

Consolidated Clause in Planning and Transportation Committee Report 5, which was considered by City Council on June 14, 15 and 16, 2005.

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**Draft Urban Design Guidelines for Sites
with Drive-Through Facilities**

City Council on June 14, 15 and 16, 2005, adopted this Clause without amendment.

Council also considered additional material, which is noted at the end of this Clause.

The Planning and Transportation Committee recommends that:

- (1) Section 6.1.3, contained in the draft Urban Design Guidelines, entitled “Stacking Lanes and Driveways” be amended to require a minimum of 10 stacking spaces for a restaurant and a minimum of 4 stacking spaces for other uses;**
- (2) the portion of Section 6.4.1 contained in the draft Urban Design Guidelines, entitled “General Landscaping Requirements”, pertaining to irrigation systems be amended to read as follows:**

“provide fully functioning irrigation system to ensure adequate watering of soft landscaping and increase the possible range of planting materials while decreasing long-term maintenance costs and ensuring the viability of the landscaping;”;
- (3) Council authorize, as amended, the release and distribution of the draft Urban Design Guidelines for Sites with Drive-through Facilities to representatives of the drive through industry, resident and ratepayer organizations, business improvement area organizations, and other interested parties for community consultation and Planning staff report back to the Planning and Transportation Committee with finalized Guidelines at the conclusion of the community consultation period;**
- (4) Council authorize the city-wide use of these draft Guidelines in the review of drive-through development applications during the consultation period;**
- (5) the City Solicitor, after consultation with City Planning, be requested to submit a report to the Planning and Transportation Committee on mechanisms that can be built into the Site Plan approval process to ensure compliance on an on-going basis; and**
- (6) drive through restaurants be encouraged to provide multi-service windows.**

The Planning and Transportation Committee submits the report (May 3, 2005) from the Chief Planner and General Manager, City Planning:

Purpose:

To authorize the circulation of the attached “Draft Urban Design Guidelines for Sites with Drive-through Facilities” for public discussion and review.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) Council authorize the release and distribution of the draft Urban Design Guidelines for Sites with Drive-through Facilities to representatives of the drive-through industry, resident and ratepayer organizations, business improvement area organizations, and other interested parties for community consultation and Planning staff report back to the Planning and Transportation Committee with finalized Guidelines at the conclusion of the community consultation period; and
- (2) Council authorize the city-wide use of these draft Guidelines in the review of drive-through development applications during the consultation period.

Background:

The Planning staff report of August 26, 2002, (see Clause 1 of Report No. 10 of the Planning and Transportation Committee as presented to the October 1, 2002, meeting of City Council) outlined a two-phase approach to the drive-through issue. Specifically, the report notes:

“It is recommended that the drive-through issue be tackled in two phases: first, by introducing zoning controls that regulate where in the City drive-through facilities can be located based on compatibility with adjacent land use concerns; secondly, by establishing standards and guidelines for the development of drive-through facilities in the areas where they are a permitted use. Both phases require that drive-through facilities be defined as a separate land use class for zoning purposes”.

This August 26, 2002 report, which Council adopted, became a key document in the subsequent Ontario Municipal Board (OMB) hearing in 2003 regarding the proposed Zoning By-law Amendments. Indeed, the Board in its decision (dated January 23, 2004) refers to the arguments put forward in the 2002 staff report and endorses the two-phase approach that it recommends. The decision notes that:

“The Board relies on the guidelines proposed to be developed by the City as Phase II to assist in addressing and mitigating any site specific impacts. Phase II should also serve as a basis to recognize differences between the fast food industry and the banking industry in respect of drive-through facilities” (p. 27).

Summary of the Two-phased Approach:

Phase I:

The Zoning By-law Amendments define drive-through facilities as a separate land use, establish areas of the City where they are and are not permitted, and establish a 30 meter separation distance from all parts of drive-through facilities to the edge of the lot line of any residential use or zone where residential uses are permitted.

Phase II:

The Draft Urban Design Guidelines for Sites with Drive-through Facilities are designed to complement and assist in the implementation of zoning regulations. The Guidelines set out principles and criteria for drive-through facility design and approvals on lands where such facilities are permitted. The design criteria recognize differences between fast food and other, non-food related (e.g., bank), drive-through facilities.

Comments:

These Guidelines support the Official Plan’s goals for an enhanced built form and related efforts to beautify the City. The Guidelines seek to assist in the creation and enhancement of comfortable, safe and vital pedestrian environments which encourage walking and transit use.

These Guidelines implement both in-force Official Plans and the new Official Plan of the City of Toronto. One key Official Plan strategy for achieving re-urbanization is the improvement of the public realm through decreasing our dependence on the car and balancing the demands of vehicular transportation with the desirability of increasing the vitality and attractiveness of the public realm.

Issues associated with drive-through facilities include traffic, conflicts between pedestrian and vehicular circulation, visual impact, noise and light pollution, reduction of air quality, environmental degradation, odour, littering and waste, site servicing and hours of operation. The Guidelines provide design criteria for mitigating these effects.

These Guidelines will assist developers, architects, landscape architects, urban designers and planners in making informed decisions when developing Site Plan Applications. They establish principles and criteria for the consistent review of development applications for sites with drive-through facilities by City staff by:

- (a) clarifying the City’s interest in addressing the development impacts of sites with drive-through facilities; and

- (b) establishing standards and criteria for the design of sites with drive-through facilities, integrating operational elements, site and built form design with a focus on assisting this use with making a positive contribution to the surrounding context and pedestrian streetscape.

These Guidelines should be used for the development and review of Site Plan Applications for drive-through facilities on lands where the Zoning By-laws identify drive-through facilities as a permitted land use.

The Guidelines should also be consulted by City staff when considering Official Plan Amendment, Zoning By-law Amendment and/or minor variance applications for drive-through facilities to ensure that in considering whether such an application is appropriate on the basis of the broader planning and urban design considerations underlying the Zoning By-law Amendments (which defined and identified the locations where drive-through facilities are a permitted use), any such application would also have the ability to meet these Guidelines.

Circulation To Date:

The Phase II Guidelines have been discussed with staff of Works and Emergency Services and their comments have been incorporated into the draft document. Preliminary meetings have also been held with representatives of the drive-through industry and with the City's Pedestrian Committee.

Conclusions:

The attached document, "Draft Urban Design Guidelines for Sites with Drive-through Facilities", is a step in completing the City's two-phase approach to the regulation and review of drive-through facilities development. The first phase has established zoning regulations. This second phase is to provide design guidelines to assist in their implementation.

When finalized, the Urban Design Guidelines will largely be applied through the site plan approval process to inform those involved in the development application process of the City's expectations for the design and layout of drive-through facilities. The guidelines would also be consulted in what are anticipated to be less common applications for drive-through facilities that involve amendments to the Official Plan and/or Zoning By-law or require a minor variance. The Guidelines establish the principles and criteria to ensure that drive-through development applications throughout the City are reviewed in a consistent manner by city staff.

It is recommended that the Draft Guidelines be circulated for further public discussion and review before a finalized version is brought back for Council's adoption. A number of stakeholder groups have been identified, including representatives from the drive-through industry, resident and ratepayer organizations, business improvement area organizations and pedestrian advocacy groups. All these and others will be invited to provide input to the review process.

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List of Attachments:

Attachment 1 – Example of Zoning By-Law Standards for Drive-through Facilities
Attachment 2 – Draft Urban Design Guidelines for Sites with Drive-through Facilities

Attachment 1
Example of Zoning By-Law Standards for Drive-through Facilities

BY-LAW No. 779-2002

To amend By-law No. 438-86 for the former City of Toronto with respect to
Drive-Through Facilities.

WHEREAS the Council of the City of Toronto has proposed an amendment to its zoning by-law pursuant to Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, respecting drive-through facilities; and

WHEREAS the Planning and Transportation Committee of the City of Toronto conducted a public meeting on September 9, 2002, under Section 34 of the Planning Act regarding the zoning amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on October 1, 2 and 3, 2002, determined to amend By-law No. 438-86, as amended, of the former City of Toronto.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Former City of Toronto By-law No. 438-86 is amended as follows:
 - 1.1 Section 2.1 – DEFINITIONS AND INTERPRETATION is amended by adding the following definitions:
 - (1) Definitions

“drive-through facility” means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses such as, laundry

shop, dry cleaning shop, dry cleaner's distributing station, branch of a bank or financial institution, restaurant, retail store, automobile service station, or take-out restaurant. Despite the above, a drive-through facility does not include a car washing establishment, automobile service station or gas bar.

“stacking lane” means an on-site queuing lane for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

1.2 SECTION 4 - REGULATIONS APPLYING TO ALL USE DISTRICTS is amended by adding as Section (15) the following:

(15) DRIVE THROUGH FACILITY IN COMBINATION WITH OTHER USES

Where the use of any land, building or structure is composed of a combination of a drive-through facility and any one or more other uses, those uses shall not be construed as accessory to one another and all provisions pertaining to each use shall apply.

1.3 SECTION 9 - INDUSTRIAL DISTRICTS

Section 9 (1)(b)(vii) Permitted Uses in Industrial Districts, is amended by adding “drive-through facility” as a permitted use in the I1, I2, I3, and IC categories under the heading “Miscellaneous Uses” subject to Qualification 5;

Section 9 (2) Qualifications To Be Complied With Before Certain Uses Are Permitted In Industrial Districts is amended by adding the following as Qualification 5;

- “5. a drive-through facility is a permitted use where a minimum distance of 30 metres separates all points of the drive-through facility including stacking lanes from the boundary of any lot in any use district permitting residential uses”.

ENACTED AND PASSED this 3rd day of October, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

(A copy of Attachment 2 – “Draft Urban Design Guidelines for Sites with Drive-through Facilities” referred to in the foregoing report was forwarded to all Members of Council with the May 25, 2005, agenda of the Planning and Transportation Committee and a copy thereof is also on file in the office of the City Clerk, City Hall.)

Greg Stewart, Program Manager, Transportation Planning, Les de Sorcy, Urban Designer, Urban Design, South District, and Marsha Kelmans, Urban Designer, Urban Design, South District, provided a presentation on the draft Urban Design Guidelines for Sites with Drive-Through Facilities and submitted a copy of their presentation material.

Ms. Janice Etter, Pedestrian Planning Network, addressed the Planning and Transportation Committee; and filed a written submission with respect thereto.

City Council – June 14, 15 and 16, 2005

Council also considered the following:

Communication:

- *(May 24, 2005) from Terry Mundell, President and CEO, Ontario Restaurant Hotel and Motel Association (ORHMA) [Communication 14(a)].*