

STAFF REPORT:

Planning and Building Services Department



REPORT TO: Planning & Building Services Committee
MEETING DATE: June 7, 2010
REPORT NO.: PL.10.52
SUBJECT: Drive-through Facilities Options Report
PREPARED BY: Cindy Welsh, MCIP, RPP
Senior Policy Planner

A. Recommendations

THAT Council does hereby receive Planning Staff Report PL.10.52, Drive-through Facilities Options Report; and

THAT Council direct Staff to proceed with Option 5 and have Meridian Planning Consultants Inc. draft a 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 Planning & Urban Design Strategy, and to draft 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; and,

THAT Council review these draft policies and provisions prior to the holding of a statutory public meeting being held under the *Planning Act* to allow for comments.

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*; identification of provisions that can be implemented through amendments to the existing two Zoning By-laws (Township of Collingwood No. 83-40 and Town of Thornbury No. 10-77); and identification of provisions that can be incorporated 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;
- Phase 2 – Public Consultation;
- Phase 3 – Policy Direction; and
- Phase 4 – Final Recommendation.

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

Phase 1 of the Study was completed with the release of the draft *Options for Regulating Drive-through Facilities in the Town of The Blue Mountains, December 2009*, prepared by Meridian Planning Consultants Inc. This paper was provided to Council in December 2009, and outlined the following:

- the current policy context pertaining to drive-through facilities in the Town;
- policy and regulatory approaches utilized by other Ontario municipalities;
- policy options for addressing drive-through facilities in the Town; and
- urban design guidelines for drive-through facilities.

From a high level review, Meridian identified that there is no consistent approach taken by municipalities in dealing with drive-through facilities. Approaches take into account the character of a community, 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 minimum 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.

On November 9, 2009, Council received Staff Report PL.09.116 – Drive-through Facilities Project Update for information purposes.

As part of Phase 2 of the Study, Planning Staff and the consultant met the week of November 23, 2009, to discuss the draft Background Paper. This paper was released to the public in December 2009. A Public Open House was held on December 17, 2009, to present the Background Paper, gather public information and discuss the various options presented. The Study is now in Phase 3: Policy Directions, which entails providing a preliminary recommendation to Council which will be used as the basis for developing a draft policy framework including a proposed Official Plan Amendment and proposed Zoning By-law Provisions.

Staff had developed the Study framework to coincide with the work Meridian is undertaking for the Town regarding the new Comprehensive Zoning By-law. It was anticipated that after the December 17, 2009, Public Open House, subsequent Statutory Public meetings pertaining to the Adult Entertainment Establishment Study, Drive-through Facilities Study and Zoning By-law Project, would be combined. The Zoning By-law Project deadlines have been extended. Staff subsequently separated the Adult Entertainment Establishments and Drive-through Facilities Studies from the Zoning By-law work to continue moving forward.

Comments

The Drive-through Facilities Study is now in Phase 3: Policy Direction, which entails Meridian providing preliminary recommendations to Staff and subsequently, to Council for consideration. Meridian will also develop a draft policy framework including a

proposed Official Plan Amendment and proposed Zoning By-law Provisions which will be presented to Council prior to a formal public meeting being held.

Meridian has presented five policy and regulatory options in the final *Background & Options Paper for Regulating Drive-through Facilities in the Town of The Blue Mountains*, June 2010, being the following:

Option	Description
1. Status Quo	Not address the issue at this time.
2. Prohibit in All Areas	Initiate a Town-wide prohibition of drive-through facilities.
3. Permit in All Commercial Areas	Permit on all lands with a Commercial designation.
4. Permit in All Commercial Areas Based on Established Criteria	Permit on all lands with a Commercial designation under the Official Plan.
5. Permit in Specified Commercial Areas	Permit by way of a Zoning By-law Amendment in specific areas designated Commercial in the Official Plan (Highway 26 Corridor with regard to the CIP and PUDS Document).

Option 5 (presented in Section 6.5 Permit in Specified Commercial Areas) is the least permissive of all five options and is the preferred course of action. Section 8.0 Conclusion of the Report outlines draft policies, regulations and criteria that will be included as part of the proposed Official Plan and/or Zoning By-laws. Council input is required on Option 5 as the preferred option prior to a final recommendation being provided by Council for consideration.

Phase 4 of the Study is to have Meridian draft the policies and provisions that would be brought forward to a statutory public meeting pursuant to the *Planning Act*. Council will be presented with these draft policies and provisions for comments prior to the statutory public meeting being held.

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., *Background & Options Paper for Regulating Drive-through Facilities in the Town of The Blue Mountains*, June 2010.

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**BACKGROUND & OPTIONS PAPER
FOR REGULATING DRIVE-THROUGH FACILITIES
IN THE TOWN OF THE BLUE MOUNTAINS**

Prepared by



File # 3807
June 2010



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1.0 INTRODUCTION

1.1 Background, Purpose & Issue Summary

On January 26, 2009, Town Council passed Interim Control By-law 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. Council also directed staff to complete the following:

- a study relating to the prohibition and/or regulation of drive-through facilities and the associated land use issues in the Town.

By-law No. 2009-9 was set to expire on January 26, 2010. However, on December 14, 2009, Council passed By-law No. 2009-83 to amend Section 5 of By-law No. 2009-9 to extend the Interim Control By-law for an additional 6 months, to July 26, 2010. This has provided the Town with an opportunity to continue to study the issues, and consider appropriate policies and regulations to guide the establishment and use of these types of facilities. Copies of By-law Nos. 2009-9 and 2009-83 are attached to this report as Appendix 1.

Meridian Planning Consultants Inc. (Meridian) was retained by the Town of The Blue Mountains to undertake a study and provide recommendations on the issue of regulating drive-through facilities in the Municipality. It is intended that this review will recommend new Official Plan polices which can be implemented through an amendment to the existing Official Plan. As well, it is proposed that new Zoning By-law provisions will be recommended that can be implemented through amendments to the existing two Zoning By-laws (Township of Collingwood No. 83-40 and Town of Thornbury No. 10-77). The recommended approach pertaining to zoning will also be incorporated into the new Town of The Blue Mountains Zoning By-law, which Meridian is developing.

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 can generate high levels of traffic potentially creating internal (on-site) and external (off-site) traffic issues, and pedestrian safety issues. Contributing to on-site 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.

In 2002, the City of Toronto passed a By-law prohibiting drive-through uses in any Zone that permits residential uses. The By-law also restricted the location of drive-through facilities to Commercial and Industrial Zones where a minimum distance of 30 metres is maintained between the facility and a Residential Zone boundary (which is typically the lot line). The City of Toronto By-law was appealed to the Ontario Municipal Board, where the 30 metre distance separation was upheld. Below is an extract from that decision that provides the basis for the 30 metre distance separation:

"The Board finds that there is sufficient justification to provide for a minimum 30 m separation distance between any drive-thru facility and residential uses. A separation distance of 30 m is not unreasonable. In some instances, greater separation may be necessary depending on site specific circumstances, the nature of the surrounding land uses, and the underlying use (fast food versus bank) with which the drive-thru is associated. Similarly, separation distances less than 30 m can also be evaluated in the context of existing site conditions. However, on the basis for determining appropriate separation from residential zones, 30 metres provides protection and is not unduly restrictive for the industry....That is, the zoning restrictions afford an adequate level of protection, they are not a prohibition on drive-throughs across the City, and there is opportunity for exceptions to be made through site specific rezoning applications".

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.

In recent years, drive-through facilities 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.

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

- Car wash (near intersection of Arthur Street & Victoria Street)
 - Designated Commercial in the Thornbury Urban Area
 - Zoned General Commercial (C2) – Thornbury By-law
- Tim Hortons (located on Highway 26 in Thornbury)
 - Designated Commercial in the Thornbury Urban Area
 - Zoned General Commercial (C2) – Thornbury By-law

This Paper provides a:

- review of the Town's existing Official Plan and Zoning By-laws;

- review of the Provincial Policy Statement;
- review of the policy and zoning approaches in other jurisdictions;
- review of other relevant Town studies; and,
- discussion of policy options to be considered in The Blue Mountains.

2.0 EXISTING POLICY REVIEW

2.1 Current Town Official Plan & Zoning By-laws

Municipalities are delegated planning authority through the Planning Act which provides for a land use planning system led by provincial policy. Locally, the primary guiding document for land use planning is an Official Plan. An Official Plan contains the goals, objectives and policies established to manage and direct physical change and the effects on the social, economic and natural environment. The Official Plan may contain a description of the measures and procedures proposed to attain the objectives of the Plan.

A Zoning By-law is the implementation tool for the goals, objectives and policies established by the Official Plan. Zoning By-laws may restrict the use of land except for such purposes as set out by the municipality therein, and may regulate the erecting of, locating of and use of buildings or structures for those purposes as set out in the By-law.

Official Plan

The Town's current Official Plan (OP), approved by the County of Grey in December 2004, provides limited specific policy direction with respect to drive-through facilities. Restaurants and other uses that typically consist of drive-through facilities 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 designation, and 'restaurants' are permitted in the Blue Mountain Resort Commercial designation; however, 'food service establishments' and 'restaurants' are not defined in the OP.

To understand the commercial structure and land use approach in the Town's OP, it is helpful to consider Section 3.3, Commercial Areas, which describes the various commercial areas in Town as follows:

1. The Thornbury Commercial designations represent the primary local retail and service centre for the municipality, as well as some small scale shops, boutiques and other uses related to the traveling public.
2. The Blue Mountain Village Core is intended to serve as the primary focus for the recreational retail commercial industry within the municipality.
3. The Clarksburg Commercial designations are intended to serve the needs of the local area residents, as well as some small scale shops, boutiques and other uses related to the traveling public.
4. The Craigeith Highway Commercial area is intended to serve the needs of the local area residents and the traveling public."

While Section 3.3.1 describes the Thornbury Commercial designations as representing the primary local retail/service centre for the Town and the traveling public, Section 4.27.1 (1), Thornbury Urban Community – Purpose, states that it is the intent to “direct growth, development and change to residential, commercial and industrial uses in a manner that will maintain the unique small town feel and character of the community”, “consistent with the existing architectural and heritage features and with the emerging recreational and tourist function of the area”.

The Thornbury Commercial (COM) designation states that the “predominant use of land in the Commercial designation shall be for all forms of retail and service commercial uses, business and professional offices, restaurants and places of entertainment, public administration buildings and other uses that would not interfere with the primary purpose of the area as a place of commerce”. The Thornbury Commercial area “consists of two functionally distinct areas, each exhibiting its own special character”. Section 4.27.3.2 (6) provides the following description, policies and permitted land uses for the Bruce Street Area:

- historical commercial core of the Town
- scale of uses is limited by size of existing buildings and a general lack of parking in the area
- intent is to retain perceived core function and small town feel and attractiveness
- although primarily a retail area, a diverse range of commercial uses is promoted, limited only by the existing buildings, their capacities and limited parking potential

According to Section 4.27.3.2 (7), the Arthur/King Street Corridor:

- extends along Arthur, King and Bridge Streets, otherwise known as Highway No. 26
- area has evolved from a highway commercial strip with motels and gas stations to a more traditional commercial street with a wider variety of uses
- uses in this corridor vary from existing residential uses to motels and retail and service functions
- area contains converted industrial buildings with multiple commercial uses that require the larger building needs and on-site parking
- uses such as automobile sales and service, retail stores, restaurants and other prepared food outlets, motels, service stations, offices offering commercial or institutional services and other commercial uses which, due to space and parking requirements, do not suit the Bruce Street area shall be directed to this area on their need for a greater lot area based and on-site parking requirements.

The Blue Mountain Village Area “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”. As noted earlier in this section, ‘food service establishments’ are permitted in the Blue Mountain Village Core designation.

“The purpose of the Village Commercial designation is to identify lands in the Village of Clarksburg where commercial and other compatible uses serving the needs of Village residents, the traveling or tourist public and surrounding agricultural areas, may locate”. Permitted uses on lands designated Village Commercial include “commercial uses including all forms of retail, service and recreational commercial facilities, business and professional offices”.

The purpose of the Highway Commercial designation, according to Section 4.21.1 of the OP, “is to identify lands for small scale commercial uses which primarily serve vehicular traffic, as well as some limited small scale retail and service commercial uses. Commercial uses which are primarily related to the recreational and service nature of the four seasons resort community shall be encouraged”. Uses permitted on lands designated Highway Commercial include “small scale commercial uses which rely heavily upon vehicular traffic for their economic existence including gas stations, service commercial uses, personal service uses, business and professional offices, veterinary clinics, convenience stores and eating establishments”.

There are specific policies relevant to the Highway Commercial designation including:

- (2) In the Highway Commercial designation, Council shall be assured that the design and appearance of the use including exterior massing, siting, location and landscaping does not detract from surrounding uses. All lighting and signing and other surface utilities shall be carefully sited and be in keeping with good design and highway safety practices to maintain the appearance and safety of the area.
- (5) Adequate natural buffering shall be provided between the Commercial use and the surrounding residential area uses to ensure the visual protection and amenity of the residential area.
- (7) Small scale eating establishments shall be limited to a maximum of 100 seats, unless otherwise specifically provided under this Plan.

The purpose of the Village Centre designation “is to identify the principle hamlet settlements intended to provide secondary retail/commercial functions as well as residential uses”. ‘Small scale restaurants and taverns’ are permitted. Section 4.17.3 (1) states that development and use of land shall be guided by the following principles:

- (a) to encourage the development of small scale retail commercial uses and single detached dwellings;
- (c) to preserve the existing character of the Village Centre by regulating the design and form of new buildings and structures;
- (d) to provide the present and future inhabitants of the Hamlet, and the residents of surrounding areas adequate retail service commercial use facilities;
- (e) to provide retail commercial shops which would attract the traveling and resort public to the community.

Section 4.17.3 (2) states that “limited commercial establishments except those uses which require large amounts of land for their operation, shall be encouraged to locate in the Village Centre. New commercial development should be developed in harmony with the existing residential uses”.

Section 3.3(7) 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;
- (e) the availability of municipal services, and where private water and sewage systems are proposed, the ability to sustain the use.

Section 3.3 of the OP sets out other policies related to Commercial Areas including:

- (8) Where possible, the use of common access points, service roads and/or access from secondary roads shall be encouraged in the design of all new commercial uses.
- (9) It is generally intended that further access points for new commercial development along Highway 26 be restricted, subject to the approval of the Ministry of Transportation. It shall be a policy of this Plan that further fragmentation by subdivision of commercial lands located along Highway 26 is not permitted, unless it is part of an overall Concept Plan for the entire parcel, as further provided under Section 9.7.2.
- (10) Only the existing highway commercial uses west of Thornbury may be recognized under the Zoning By-law, with some limited potential expansion, however, this area is not intended to be intensified as a highway commercial district.
- (12) 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.
- (13) The Thornbury and Clarksburg Urban Core areas are recognized as a unique commercial/residential districts with unique architectural features. Streetscape initiatives are to be co-ordinated with sewer and main street reconstruction works taking place in accordance with recent Core Area Study and architectural guidelines work. The Town will develop urban design guidelines for the commercial core areas to assist 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.

Subsection (1) specifically refers to “reducing or eliminating the adverse effects of one land use upon the other”. “Adverse effects” is not defined in the Official Plan but is defined in the Provincial Policy Statement (PPS) as follows:

“Adverse effects: as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business”.

Zoning By-laws

The two existing Zoning By-laws for the Town, Collingwood (83-40) and Thornbury (10-77) will be consolidated as a result of the ongoing Zoning By-law Review. The existing By-laws do not specifically define drive-through uses but do identify a number of uses that would typically include a drive-through component. The following is a summary of existing definitions and zone permissions in the Zoning By-laws:

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.
- Restaurants and Financial Institutions are permitted in the Core Commercial C1 Zone. Financial Institution is not defined.
- All types of 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 Commercial C1, C2 and C4 Zones.

2.2 Provincial Policy Statement

The Provincial Policy Statement 2005 (PPS) issued under the authority of Section 3 of the Planning Act, provides policy direction on matters of Provincial interest related to land use planning and development. All municipal planning documents are to be consistent with the PPS.

Section 1.1.1(c) of the PPS states that healthy, liveable and safe communities are sustained, in part, by “avoiding development and land use patterns which may cause environmental or public health and safety concerns”.

Section 1.1.3.2(a)(3) of the PPS, in part, states that land use patterns within settlement areas shall be based on densities and a mix of land uses that “minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8”.

Section 1.1.3.4 states that “appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety”.

Section 1.5.1 of the PPS states, in part, that “healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian non-motorized movement, including but not limited to, walking and cycling”.

Section 1.7.1(b) of the PPS states that long-term economic prosperity should be supported by “maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets”.

Section 1.7.1(e) of the PPS states, in part, “*sensitive land uses* are appropriately designed, buffered and/or separated from each other to prevent *adverse effects* from odour, noise, and other contaminants and minimize risks to public health and safety.” The PPS defines *sensitive land uses* as “buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from

contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities”.

As noted previously, the PPS defines *adverse effects* as “defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.”

Summary

The Official Plan speaks to the need to maintain the unique character, heritage, architecture and “small town feel” for areas such as Thornbury and Clarksburg, while promoting economic and tourism growth, and providing services to residents and the traveling public. It is important to note that the OP identifies the Thornbury Bruce Street Area and Arthur/King Street Corridor as “two functionally distinct areas”. The Bruce Street Area is “the historic commercial core of the Town” with smaller scale buildings and lots, and a general lack of area parking. On the other hand, the Arthur/King Street Corridor is evolving into a “more traditional commercial street with a wider variety of uses”. The OP directs certain uses to the Arthur/King Street Corridor such as restaurants, “other prepared food outlets” and other uses that are not appropriate for the Bruce Street Area, due to lot size and parking limitations.

The Highway Commercial designation applies to ‘pockets’ along the Highway 26 corridor and is intended to permit small scale commercial uses serving primarily vehicular traffic. For example, eating establishments are limited to a maximum of 100 seats per establishment.

While ‘food service establishments’ are permitted in the Blue Mountain Village Core, the Town envisions this area as a “compact pedestrian oriented” village.

While the OP does provide some direction with respect to the vision and types of uses for different communities and areas in Town, the Official Plan and Zoning By-laws provide no specific direction or regulatory standards specifically for drive-through facilities. While the Zoning By-laws provide definitions and use permissions for some drive-through related uses, there is inconsistency between the two By-laws with respect to term definition and use, and a lack of clear land use controls with respect to drive-through facilities.

3.0 REVIEW OF ONTARIO MUNICIPAL DIRECTIONS

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
- Gravenhurst
- Halton Hills
- Huntsville
- Kitchener
- Milton
- Mississauga
- Oakville
- Ottawa
- Parry Sound

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 as Appendix 2. In addition, stacking space and setback requirements for drive-through facilities in other municipalities are summarized in Appendices 3 and 4 of this report.

Town of Ajax

The Town of Ajax Official Plan specifically prohibits “land uses which, by function cater to automobiles rather than pedestrians”, including drive-through facilities, in the Downtown Central Area, Employment Mixed-Use and Village Central Area designations. Drive-through facilities are permitted on lands designated Uptown Central Area provided such uses are located a minimum of 125 metres of a specified portion of Harwood Avenue. In addition, the drive-through components of any use must not be visible from Kingston Road. Also, drive-throughs associated with service stations abutting lands designated Residential are only permitted on lots that are 0.6 to 0.8 hectares in size. However, the Town’s Zoning By-law permits drive-through facilities for a range of commercial uses in several Commercial, Mixed-Use and Employment zones. The drive-through component of a restaurant is not permitted in an Automobile Commercial zone.

City of Burlington

The Official Plan for the City of Burlington contains no specific policies for drive-through facilities. However, the City’s Zoning By-law permits drive-through facilities in specified Employment, Commercial and Uptown Mixed-Use Centre zones, but specifically prohibits drive-throughs in the Downtown Mixed-Use Centre zone. Other zoning restrictions include:

- Landscape screen required for elevations of buildings (with drive-through facilities) facing any street;
- External conveyer pick-up systems not permitted in any yard abutting a street and must be setback 15 metres from any residential zone.

Municipality of Clarington

The Clarington Official Plan states that drive-through facilities are not desirable in Town and village centres, and shall be prohibited in certain areas and appropriately regulated in other areas. Other Official Plan policies respecting drive-through facilities include:

- All buildings containing drive-through facilities must be oriented to the primary street frontage;
- No portion of any stacking land shall be located in a required yard;
- Drive-throughs shall be sufficiently separated from residential uses to avoid issues of land use compatibility.

The Clarington Zoning By-law only permits drive-through facilities through site specific exceptions. The Zoning By-law does contain a general provision for such facilities requiring that no portion of any stacking lane can be located between a building and a street-line.

Town of Collingwood

The Collingwood Official Plan contains no specific policies respecting drive-through facilities. However, it does define a restaurant as including “*drive-in services*” and drive-through uses are permitted as accessory uses to other permitted uses. The current Collingwood Zoning By-law contains no specific regulations respecting drive-through facilities, however such uses are considered as permitted accessory uses, and drive-in use and queuing aisle are defined.

The Town recently adopted a new Zoning By-law that includes proposed regulations for drive-through facilities, however, several notices of appeal have been filed. The proposed Collingwood By-law defines “drive-in use” as “the accessory use of land or building for establishments that by design, physical facilities, service or by packing procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles”. The proposed By-law also defines “queuing aisle” as “that portion of a parking area exclusively used as an unobstructed internal space for queuing motor vehicles utilizing a drive-in use”. The proposed By-law also sets out specific requirements for queuing aisle spaces

Town of Gravenhurst

The Town of Gravenhurst Official Plan specifically prohibits drive-through facilities on lands designated Urban Residential. The current and proposed new Zoning By-law contains no specific provisions respecting drive-through facilities.

Town of Halton Hills

The Halton Hills Official Plan specifically prohibits drive-through facilities in the Downtown Area designation and generally discourages these uses when not compatible with surrounding land uses. In addition, the Official Plan contains policies requiring drive-through facilities to:

- incorporate into larger building forms when possible;
- design and locate to minimize visual impacts on streetscapes;
- prohibit drive-through lanes between the front face of buildings and public sidewalks; and,
- minimize visual, traffic and noise impacts on adjacent residential areas.

The Town of Halton Hills is currently preparing a new Zoning By-law which proposes to regulate the location of ingress and egress spaces, queuing lane lengths, and sets out requirements for multiple queuing lanes.

Town of Huntsville

The Town of Huntsville Official Plan contains no specific policies respecting drive-through facilities. "Drive-through restaurant" is defined in the Town Zoning By-law and is permitted in the Commercial C2 and C3 Zones. Financial establishments and accessory drive-through facilities are permitted in Commercial C1, C2, C3, C5 and C6 Zones. The By-law contains no general provisions respecting drive-through facilities.

City of Kitchener

The City of Kitchener Official Plan contains no specific policies for drive-through facilities. The City's Zoning By-law prohibits drive-throughs in any zone, with the exception of drive-through lanes related to car wash facilities. The Zoning By-law provides general provisions including a range of setback requirements for queuing lanes depending on the applicable zone. The Zoning By-law also contains a minimum setback of 60 metres from Residential or Institutional zones for all commercial drive-through facilities with intercom ordering stations, unless a noise study confirms that the use can satisfy Ministry of Environment guidelines.

Town of Milton

The Milton Official Plan specifically prohibits drive-through facilities on lands designated Downtown Core Commercial. The Town Zoning By-law permits drive-through facilities in a range of Commercial, Office Node and Mixed-Use zones. Other drive-through related regulations in the Zoning By-law include:

- Specific requirements for ingress and egress spaces;
- Buildings containing drive-through facilities must be setback an additional 2.0 metres from the front or exterior lot lines.

City of Mississauga

In 2001 and 2002, the City of Mississauga undertook a review of drive-through restaurants and convenience kiosks in response to concerns raised with respect to these uses. The Mississauga Official Plan prohibits drive-through facilities on Main Streets. A drive-through take-out restaurant accessory to a service station is permitted in the Motor Vehicle Commercial designation subject to compliance with design criteria, land use compatibility, traffic circulation requirements, etc.

According to the City Zoning By-law, drive-through facilities are permitted in Commercial and Employment zones accessory to restaurant and gas bar/service station uses. Drive-throughs for banking machines are permitted accessory to financial institutions in the Commercial and Employment C2, C3, E2 and E3 zones.

The City has prepared a Design Reference Note to provide standards for the design of drive-through facilities, and includes such requirements as:

- Drive-through facilities are not permitted in any front or exterior side yards;
- All drive-through facilities must be defined by a 1.2 metre wide landscape island abutting parking areas and a 3.0 metre wide island abutting driveways;

- Where permitted, access points to and from corner lots should be right-in/right-out only.

Town of Oakville

The current Oakville Official Plan does not contain specific policies respecting drive-through facilities. However, the Town is now preparing a new Official Plan, *Livable Oakville*, that proposes to prohibit drive-throughs within all Growth Areas and the Central Business District south of Kerr Village and west of the Downtown. "Drive-throughs are generally permitted within the Core Commercial and Community Commercial centres as well as Business Commercial nodes which are predominantly located along arterial roads".

The Oakville Zoning By-law permits drive-through facilities in the majority of Commercial and Employment zones. However, the Town passed an Interim Control By-law on November 10, 2008 to prohibit drive-through facilities Town-wide while the Town studies the issue. Recently, the Town of Oakville extended the time period of its Interim Control By-law to allow staff to complete their review of the issue.

As part of their review of drive-through facilities, the Town conducted a public open house and also undertook an on-line survey to collect information on the views and attitudes respecting drive-through facilities. In an August, 2009 report, staff summarized the results of the on-line survey as follows:

- 86% of respondents use drive-throughs frequently primarily because of convenience;
- 73% of respondents use fast-food drive-throughs compared to 21% of respondents who used drive-throughs for banking purposes;
- A large proportion indicated they preferred drive-throughs to be accessible in all parts of the Town;
- The four top concerns associated with drive-through facilities in order of priority were traffic, air quality, litter and noise.

On May 10, 2010, Town Council passed By-law No. 2010-047 regarding drive-through facilities in the Town of Oakville. In summary, the By-law would:

- Prohibit drive-through facilities (which do not include drive-throughs related to car wash establishments, automobile service stations or gas bars) in specified zones of the Central Business Districts, Midtown Core, Palmero Village and Uptown Core.
- Drive-throughs only permitted abutting a residential zone if located on a major arterial road
- Require a minimum 15 m (50 ft) setback for all yards of a drive-through facility, including the order station which abuts a residential zone
- Require a 7.62 m (25') wide landscaped buffer and 1.8 m (6 ft) high board or masonry wall along property lines abutting a residential zone
- Require a minimum of 10 vehicle stacking spaces for restaurant and 4 stacking spaces for all other drive-throughs

At the time of writing this report, the statutory notice/appeal period had not expired and therefore, the By-law was not in effect.

City of Ottawa

The Ottawa Official Plan prohibits drive-throughs, gas bars, service stations and auto-sales establishments on traditional main streets, with some exceptions. However these uses are permitted on arterial main streets. The City's Zoning By-law permits drive-through facilities in several zones including Arterial Main Street, General Mixed-use and Mixed Use Centre. In May 2006, the City adopted Urban Design Guidelines for Drive-through Facilities, a detailed document that provides guidelines, and example photos and figures to illustrate the guidelines.

Town of Parry Sound

The Town of Parry Sound Official Plan contains no specific policies regarding drive-through facilities. Although not clear in the Zoning By-law, Town staff has indicated that drive-through facilities are permitted as-of-right in conjunction with permitted uses, including restaurants. The Town's Zoning By-law does provide general provisions respecting queue spaces for car washes, and states that a drive-through car wash abutting a residential zone is not permitted on any lot with an area less than 3,000 square metres (0.74 acres) and cannot be located closer than 20 metres to any lot line abutting the residential zone.

Durham Region Joint Municipal Study

In 2000, the Joint Municipal Study of Fast-food Restaurant Drive-through and Parking was prepared for Durham Region and the area municipalities by SRM Associates Inc. The primary goal of the study was to determine if individual zoning categories for fast-food drive-through restaurants were warranted. The study also included a review of 27 fast-food drive-through restaurants, with respect to parking accumulation and queuing demands. Some of the findings from this study included:

- The period when drive-through lanes were consistently busy occurred between 7.45 am and 8.25 am, and the overall peak demands occurred between 8:15 am and 8:20 am.
- A drive-through queuing space of 12 vehicles (at 6.0 metres in length each) would adequately provide 95% of the demand among all drive-through restaurant categories.
- A combination queue space of 4 spaces between the order board and the pick-up window along with 8 spaces behind the order board would provide adequate storage of drive-through traffic for all but the busiest periods and locations.
- Where restaurant sites are small, a drive-through queue longer than 12 vehicles may impede roadway traffic.
- In cases where a 12 vehicle queue space ends near a street entrance, municipalities may wish to request additional vehicle storage space.
- Donut shops surveyed generated queue shortages averaging two vehicles during brief maximum demand periods.
- Based on these results, donut restaurants currently require slightly higher queue space to serve maximum demands.
- An appropriate all-encompassing parking supply ratio of 15 spaces per 100 square metres of gross floor area provides for 95%, or higher, peak parking demand in the majority of sites observed.

Summary

There are a range of approaches used in municipalities to generally plan for and regulate drive-through facilities, including:

- discouraging new facilities municipal-wide;
- prohibitions in downtown areas, historic areas, main streets and town/village centres
- permitting in auto-oriented designations only;
- permitting in certain designations but requiring site-specific zoning by-law amendments;
- prohibition along specific road corridors; and,
- silence on the issue (in some Official Plans and Zoning By-laws).

The following is a short summary of policy and regulatory approaches in Official Plans and/or Zoning By-laws reviewed:

Definitions

- Definitions in Zoning By-laws are commonplace including drive-through use (facility), ingress and egress, and queuing lane.

Stacking Spaces

- 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.
- Refer to stacking space requirements summary table in Appendix 3.

Setbacks

- 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 the Ontario Municipal Board decision in the City of Toronto discussed earlier in this Report.
 - 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
 - Refer to setbacks summary table in Appendix 4

Other Policies, Regulations and Design Criteria

- landscape screens required between drive-through lane and street line
- drive-through lanes not permitted between main/front wall of building and any street
- prohibition of drive-throughs on lots abutting any residential zone
- drive-through lanes not permitted in minimum yard setbacks for buildings
- drive-through uses not permitted on lots less than specified minimum lot 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
- requirements to address concerns respecting urban design, maintaining pedestrian linkages, impact of wall, order board and pylon signage, illumination impacts, etc.

4.0 TOWN STUDIES

There are a number of studies currently underway in the Town however, some of these studies have not yet been endorsed by Council and therefore, the contents and recommendations of these studies were considered in this context. The following is a brief summary of studies/reports relevant to the review of drive-through facilities.

4.1 Town Comprehensive Transportation Strategic Plan – Final Draft Report – March 2010

The Town, County and Ministry of Transportation retained AECOM and C.C. Tatham and Associates to prepare a Comprehensive Transportation Strategic Plan to address “short, medium and long-term transportation needs for all levels of road infrastructure”.

The Draft Report identifies a number of transportation needs based on future traffic projections to 2028, and provides a “series of recommendations and strategic policies based on a multi-modal approach to transportation that considers existing and future transportation needs”. These recommendations include road network improvements, traffic demand management, etc.

4.2 Town Planning, Urban Design & Sustainability Strategy - Thornbury, Clarksburg & Craigeith Commercial Areas - February 2010

The Planning, Urban Design and Sustainability (PUDS) Strategy is the third report prepared as part of the Town’s Community Improvement Plan, which is currently being prepared for the Town by RCI Consulting, GSP Group and Enermodal. A Background Report and Interim Report were prepared in 2009. The primary role of the PUDS Strategy report is to “outline the planning and urban design framework and sustainable design principles that will guide private sector development and redevelopment and public sector improvement projects within the Community Improvement Project Area”. The Study Area for the Strategy includes the commercial areas of Thornbury, Craigeith and Clarksburg, as defined in the report.

The PUDS Strategy report suggests a vision for the Thornbury, Clarksburg and Craigeith commercial areas, which includes:

- Clear and definable character and identity in both the public and private realms (#2)
- Encouraging new development that complements existing character (#10)

The PUDS Strategy vision is generally in-line with the vision in the Official Plan that speaks to protecting the character and uniqueness of communities. The Draft Report also states that “design controls are needed which provide general design direction and yet accommodate creativity on a site-by-site basis”.

In addition, it is recommended in the PUDS Strategy report that the new Town Zoning By-law incorporate a “a clearer zoning framework for the three commercial areas that is simpler to administer; more supportive of the main street vision and objectives; more flexible for property owners and developers; and, reduces the need for zoning amendments”. Meridian is preparing the new Zoning By-law for the Town and can confirm that the draft By-law already strives to achieve these objectives. The PUDS Strategy report provides a “Downtown Commercial” zone for consideration in the Town’s new Zoning By-law that could be applied to the core areas of Thornbury, Clarksburg and Craigleith, that would, in part, prohibit all drive-through facilities.

5.0 PUBLIC INFORMATION SESSION

On December 17, 2009, the Town held a public information session, following the release of the Options for Regulating Drive-through Facilities in the Town of the Blue Mountains, December 2009, to discuss and obtain public input on policy and regulatory options with respect to drive-through facilities in the Town. The public information session for the review of adult entertainment establishments project was held concurrently with the drive-through facilities session on December 17.

There were approximately 7 attendees at the public information session, including some members of Council and members of the public. Following a presentation of the project and the draft paper by Town staff and Meridian, there was some limited discussion respecting the various options presented in the paper. Members of the public were encouraged to submit written comments to the Town.

6.0 POLICY OPTIONS

Based on the review of policy approaches, regulatory tools and municipal experiences, The Blue Mountains has the following five options to consider.

6.1 “Status Quo”

The Town could decide to not make any amendments to the Official Plan and/or Zoning By-law at this time. Depending on the current zoning and/or designation, and interpretation thereof, of a particular property, application(s) may be required to permit any new drive-through use.

This option would entail:

- Not including any provisions for drive-through facilities in the Official Plan;
- Not including any provisions for drive-through facilities in the Zoning By-law; and,
- Requiring proponents of drive-through facilities to apply for amendment(s) to the Official Plan and/or Zoning By-law (as required), and obtain site plan approval.

This would provide Council and residents the opportunity to consider proposals through the review of Planning Act application(s), provided a planning application is required. If no changes are made to the Official Plan and Zoning By-laws, there will be instances where landowners could potentially argue that a drive-through use is permitted as-of-right through the interpretation of an existing use term. The ability to control the location of new drive-through facilities with this option

is significantly impaired due to the lack of policies or regulations in place to guide location, design and built form of new uses.

6.2 Prohibit in All Areas

The Town could specifically prohibit drive-through facilities in all areas of the community. This option would require wording in the Official Plan and Zoning By-law to prohibit drive-through facilities and any definition of land use that could be construed as allowing drive-through facilities.

This option would entail:

- Amending the Official Plan and Zoning By-law to include a section that clearly defines and prohibits the location of drive-through facilities within Town boundaries; and,
- Ensuring that any By-law definition does not provide for the establishment of the use.

It should be noted that, of the municipalities surveyed, no municipality has an outright ban of all drive-through facilities. Considering this approach may not be required given the policy, zoning, site plan control and urban design mechanisms available to control the location and design of these uses.

6.3 Permit in All Commercial Areas

The Town could permit drive-through facilities on all lands with a Commercial designation. General policies could be included in the Official Plan setting out requirements for design standards, buffering, traffic, noise, etc., for all drive-through uses, and all applicable commercial designations could be amended to permit drive-through facilities. Likewise, all commercial zones could permit drive-through facilities subject to general provisions to be included in the Zoning By-law. One other option to consider is to permit drive-through facilities on all lands designated Commercial in the Official Plan but prohibit drive-through facilities in all zones in the Zoning By-law, requiring a site-specific amendment to the By-law to permit new uses.

This option would entail:

- Amending the Official Plan to define uses, include drive-through related policies and provide a basis for permitting the use in commercial areas;
- Amending the Zoning By-law to include specific definitions and general provisions, and permit in commercial zones; or,
- Amending the By-law to include definitions and general provisions, but not permit in any zone.

Whether or not the Zoning By-law is amended to permit drive-through facilities in all commercial zones, this direction would provide clear policy direction for the establishment of drive-through facilities in the Town and provide specific direction and control with respect to built form, stacking space requirements, setbacks and other considerations. However, an Official Plan policy that would permit drive-through facilities in all commercial areas may not be appropriate especially when considering the potential impacts on the existing and planned built form and character of certain downtown and main street areas, and the potential impact on surrounding residential land uses.

6.4 Permit in All Commercial Areas Based on Established Criteria

Like the option outlined in Section 6.3, this option would be based on the initial assumption that drive-through facilities should be permitted on lands with a Commercial designation under the Official Plan. The next step would be to establish criteria to more specifically determine what areas and properties are appropriate for the establishment of drive-through facilities. The criteria may include minimum setbacks from residential areas, exclusion of lots along defined transportation corridors, minimum lot sizes, etc. Through a mapping exercise, the established criteria would be applied to all lands in the Town with a Commercial designation. The result of this analysis would be the identification of areas where drive-through facilities are permitted, which could be identified on the schedules of the Official Plan and Zoning By-law.

This option would entail:

- Defining criteria for the assessment of appropriate commercial areas where drive-through facilities should be permitted;
- Carrying-out an analysis based on the criteria and identifying appropriate locations through mapping; and,
- Amending the Official Plan and Zoning By-law to specifically identify areas in the Town where drive-through facilities are permitted, and establishing general provisions for these uses.

This approach would reflect the Town's vision for the establishment of drive-through facilities based on specific defined criteria, and would clearly identify where these uses are permitted.

6.5 Permit in Specified Commercial Areas

This option would permit drive-through facilities only in specific areas designated Commercial in the Official Plan. It is anticipated that the greatest demand for the establishment of new drive-through facilities will be along Highway 26 given the established and planned commercial growth in areas along this corridor, including shopping and entertainment destinations for residents, and the function of the corridor in providing services for the traveling public. The current Official Plan recognizes the partial functions of the Highway 26 corridor and some commercial areas to serve the traveling public. However, the Official Plan also recognizes the importance of maintaining the unique and 'small town feel' characteristics of the community. The importance of maintaining these characteristics is, in part, being addressed through the ongoing preparation of the Community Improvement Plan discussed earlier in this report. Therefore, specific commercial areas would be identified based on the policies of the Official Plan and a review of the Community Improvement Plan and background materials.

To implement this option, there are two approaches to consider; designate certain commercial areas in the Official Plan to permit drive-through facilities and zone these same areas to permit drive-through facilities as-of-right. The other option would also involve designating certain areas in the Official Plan, but not zone these lands to permit drive-through facilities and require site-specific amendments to the Zoning By-law. In either case, definitions and general provisions would be included in the Zoning By-law for drive-through facilities.

This option would entail:

- Amending the Official Plan to define uses, include general policies and amending the schedules to identify areas where permitted;
- Amending the Zoning By-law to define uses, including general provisions and identify the locations on maps where drive-through facilities are permitted.

This option would be based on the existing policies of the OP, in part with respect to permitted uses in certain designations and policies protecting downtown/core/historical areas.

7.0 URBAN DESIGN

In addition to the Official Plan and Zoning regulations discussed in this Report, the Town should consider the benefits of preparing Urban Design Guidelines for drive-through related uses to be used in conjunction with the review of any application for site plan approval. The Zoning By-law is one tool for controlling design through the regulation of elements of drive-through facilities including the size and number of stacking spaces, minimum setbacks from other uses and minimum lot sizes. However, Urban Design Guidelines can clearly define the vision of the Town with respect to drive-through facilities and establish standards that are not be easily defined and/or regulated through a Zoning By-law. Some common urban design policies that can be considered by the Town include:

- Maximize the amount of landscaped areas to soften areas of asphalt attributed to drive-through lanes and parking areas.
- Prohibit the wrapping of drive-through lanes around buildings to reduce the visual impact on the streetscape and to ensure safe and open pedestrian access between the street and the buildings.
- Situate buildings with drive-through facilities as close to streets as possible.
- To address unique and emerging trends in the design of drive-through facilities. For example, there are a number of issues that arise from commercial buildings that have more than one tenant with drive-through facilities. Also, some single drive-through facilities are serviced by two drive-through lanes. While this can have a significant impact on the ability to properly design a site from a traffic circulation and/or urban design perspective, double stacking lanes can be appropriate in some instances to reduce the overall length of queuing lanes on a property.
- Requirements and design standards for noise and visual attenuation, including fences, walls and other barriers.
- Details respecting the design and location of order boards, clearance bars, direction signage and lighting.
- Design requirements to ensure pedestrian safety, including measures to maintain sight lines and warning signage.

8.0 CONCLUSION

It is recommended that the Town consider the 'Permit in Specified Commercial Areas' option, as set out in Section 6.5, as the preferred option to plan for and regulate drive-through facilities in the Town. This option would entail permitting drive-through facilities on certain lands with Commercial designations in the Town's Official Plan based on an analysis of current policies and the Community Improvement Plan. The option described in Section 6.5 provides a choice between requiring and not-requiring site-specific amendments to the Zoning By-law to permit new drive-through facilities. It is recommended that the Town consider requiring a site-specific amendment to the applicable Zoning By-law to permit the establishment of any new use. In addition, the Town should amend the Official Plan and/or Zoning By-laws, as required, to ensure that existing permitted uses and definitions do not indirectly permit drive-through facilities.

It is recommended that the Town consider the following policies, regulations and criteria for inclusion in the Official Plan and/or Zoning By-laws, as appropriate:

- define 'drive-through use' as a separate use
- minimum number of stacking spaces: restaurant-12, car wash-10, bank & all other uses-5
- minimum of 2 spaces required after 'pick-up' window
- minimum stacking space size – 3 x 6 metres
- minimum setback from residential zone – 30 metres (measured from residential property line and drive-through components such as lane, speakers, etc.)
- drive-through lanes prohibited between building and street
- drive-through lanes prohibited in required yards (zoning)
- minimum setback between egress to drive-through lane and any site access – 18 metres
- incorporate drive-through facilities into larger building forms when possible (official plan)
- design and locate to minimize visual impacts on streetscapes (official plan)
- landscape screens required between drive-through lane and street line (official plan)
- noise studies and traffic studies required in support of any new or expanded drive-through facilities
- policies requiring the review of various issues including urban design, architectural control, maintaining pedestrian linkages, illumination impacts, etc.

APPENDIX 1 – INTERIM CONTROL BY-LAW

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2009 -09

Being a By-law to establish an Area of Interim Control
Pursuant to Section 38 of the *Planning Act*.

WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area(s) thereof;

AND WHEREAS Council by resolution on January 26, 2009, directed that a study be undertaken with respect to the prohibition and /or regulation of adult entertainment establishments and the land use issues associated therewith in the municipality;

AND WHEREAS Council by resolution on January 26, 2009, directed that a study be undertaken with respect to the prohibition and/or regulation drive-through facilities and the land use issues associated therewith in the municipality;

AND WHEREAS Council has deemed it necessary and expedient to pass an interim control by-law with respect to adult entertainment establishments and drive-through facilities;

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

1. For the purposes of this By-law, the following terms shall have the corresponding meanings;

"Adult Book" means printed matter which depicts or describes specified sexual activities or specified anatomical areas.

"Adult Bookstore" means any premises or part thereof where Adult Books are provided, offered for sale or rent, or for the use of a patron or member in the pursuance of a business, trade, calling, occupation, club, association or venture;

"Adult Entertainment Business" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business, occupation, club, association or venture, services or goods appealing to or designed to appeal to erotic or sexual appetites or inclinations;

"Adult Entertainment Establishment" includes an Adult Entertainment Business, Body-rub Business, Adult Book Store or an Adult Videotape Store;

"Adult Videotape" means any Videotape the content of which is designed or held out as designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject-matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of specified human body areas and, in the absence of evidence to the contrary, a videotape classified by the Ontario Film Review Board as "restricted" with the added information piece "adult sex film" shall be deemed to be an Adult Videotape.

"Adult Videotape Store" means any premises or part thereof where Adult Videotapes are provided, offered for sale or rent, or for the use of a patron or member in the

pursuance of a trade, calling, business, occupation, club, association or venture, services or goods appealing to or designed to appeal to erotic or sexual appetites or inclinations ;

"Body-rub" is an activity where the primary function is the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

"Body-rub Business" means any premises or part thereof where a Body-rub is performed, offered or in pursuance of a trade, calling, business, occupation, club, association or venture, but does not include any premises or part thereof where Body-rubs are performed for medical or therapeutic reasons by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

"Drive-through Facility" means any premises or part thereof used to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A drive-through facility does not include an automobile service station, automobile washing establishment or car wash, vehicle washing establishment or vehicle fuel station.

2. Except as noted, words or phrases found in this By-law shall have the same meaning as found in Zoning By-law No. 83-40, as amended, or Zoning By-law 10-77, as amended, as applicable.

3. The provisions of this by-law shall apply to:

a. Those lands located within the area regulated by the "Township of Collingwood" Zoning By-law No. 83-40, as amended, zoned:

- i. General Commercial (C1) Zone;
- ii. Highway Commercial (C2) Zone;
- iii. Recreational Commercial (C4) Zone;
- iv. Village Core General Commercial (C5) Zone;
- v. Village Core Service Commercial (C6) Zone;
- vi. Village Core Resort Commercial (C7) Zone;
- vii. Local Commercial (C8) Zone;
- viii. Service Industrial (M1) Zone;
- ix. General Industrial (M2) Zone;
- x. Institutional (I) Zone;
- xi. Private Recreational (PREC) Zone;
- xii. Recreational Ski Facility (SF) Zone; and,
- xiii. Development (D) Zone.

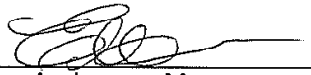
b. Those lands located within the area regulated by the "Town of Thornbury" Zoning by-law No. 10-77, as amended, zoned:

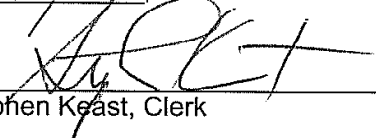
- i. Core Commercial C1 Zone;
- ii. General Commercial C2 Zone;
- iii. Local Commercial C3 Zone;
- iv. Recreational Commercial C4 Zone;
- v. Industrial M1 Zone; and,
- vi. Institutional I Zone.

4. Notwithstanding any other by-laws to the contrary, including any site specific and/or exceptions found in Section 32 of Zoning By-law No. 83-40, as amended, or Section 26 of Zoning By-law No. 10-77, as amended, no person shall, within those areas noted in Section 3 of this By-law erect or use any land, buildings or structure for the purposes of an Adult Entertainment Establishment or Drive-through Facility.

5. This By-law shall come into full force and effect on the date of enactment and shall expire twelve months therefrom unless the term is extended pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Enacted and passed this 26 day of January, 2009.

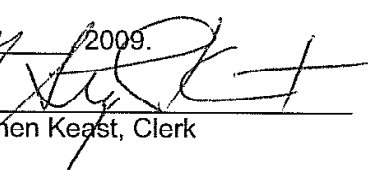

Ellen Anderson, Mayor


Stephen Keast, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2009-09 as enacted by the Council of the Corporation of the Town of The Blue Mountains on the 26 day of January, 2009.

DATED at The Blue Mountains

this 26th day of

January 2009.

Signed: _____
Stephen Keast, Clerk

THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS

BY-LAW NO. 2009- 83

Being a By-law passed pursuant to the provisions of Section 38 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to provide for the amendment of By-law No. 2009-09 to extend the period of time that such Interim Control By-law will be in effect.

WHEREAS authority is given to Council by Subsection 38(1) of the *Planning Act*, R.S.O. 1990, c. P. 13, to pass an Interim Control By-law, for a period of time which shall not exceed one year from the date of passage of the By-law;

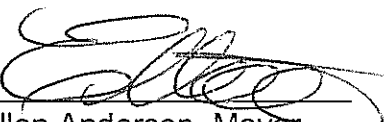
AND WHEREAS Council on January 26, 2009, passed By-law No. 2009-09 to establish an Area of Interim Control for a period of time which shall not exceed twelve months from the date of passage of the By-law;

AND WHEREAS authority is given to Council under Subsection 38(2) of the *Planning Act*, R.S.O. 1990, c. P. 13, to extend the period of time that an Interim Control By-law will be in effect, provided the total period of time does not exceed two years from the date of the passing of the Interim Control By-law;

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

1. That Section 5 of the Town of The Blue Mountains By-law No. 2009-09 is hereby amended by deleting the words "twelve months therefrom" and substituting the date "on July 26, 2010".

Enacted and passed this 14 day of December, 2009.


Ellen Anderson, Mayor


Stephen Keast, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2009-83 as enacted by the Council of the Corporation of the Town of The Blue Mountains on the 14 day of December, 2009.

DATED at The Blue Mountains

this 14 day of

December, 2009.

Signed: 
Stephen Keast, Clerk

APPENDIX 2 – OTHER MUNICIPAL OFFICIAL PLANS & ZONING BY-LAWS
DRIVE-THROUGH FACILITIES

MUNICIPALITY	OFFICIAL PLAN	ZONING BY-LAW
Ajax	<ul style="list-style-type: none"> • Official Plan specifically prohibits “<i>Land uses which, by function, cater to automobile rather than pedestrians</i>”, including drive-through facilities on lands designated Downtown Central Area, Employment Mixed-Use and Village Central Area. • Drive-throughs permitted on lands designate Uptown Central Area provided there is a minimum setback of 125 metres from a specified portion of Harwood Avenue. • Drive-through components of any use on lands designated Uptown Central Area, must not be visible from Kingston Road. • Drive-throughs associated with service stations and on lots abutting lands designated Residential are only permitted on lots 0.6 to 0.8 hectares in size, there is adequate buffering and approval of site specific rezoning and site plan approval. • 	<ul style="list-style-type: none"> • Drive-through facilities permitted in several zones: Local Commercial, General Commercial, Downtown Mixed Use, Uptown Mixed Use, Automobile Commercial, Prestige Employment • Restaurant drive-through not permitted in Automobile Commercial zone
Burlington	<ul style="list-style-type: none"> • No specific policies for drive-through’s 	<ul style="list-style-type: none"> • Drive-through’s permitted in specified employment, commercial and uptown mixed use centre zones • Drive-through’s prohibited in downtown mixed-use centre zone • Drive-through facilities defined • Landscape screen required for elevations of buildings (with drive-through facilities) facing a street • External conveyer pick-up systems not permitted in a yard abutting a street and shall be setback 15 m from residential zone
Clarington	<ul style="list-style-type: none"> • Drive-through facilities not desirable in Town & Village Centres 	<ul style="list-style-type: none"> • Drive-through’s only permitted by site-specific exception • No portion of the stacking lane

MUNICIPALITY	OFFICIAL PLAN	ZONING BY-LAW
	<ul style="list-style-type: none"> • Drive-through's will be prohibited in certain areas and appropriately regulated in other areas • All buildings containing drive-through facilities shall be oriented to the primary street frontage • No portion of stacking lane shall be located in setback area • Drive-through's shall be sufficiently separated from residential uses to avoid issues of land use compatibility 	<p>shall be located between a building and street line</p>
Collingwood	<ul style="list-style-type: none"> • No policies in OP • Definition of restaurant includes 'drive-in services' 	<ul style="list-style-type: none"> • Drive-in use and queuing aisle defined in existing By-law • Proposed new draft Zoning By-law provides general queuing space requirements but an exception would be required for any new uses • Proposed draft By-law defines 'drive-in use' and 'queuing land'
Gravenhurst	<ul style="list-style-type: none"> • Drive-through facilities not permitted on lands designated Urban Residential 	<p>No specific provisions respecting drive-through facilities in current and proposed Zoning By-laws.</p>
Halton Hills	<ul style="list-style-type: none"> • Drive-through's prohibited in Downtown Area designation • Drive-through's generally discouraged when not compatible with surrounding land uses, etc. and shall be <ul style="list-style-type: none"> ○ incorporated into a larger building form, where possible ○ 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. ○ designed to minimize visual, traffic and noise impacts on adjacent residential development. • Drive-through Service Facility defined 	<p>Proposed ZBL</p> <ul style="list-style-type: none"> • Drive-through Service Facility defined • Location of ingress and egress spaces, and length of queuing lane defined • Requirement for multiple queuing lanes provided
Huntsville	<p>No specific policies for drive-through's</p>	<ul style="list-style-type: none"> • Only definition for drive-through restaurant • Drive-through restaurants permitted in Commercial C2 and

MUNICIPALITY	OFFICIAL PLAN	ZONING BY-LAW
		<p>C3 Zones</p> <ul style="list-style-type: none"> • Financial establishments and accessory drive-through facilities permitted in Commercial C1, C2, C3, C5 and C6 Zones.
Kitchener	No specific policies for drive-through's	<ul style="list-style-type: none"> • Drive-through's not permitted in any zones except for car washes • Drive-through facility defined • Drive-through 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 <p>All commercial drive-through facilities with intercom order station:</p> <ul style="list-style-type: none"> • Must comply with MOE noise level guidelines • 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
Milton	<ul style="list-style-type: none"> • Drive-through's prohibited in 'Downtown Core Commercial' designation 	<ul style="list-style-type: none"> • Drive-through service facility defined • Ingress spaces shall be located before the first point of contact • Egress spaces shall be located between ingress space and the final point of contact • 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 • 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. • Drive-through'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 • In all zones above, buildings

MUNICIPALITY	OFFICIAL PLAN	ZONING BY-LAW
		containing drive-through must be setback additional 2 m from front or exterior lot lines
Mississauga	<p>Commercial Uses:</p> <ul style="list-style-type: none"> • Drive-through's not permitted on Main streets • Motor Vehicle Commercial designation – drive-through takeout restaurant accessory to service station subject to design criteria, compatibility, traffic circulation, etc. 	<p>Commercial & Employment Zones – drive-through permitted:</p> <ul style="list-style-type: none"> • Restaurant • Gas bar/service station • drive-through banking machine permitted accessory to financial institution in C2, C3, E2 & E3 zones
Oakville	<ul style="list-style-type: none"> • Current OP does not contain specific policies • New OP, Liveable Oakville, prohibits drive-through's within all Growth Areas including Downtown Oakville, Kerr Village, Uptown Core, Palermo Village, Bronte Village & Midtown Oakville. Growth Areas also represent majority of areas where Mixed Use designations are applied. Also some commercially designations outside Growth Areas where Mixed Use designations apply and therefore, drive-through's prohibited 	<p>Current Zoning (subject to ICBL):</p> <ul style="list-style-type: none"> • Drive-through's permitted in majority of commercial and employment zones • Not permitted on lots abutting a residential zone
Ottawa	<ul style="list-style-type: none"> • OP prohibits drive-through's, gas bars, service stations & auto sales on Traditional Main streets, with some exceptions. • However, these uses are permitted on Arterial Main streets 	<ul style="list-style-type: none"> • Drive-through facilities permitted in several zones: Arterial Main street, General Mixed Use & Mixed Use Centre
Parry Sound	<ul style="list-style-type: none"> • No specific policies for drive-through's 	<ul style="list-style-type: none"> • Drive-through uses permitted as-of-right with specific provisions for drive-through car wash facilities as follows: <ul style="list-style-type: none"> ○ Queue space requirements; ○ Lot must be a minimum of 3,000 sq.m. (0.74 acres) and not located closer than 20 metres to any lot line abutting a residential zone.

APPENDIX 3 – STACKING SPACE REQUIREMENTS

MUNICIPALITY	Bank	Car Wash	Restaurant	Retail/Other	Width (m)	Length (m)
Ajax	4 (1)	15 (5)	15 (1)		4	6
Clarington (restaurant)	Minimum stacking lane length – 72 metres				3	
Clarington (non-restaurant)	Minimum stacking lane length – 24 metres					
Collingwood (proposed)	4	2/wash bay	10	3		
Halton Hills (proposed)	4 (1)	10 (2)	12 (2)	3 (1)	3	6
Kitchener	No stacking requirements in ZBL					
Milton	3 (1)	10 (2)	10 (2)	3 (1)	3	6
Mississauga (ZBL)	5	10/bay	10	5	3 (design guidelines)	
Oakville – commercial (existing)		8 (2)	5 (2)			
Oakville – employment (existing)			9*			
Oakville - proposed	4	4	7 (3)	4		
Ottawa	3 (1)	10 (1) 5 (1) for manual	11	3	3	5.7
Parry Sound		15 (2) 3 (1) for manual				

- () spaces required for egress (after window/bay board)

*2/3 of spaces must be behind the order

APPENDIX 4 - SETBACKS (metres)

MUNICIPALITY	From residential zone	From site access	Other
Ajax	10	10	
Burlington	15 (from intercom ordering stations)		
Clarington		18	
Halton Hills (proposed)	30*		
Kitchener			Drive-through 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 I/s structure provided in setback area
Milton	7.5 (from res zone or street line)		
Mississauga (Design Reference Note)	20* - Restaurant 20* - Car wash 50* - Car wash (access perpendicular to property line)	16	
Oakville (current ZBL)	Range: 7.6 - 15		
Oakville (proposed)	15*		
Ottawa	3*		
Parry Sound	20 – Car wash		

*setback from lane, speakers and order boards