthur/King Street Corridor has been identified for the purposes of this Amendment. The new Drive-through Facilities Section includes definitions and policies for drive-through service facilities and stacking lanes, 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 Service Facilities”**

- (1)           Drive-through service 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 service facilities are only permitted on lands designated “Highway Commercial HC” and the Arthur/King Street Corridor of the “Commercial COM” designation in the Thornbury Urban Area, subject to the definitions and policies of this Section.
- (2)           The implementing Zoning By-law’s shall permit drive-through service facilities only on lands zoned commercial, within the “Highway Commercial HC” designation and the Arthur/King Street Corridor of the “Commercial COM” designation. Proposals for all new drive-through service facilities will be subject to the applicable provisions of the Zoning By-law, site plan approval and conformity with urban design guidelines.
- (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.
  - (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.
- (4)           Council shall be satisfied that any proposed drive-through service facility is designed such that:

- (a) All components of the drive-through service facility are sufficiently setback from adjacent lots to minimize visual, traffic, lighting and noise impacts on adjacent residential development.
  - (b) The proposed development conforms with Town urban design guidelines and provides for safe and efficient pedestrian access to the site.
  
- (5) As per Section 11.4 “Holding Zones” of this Plan, holding symbols shall be applied to all lands designated Highway Commercial HC and within the Arthur/King Street Corridor of the Commercial COM designation, and that abut properties currently zoned to permit residential uses. The Holding provision applying to lands may be lifted to permit a drive-through service facility, in accordance with the applicable Zoning By-law, provided Council is satisfied that the proposed drive-through service facility is designed in accordance with Section 3.24(4) of this Plan.
  
- (6) 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/plans.
  
- (7) 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.
  
- (8) Council shall consider the following additional policies when preparing Urban Design Guidelines and reviewing any Application for Site Plan Approval of a proposed drive-through service facility:
  - (a) Drive-through facilities should be incorporated into a larger building form, where possible.
  - (b) Drive-through facilities should 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 should be oriented to the primary street frontage.
  - (e) No portion of the stacking lane should be located within the required minimum yard setbacks for buildings or structures.
  - (f) Drive-through facilities shall have sufficient dedicated stacking lanes and separation from site access points to prevent vehicles from interfering with on-site and off-site vehicular circulation.

**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 are also permitted, within the Arthur/King Corridor as shown on Schedule A-22 to this Plan, subject to the policies of the Plan including Section 3.24.”

**Item 4:**        **Schedule “A” – Land Use Plan, Map 2** is hereby modified to identify the limits of the Arthur/King Corridor of the Thornbury Commercial designation as shown on Schedule A-22.

**Schedule A-22 to Official Plan Amendment No. 22  
to the Town of The Blue Mountains Official Plan**



## **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.

## THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

### BY-LAW NO. \_\_\_\_\_

Being a By-law to amend Zoning By-law No. 83-40  
which may be cited as “The Township of Collingwood  
Zoning By-law”

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Maps 19 and 28 to Schedule “A”, to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40, are hereby amended by the addition of a “drive-through service facility” zone boundary to certain lands as indicated on the attached key map Schedule “A-1”.
2. Maps 19 and 28 to Schedule “A”, to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40, are hereby amended by rezoning the subject lands by applying a Holding Provision “H1” to certain lands as indicated on the attached key map Schedule “A-2”.
3. SECTION 2: ADMINISTRATION AND INTERPRETATION of By-law No. 83-40, as amended, is hereby amended by adding the following new Section:

1. Holding Provision (H1) – Drive-through Service Facilities

The Holding (H1) provision applying to lands may be lifted to permit a drive-through service facility, in accordance with this By-law, provided Council is satisfied that the proposed drive-through service facility is designed such that:

- (a) All components of the drive-through service facility are sufficiently setback from adjacent lots to minimize visual, traffic, lighting and noise impacts on adjacent residential development.
- (b) The proposed development conforms with Town urban design guidelines and provides for safe and efficient pedestrian access to the site.

4. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is hereby amended by adding the following new definitions and renumbering subsequent definitions accordingly:
  - 3.44 “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.
  - 3.154 “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.
5. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by adding “but shall not include any drive-through service facility” following the last word at the end the following existing definitions:
  - (i) 3.30 Commercial
  - (ii) 3.44 Dry Cleaning Establishment
  - (iii) 3.61 Eating Establishment, Drive-In
  - (iv) 3.95 Laundry Establishment
  - (v) 3.141 Retail Store, Convenience
  - (vi) 3.147 Service Commercial Use, Personal
6. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by adding “or drive-through service facility” following the last word at the end of the following existing definitions:
  - (i) 3.60 Eating Establishment
  - (ii) 3.140 Retail Store
7. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by adding “but shall not include a drive-through service facility” at the end of the first sentence in Section 3.62 Eating Establishment, Take-out definition.
8. SECTION 5: GENERAL PROVISIONS of By-law No. 83-40, as amended, is hereby amended by adding the following new Section:
  - 5.26 Drive-through Service Facilities  
Drive-through Service Facilities are subject to the following provisions:
    - (a) Stacking Lane Requirements  
Where drive-through service facilities are permitted, stacking lanes are required and shall be exclusive of any other parking space and loading space and aisle requirements contained within this By-law and shall be provided in accordance with the provisions of this Section.

(i) Stacking Space Requirements

The minimum stacking space requirements within a designated stacking lane shall be as described in the following table:

Stacking Space Requirements

Use Associated with Drive-Through Service Facility	Minimum Required Ingress Spaces	Minimum Required Egress Spaces
Restaurant or any Eating Establishment	12*	2
Automobile Service Station	3	1
Automobile Washing Establishment or Car Wash	10	2
Financial institution and all other uses	5	1

\* minimum of 8 spaces required before/at the order board, and 4 spaces required between the order board and pick-up window

(ii) Location of Ingress and Egress Spaces

Required ingress spaces shall be located and calculated from the product pick-up window or dispensing machine, and required egress spaces shall be located after the product pick-up window or dispensing machine. The vehicle space at the product pick-up window shall count towards the minimum ingress spaces.

(iii) Length of Stacking Lane

The length of the stacking lane associated with the drive-through service facility shall be the total number of required ingress spaces and egress spaces.

(iv) Multiple Stacking Lane Requirements

Where multiple stacking lanes are required on a lot, the stacking space requirements shall be provided for each individual stacking lane in compliance with the provisions of Section 5.26 (a)(i) of this By-law.

(v) Size of Stacking Space

All stacking spaces shall be rectangular in shape, with a minimum length of 6.0 metres and a minimum width of 3.0 metres.

- (vi) Stacking Lane Setback from Driveways  
The distance between the closest driveway access and the last stacking space, measured in a straight line from the middle point of the driveway at the lot line, shall be 12.0 metres.
- (vii) Delineation of Stacking Lane Requirements  
Stacking lanes shall be unobstructed and shall be clearly delineated by pavement markings or physical barriers, and shall be independent of the balance of the parking area and loading area.

9. SECTION 17: VILLAGE CORE RESORT COMMERCIAL (C7) ZONE of By-law No. 83-40, as amended, is amended by adding “but shall not include any drive-through service facility” at the end of the following uses in Section 17.1(a):

- (i) Retail uses, service commercial uses and personal service totally within the hostels, lodges, inns and motels

10. SECTION 32: EXCEPTIONS of By-law No. 83-40, as amended, is hereby amended by adding the following new provisions:

Exception No. \_\_ Maps 19 & 28 Notwithstanding Section 3: Definitions, a drive-through service facility shall be a permitted use on those lands zoned to permit commercial use(s) and within the “drive-through service facility permitted” zone boundary indicated on Schedule “A” of this By-law.

- 11. Schedules “A-1” and “A-2” are hereby declared to form part of this By-law.
- 12. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 22, in accordance with Section 24(2) of the *Planning Act*.

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

\*\*\*\*\*

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 The Blue Mountains this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

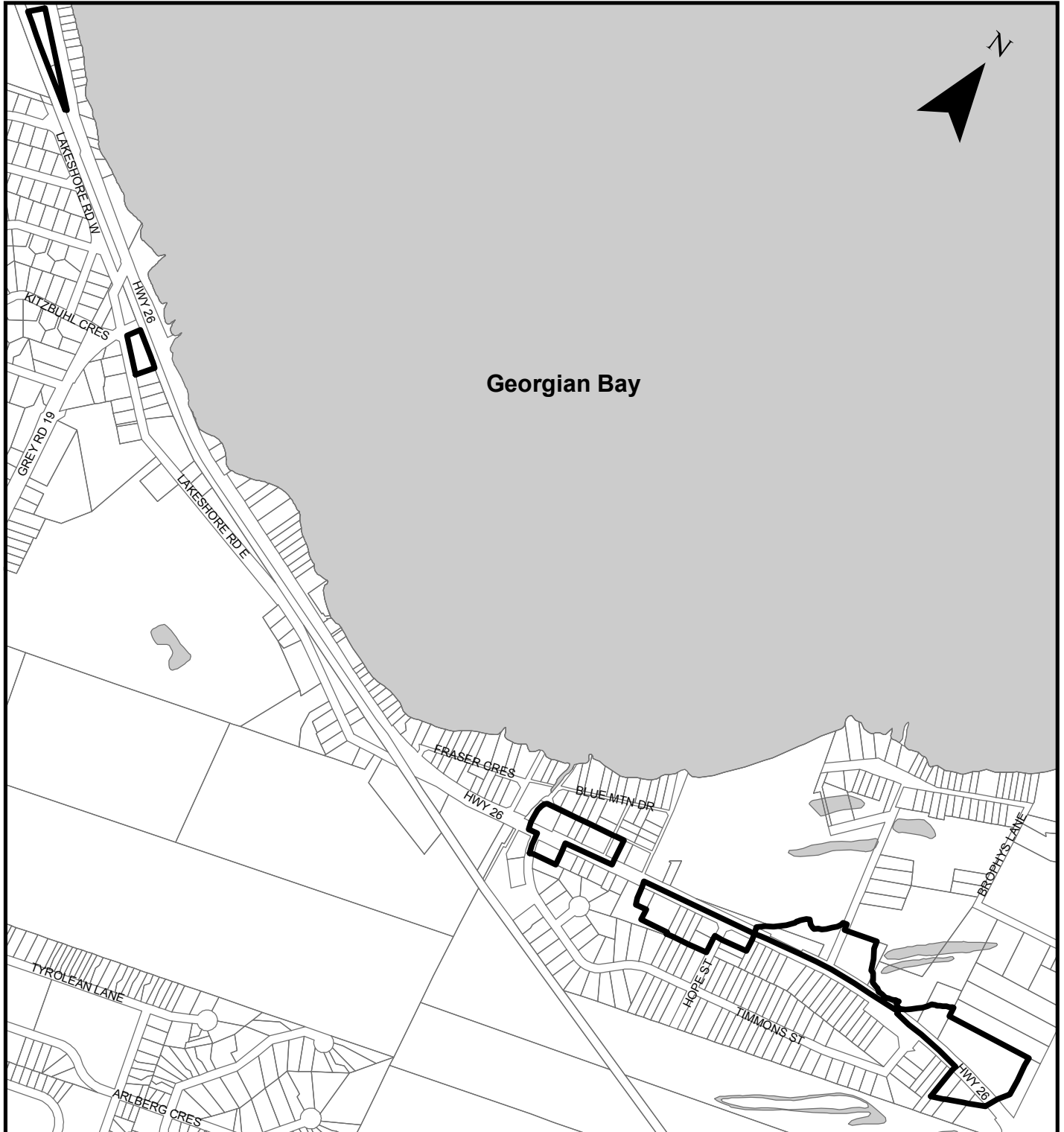
# Town of The Blue Mountains

The Township of Collingwood Zoning By-law

Key Map Schedule A-1

By-Law No. \_\_\_\_\_

 Drive-Through Service Facility Permitted



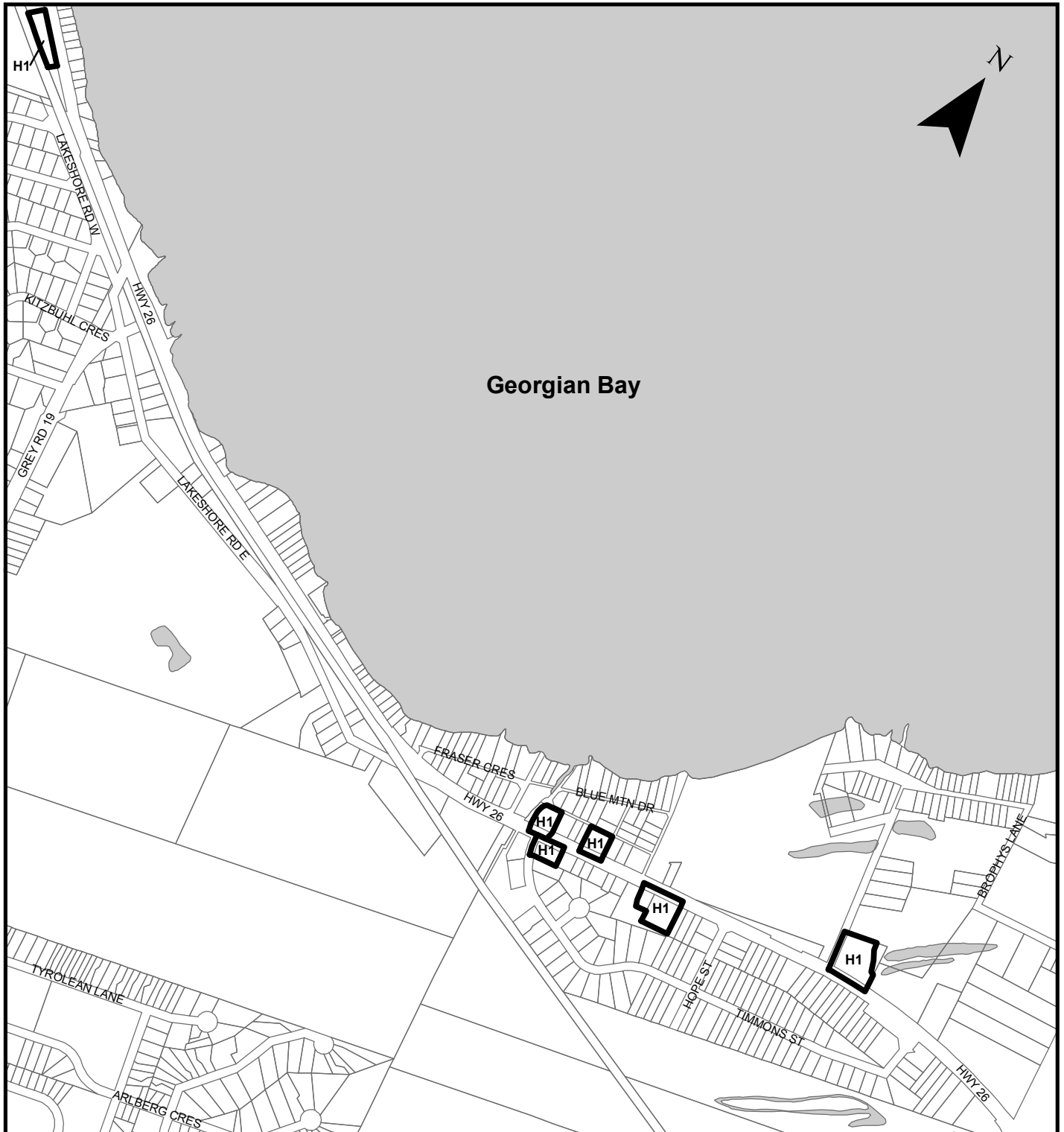
# Town of The Blue Mountains

The Township of Collingwood Zoning By-law

Key Map Schedule A-2

By-Law No. \_\_\_\_\_

**H1** Lands To Be Rezoned To Apply Holding Symbols (H1)



## THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

### BY-LAW NO. 2010-\_\_\_

Being a By-law to amend Zoning By-law No. 10-77  
which may be cited as “The Town of Thornbury  
Zoning By-law”

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Schedule “A” to the Zoning By-law of the Town of Thornbury, being By-law No. 10-77, is hereby amended by the addition of a “drive-through service facility” zone boundary to certain lands as indicated on the attached key map Schedule “A-1”.
2. Schedule “A” to the Zoning By-law of the Town of Thornbury, being By-law No. 10-77, is hereby amended by rezoning the subject lands by applying a Holding Provision “H1” to certain lands as indicated on the attached key map Schedule “A-2”.
3. SECTION 1: AUTHORIZATION AND ADMINISTRATION of By-law No. 10-77, as amended, is hereby amended by adding the following new Section:
  1. Holding Provision (H1) – Drive-through Service Facilities  
  
The Holding (H1) provision applying to lands may be lifted to permit a drive-through service facility, in accordance with this By-law, provided Council is satisfied that the proposed drive-through service facility is designed such that:
    - (a) All components of the drive-through service facility are sufficiently setback from adjacent lots to minimize visual, traffic, lighting and noise impacts on adjacent residential development.
    - (b) The proposed development conforms with Town urban design guidelines and provides for safe and efficient pedestrian access to the site.
4. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is hereby amended by adding the following new definitions and renumbering subsequent definitions accordingly:

- 2.39 “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.
- 2.115 “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.
5. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding “but shall not include any drive-through service facility” following the last word at the end the following existing definitions:
- (i) 2.31 Commercial
  - (ii) 2.40 Dry Cleaning or Laundry Outlet
  - (iii) 2.77 Laundromat
  - (iv) 2.107 Retail Store
  - (v) 2.108 Retail Store, Convenience
  - (vi) 2.113 Shopping Centre
6. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding “or drive-through service facility” following the last word at the end of the following existing definitions:
- (i) 2.104 Restaurant
  - (ii) 2.105 Restaurant, Drive-in
7. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding the following at the end of Section 2.98 Personal Service Shop definition:
- “(iii) shall not include a drive-through service facility.”
8. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding “but shall not include a drive-through service facility” at the end of the first sentence in Section 2.106 Restaurant, Take-out definition.
9. SECTION 6: GENERAL PROVISIONS of By-law No. 10-77, as amended, is hereby amended by adding the following new Section:
- 6.20 Drive-through Service Facilities  
Drive-through Service Facilities are subject to the following provisions:
- (a) Stacking Lane Requirements  
Where drive-through service facilities are permitted, stacking lanes are required and shall be exclusive of any other parking space and loading space and aisle requirements contained within this By-law

and shall be provided in accordance with the provisions of this Section.

(i) Stacking Space Requirements

The minimum stacking space requirements within a designated stacking lane shall be as described in the following table:

Stacking Space Requirements

Use Associated with Drive-Through Service Facility	Minimum Required Ingress Spaces	Minimum Required Egress Spaces
Restaurant or any Eating Establishment	12*	2
Automobile Service Station	3	1
Automobile Washing Establishment or Car Wash	10	2
Financial institution and all other uses	5	1

\* minimum of 8 spaces required before/at the order board, and 4 spaces required between the order board and pick-up window

(ii) Location of Ingress and Egress Spaces

Required ingress spaces shall be located and calculated from the product pick-up window or dispensing machine and required egress spaces shall be located after the product pick-up window or dispensing machine. The vehicle space at the product pick-up window shall count towards the minimum egress spaces.

(iii) Length of Stacking Lane

The length of the stacking lane associated with the drive-through service facility shall be the total number of required ingress spaces and egress spaces.

(iv) Multiple Stacking Lane Requirements

Where multiple stacking lanes are required on a lot, the stacking space requirements shall be provided for each individual stacking lane in compliance with the provisions of Section 6.26 (a)(i) of this By-law.

(v) Size of Stacking Space

All stacking spaces shall be rectangular in shape, with a minimum length of 6.0 metres and a minimum width of 3.0 metres.

- (vi) Stacking Lane Setback from Driveways  
The distance between the closest driveway access and the last stacking space, measured in a straight line from the middle point of the driveway at the lot line, shall be 12.0 metres.
  
- (vii) Delineation of Stacking Lane Requirements  
Stacking lanes shall be unobstructed and shall be clearly delineated by pavement markings or physical barriers, and shall be independent of the balance of the parking area and loading area.

10. SECTION 26: EXCEPTIONS of By-law No. 10-77, as amended, is hereby amended by adding the following new provisions:

Exception No. \_\_\_                      Notwithstanding Section 2: Definitions, a drive-through service facility shall be a permitted use on those lands zoned to permit commercial use(s) and within the “drive-through service facility permitted” zone boundary indicated on Schedule “A” of this By-law.

Exception No. \_\_\_                      The existing drive-through service facility on these lands is deemed to comply with this By-law.

- 11. Schedules “A-1” and “A-2” are hereby declared to form part of this By-law.
  
- 12. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 22, in accordance with Section 24 (2) of the *Planning Act*.

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

\*\*\*\*\*

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 The Blue Mountains this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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




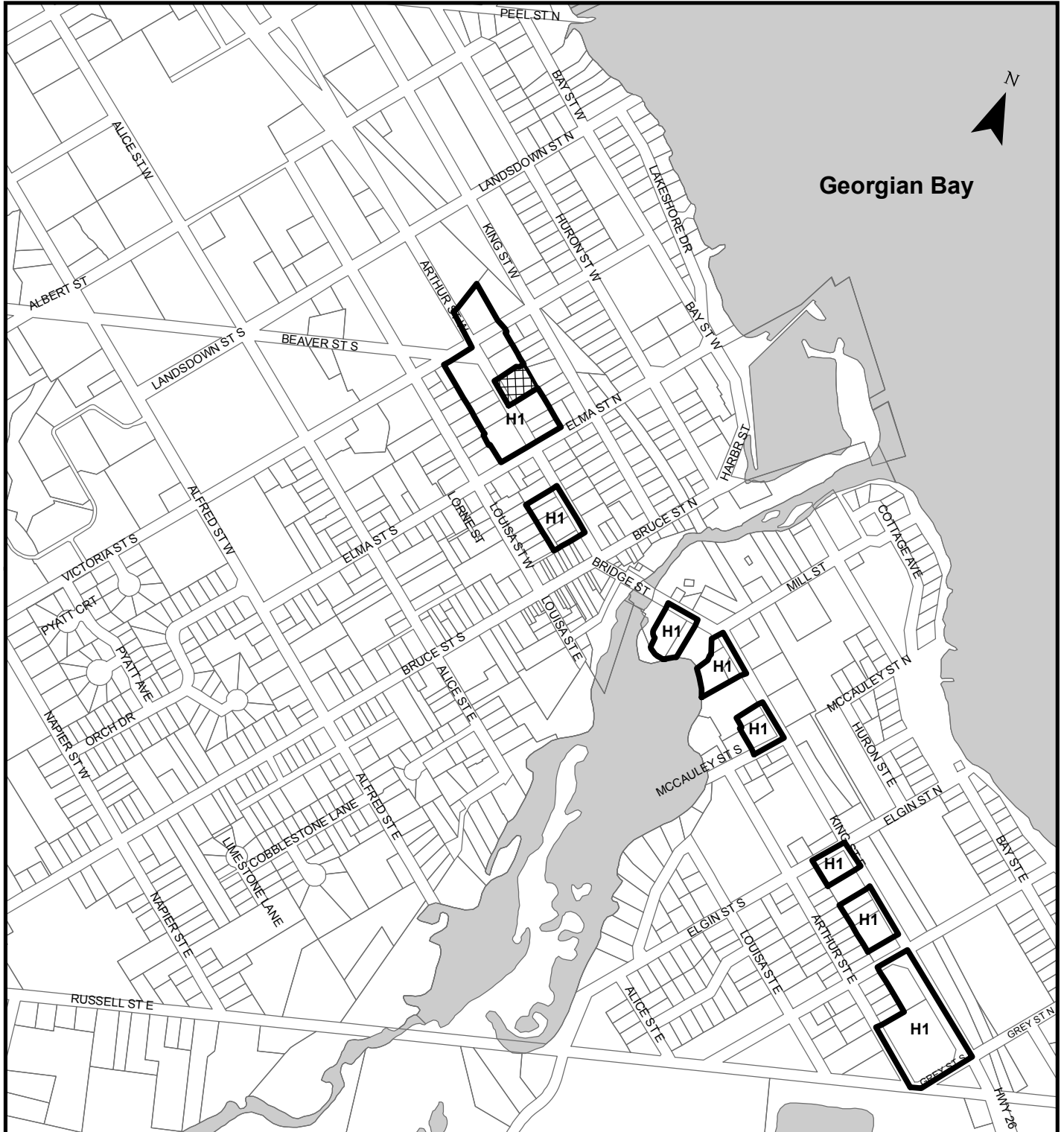
# Town of The Blue Mountains

## The Town of Thornbury Zoning By-law

### Key Map Schedule A-2

By-Law No. \_\_\_\_\_

- H1** Lands To Be Rezoned To Apply Holding Symbols (H1)
-  Lands To Be Rezoned To General Commercial Exception C2-\_\_\_



Georgian Bay