



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Danielle DeVries
Transportation Planner

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: December 12, 2022
REPORT DATE: November 29, 2022
FILE: 6450 (Projects/Drive Throughs)

SUBJECT: ZONING BYLAW 5000 AMENDMENTS – DRIVE-THROUGH USES

PURPOSE:

To request Council direction to amend Zoning Bylaw 5000 to remove drive-throughs as permitted uses within the City Centre Neighbourhood Plan Area to align with the Official Community Plan and Climate Action Plan.

RECOMMENDATION:

THAT Council direct Administration to prepare amendments to Zoning Bylaw 5000 to remove 'drive-through services' and 'drive-through vehicle services' as permitted uses within the City Centre Neighbourhood Plan Area as outlined in the report titled "Zoning Bylaw 5000 Amendments – Drive-Through Uses" dated November 29, 2022 and respectfully submitted by the Transportation Planner;

AND FURTHER, that Council direct Administration to prepare amendments to Zoning Bylaw 5000 to revise the specific use regulations for 'vehicular oriented uses' to improve traffic flow where 'drive-through services' and 'drive-through vehicle services' may still be permitted;

AND FURTHER, that Council direct Administration to bring the proposed City Centre drive-through amendments to Zoning Bylaw 5000 to the Transportation Advisory Committee, Climate Action Advisory Committee, Economic Development Advisory Committee, and Advisory Planning Committee for review and comment;

AND FURTHER, that Council direct Administration to consult with the Transportation Advisory Committee, Climate Action Advisory Committee, and Economic Development Advisory Committee, Advisory Planning Committee on their input to extend drive-through prohibitions to the remainder of the city;

AND FURTHER, that Council direct Administration to provide the proposed amendments to Zoning Bylaw 5000 for Council's consideration by March 2023.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council direct Administration to prepare amendments to Zoning Bylaw 5000 to remove 'drive-through services' and 'drive-through vehicle services' as permitted uses within all commercial and mixed-use Zoning Districts as outlined in the report titled "Zoning Bylaw 5000 Amendments – Drive-Through Uses" dated November 29, 2022 and respectfully submitted by the Transportation Planner;

AND FURTHER, that Council direct Administration to prepare amendments to Zoning Bylaw 5000 to revise the specific use regulations for 'vehicular oriented uses' to reflect this change and improve traffic flow where 'drive-through vehicle services' may still be permitted in the I1 Light Industrial Zoning District;

AND FURTHER, that Council direct Administration to bring the proposed drive-through amendments to Zoning Bylaw 5000 to the Transportation Advisory Committee, Climate Action Advisory Committee,

Economic Development Advisory Committee, and Advisory Planning Committee for review and comment;

AND FURTHER, that Council direct Administration to provide the proposed amendments to Zoning Bylaw 5000 for Council's consideration by March 2023.

Note: This would mean that Administration would bring forward proposed Zoning Bylaw 5000 amendments to prohibit drive-through uses in all commercial and mixed-use zoning districts city-wide to the four advisory committees for their review and comment. Administration would report back to Council in March 2023 with proposed amendments to Zoning Bylaw 5000 for first and second readings that reflect recommendations from the four committees.

2. THAT Council receive the report titled "Zoning Bylaw 5000 Amendments – Drive-Through Uses" dated November 29, 2022 and respectfully submitted by the Transportation Planner.

Note: This would result in no changes to Zoning Bylaw 5000, and drive-throughs would still be permitted across the city and within the City Centre Neighbourhood Plan Area. Zoning Bylaw 5000 would continue to contradict the City Centre Neighbourhood Plan and Official Community Plan.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The [City Centre Neighbourhood Plan](#), which forms part of the Official Community Plan, provides policy direction for development and redevelopment within the City Centre. The plan has two policies that direct the prohibition of drive-throughs including:
 - a. Polson Gateway Character Area (20): Big box retail and drive-through uses are not permitted; and
 - b. General Policies (82): Prohibit drive through uses, except for Lots 1-4, Block 32, at 3600-3606 27th Street.

However, Administration has not been able to uphold these policies since Zoning Bylaw 5000 currently allows 'drive-through services' and 'drive-through vehicle services' as permitted uses in zoning districts within the City Centre Neighbourhood. For reference, the definitions of 'drive-through services' and 'drive-through vehicle services' are:

- a. 'drive-through services' means the business where customers order and receive services, food or other goods in their motor vehicles via one or more designated drive-through lanes or through one or more car attendant services, but does not include drive-through vehicle services.
 - b. 'drive-through vehicle services' means development providing rapid cleaning, lubrication, and maintenance or repair services to motor vehicles, where the customer typically remains within the vehicle or waits on the premises. Typical uses include but are not limited to automatic or coin operated car washes, rapid lubrication shops, or specialty repair establishments.
2. While the City Centre Neighbourhood Plan only includes policies to prohibit drive throughs in the City Centre, Council has since endorsed the [Climate Action Plan](#), which directs the City of Vernon to be a leader in climate action and develop a clean air space strategy. These policies support expanding the prohibition of drive-throughs across the entire city. Specifically, the Climate Action Plan found that transportation accounts for 63% of the community's greenhouse gas emissions, and identifies an anti-idling bylaw as a tool to improve air quality. Drive-through uses encourage vehicles to idle in the queue; therefore, banning any additional drive-through uses in the City is a step toward reduced idling and improved air quality.

3. Beyond specific policies related to drive-throughs, the City's high-level goals support a healthier and more compact city. Drive-through uses contradict these goals as they use large spaces for vehicle queuing and promote driving and sedentary behaviour. Specifically, the [Official Community Plan](#) includes guiding principles to:
 - a. create a culture of sustainability;
 - b. create strong, compact and complete neighbourhoods; and
 - c. provide alternative transportation.

The Climate Action Plan focus areas envision that:

- a. Vernon is a healthy, equitable, and resilient community;
- b. Vernon is a leader in tackling Climate Change;
- c. Vernon is made of compact, complete, climate-ready neighbourhoods connected to low carbon transportation networks;
- d. Vernon has a diverse economy with businesses and industries that have embraced the opportunities of the low carbon economy and are resilient to the impacts of climate change; and
- e. Vernon is food secure and has a resilient agriculture and economy.

[Council's Strategic Plan](#) 2019 – 2022 includes goals to:

- a. Promote transit oriented mixed use development;
- b. Work towards a sustainable Vernon – environmentally, economically, and socially; and
- c. Encourage sustainable infrastructure, agriculture and landscaping.

Each of these goals supports reducing vehicle-oriented development like drive-throughs, and instead encourages more walkable, bikeable, and transit-oriented design. In addition, transit-oriented and mixed use development have been more approachable for smaller, local businesses in other communities, rather than attracting international fast-food and beverage chains.

4. According to the 2018 study "Adoption and diffusion of zoning bylaws banning fast food drive-through services across Canadian municipalities" ([Nykiruk et al.](#); *BMC Public Health*; 18, 137), 27 Canadian municipalities had already implemented a full or partial ban on drive-throughs by 2016, including the neighbouring Interior communities of Kelowna and Nelson. This study found municipal councils banned drive-throughs for a number of reasons relating to health, economic development, climate action, and transportation that also align with City of Vernon's plans and priorities:

Health	↑ dietary choices
	↑ active lifestyle
	↓ air pollution
Economic Development	↑ opportunities for local, small businesses
	↑ commercial land available for redevelopment
	↓ commercial land used for vehicle queueing
Climate Action	↓ vehicle idling
	↑ building energy efficiency (no window opening)
Transportation	↑ walkability and connectivity
	↓ traffic safety concerns with queueing
	↑ aesthetic appeal of the built environment

5. A review of similar neighbouring communities to Vernon indicates that additional municipalities have since updated their regulations to either fully ban drive-throughs or partially ban them along with stronger regulations for queuing (Attachment 1). For example, Kamloops has restricted drive-throughs to highway-oriented commercial areas and increased the number of inbound car queueing spaces for food services to 10 and for high-traffic coffee shops to 20 (Vernon's Zoning Bylaw 5000 currently requires only three inbound spaces).
6. Zoning districts within the City that currently permit drive-through uses include (Attachment 2):

Zoning District	Drive-Through Services	Drive-Through Vehicle Services
C5: Community Commercial	✓	✗
C7: Heritage Business District	✓	✗
C8: Central Business District	✓	✗
C9: Regional Commercial	✓	✗
C10: Tourist Commercial	✓	✗
C10a: Tourist Commercial and Residential	✓	✗
C11: Service Commercial	✓	✓
CD1: Comprehensive Development (Anderson Way)	✓	✗
I1: Light Industrial	✗	✓

Administration recommends that Council consider prohibiting drive-through services in all zoning districts and drive-through vehicle services in all zoning districts (i.e. C11 Service Commercial), except I1 Light Industrial. Prior to considering this city-wide prohibition, Administration recommends the Council refer the report to the Transportation Advisory Committee, Climate Action Advisory Committee, Economic Development Advisory Committee, and Advisory Planning Committee for their review and comment.

7. Administration recommends that the specific use regulations for vehicle-oriented uses (e.g. number of queuing spaces required, circulation requirements, etc.) also be amended to align with best practices for any new drive-through vehicle service developments where they may still be permitted (i.e. in I1 Light Industrial zoning district).
8. Any lots that have existing drive-through services within the impacted zoning districts could continue to operate until redeveloped or lapse of the use for more than six months. The current drive-through services and drive-through vehicle services uses within the City include (Attachment 3 and 4):
 - 20 food and beverage services (i.e. fast food and coffee);
 - 6 financial services (i.e. drive-through ATM);
 - 8 car washes (i.e. coin-operated and automated);
 - 3 rapid vehicle services (i.e. oil change); and
 - 1 liquor primary service.
9. Moreover, Administration would complete processing of any drive-through service applications that are in the City's application queue until the amendments are adopted.

C. Attachments:

Attachment 1 – Comparison of Drive-Through Regulations with Neighbouring Communities

Attachment 2 – Map of Zoning Districts that Permit Drive-Throughs

Attachment 3 – Map of Existing Drive-Through Locations

Attachment 4 – Comparison of Zoning Districts to Drive-Through Locations

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject Zoning Bylaw 5000 Amendments – Drive-Through Uses involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Promote transit oriented mixed use development
- Work towards a sustainable Vernon – environmentally, economically and socially
- Encourage sustainable infrastructure, agriculture and landscaping

E. Relevant Policy/Bylaws/Resolutions:

1. At its Regular Meeting of May 9, 2011, Council passed the following resolution:

THAT Council direct staff to draft an OCP amendment bylaw to add the "*City Centre Neighbourhood Plan*" as a supplemental plan to "Official Community Plan Bylaw Number 5151, 2008" (OCP);

AND FURTHER, that Council support associated changes to the OCP that reflect the addition of the City Centre Neighbourhood Plan;

AND FURTHER, that Council support the replacement of the existing "*City of Vernon Façade Design and Colour Guidelines*" with the proposed City Centre Neighbourhood Plan Design Guidelines and policies;

AND FURTHER, that Council amend the OCP "Plan Vernon" Map 1 – Land Use Map to redesignate lands in and adjacent to the City Centre District to reflect the policies and direction provided in City Centre Neighbourhood Plan.

2. Official Community Plan guiding principles:

- Create a culture of sustainability;
- Create strong, compact and complete neighbourhoods;
- Provide alternative transportation; and
- Revitalize the Downtown.

3. Climate Action Plan Goals and Actions:

- Active transportation is the first choice to move around Vernon.
- Enable and support the enhancement of the transit network and alternative mobility options.
- Integrate climate change considerations into economic development planning and decisions.
- Identify means of improving local air quality (e.g. anti-idling bylaw, road dust mitigation).

4. Council's Strategic Plan 2019 – 2022 goals:

- Promote transit oriented mixed use development;
- Work towards a sustainable Vernon – environmentally, economically, and socially; and
- Encourage sustainable infrastructure, agriculture and landscaping.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

x 
Danielle DeVries
Transportation Planner

Approved for submission to Council:


Will Pearce, CAO

Date: 05 Dec 2022

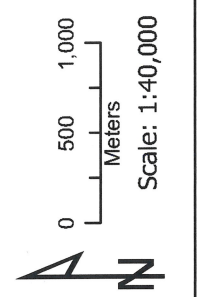
x 
Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|---|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input checked="" type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: | | |
| <input type="checkbox"/> OTHER: | | |

Attachment 1 - Comparison of Drive-Through Regulations with Neighbouring Communities

Municipality	Region	Population (2021 census)	Population Density (#/km2)	Reason for comparator	Drive-Through Uses	If permitted, which zones	Specific Regulations
Vernon	Okanagan	44,519	462	-	Regulated	many commercial, mixed-use	yes, queuing
Kamloops	Thompson	97,902	329	neighbour	Regulated	highway-oriented commercial only	yes, increased queuing
Lake Country	Okanagan	15,817	130	neighbour	Regulated	many commercial, mixed-use	yes, queuing
Kelowna	Okanagan	144,576	682	neighbour	Prohibited	Only with site-specific zoning	yes, increased queuing
West Kelowna	Okanagan	36,078	296	neighbour, similar population	Unregulated	all commercial	none
Summerland	Okanagan	12,042	163	neighbour	Unregulated	all commercial	none
Penticton	Okanagan	36,885	857	neighbour, similar population	Regulated	many commercial, mixed-use	yes, increased queuing
Nelson	Kootenay	11,106	931	neighbour	100% prohibited	none	none
Victoria	Island	91,867	4722	leader	100% prohibited	none	none
Ladysmith	Island	8,990	747	leader	100% prohibited	none	none
Central Saanich	Island	17,385	422	leader, similar density	100% prohibited	none	none
Mission	Fraser Valley	41,519	183	leader, similar population	Regulated	highway-oriented commercial only	yes, increased queuing



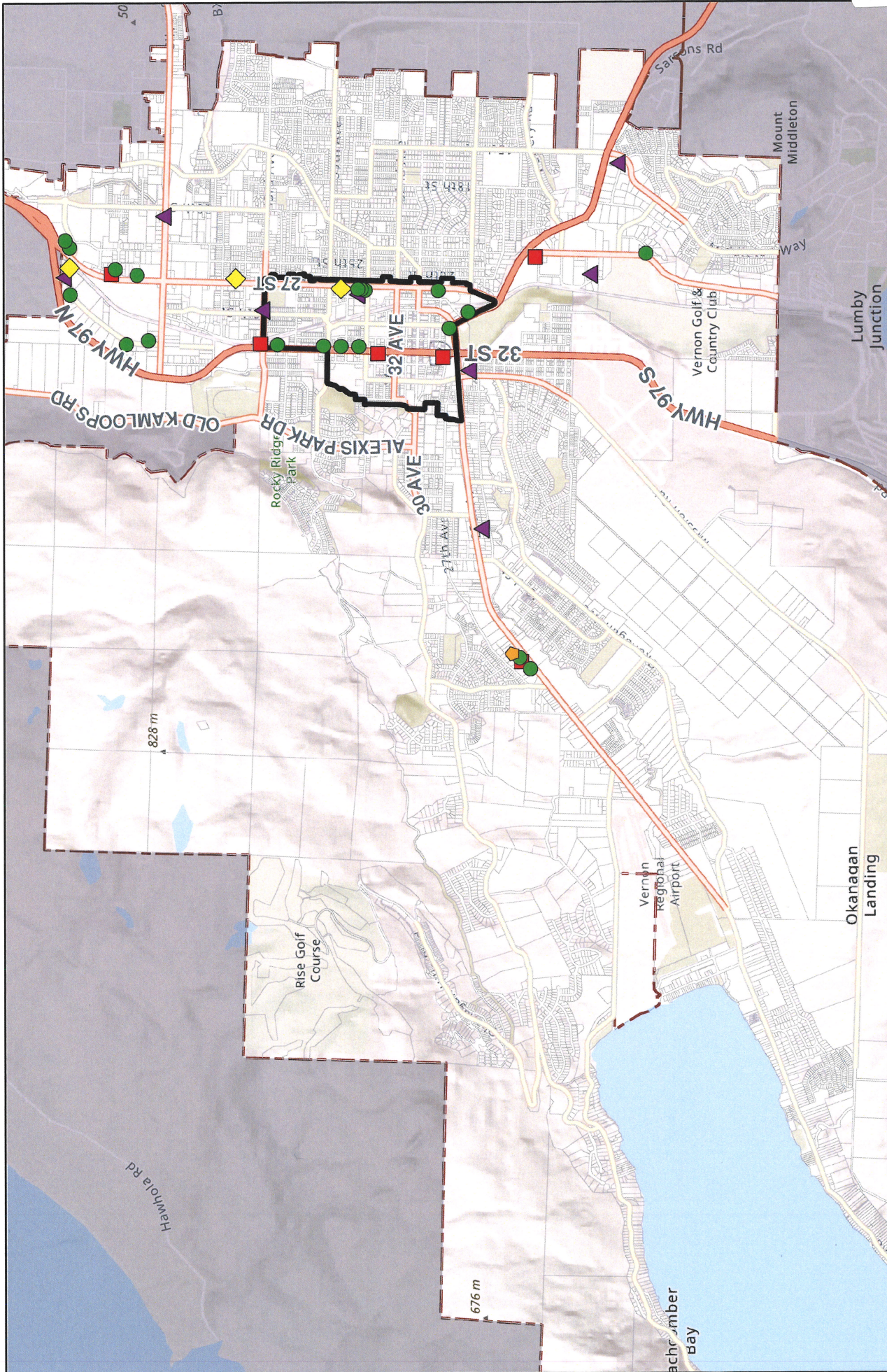
Attachment 2 – Map of Zoning Districts that Permit Drive-Throughs

Legend

- | | | |
|---|----|----------------------------|
|  | C5 | COMMUNITY COMMERCIAL |
|  | C7 | HERITAGE BUSINESS DISTRICT |
|  | C8 | CENTRAL BUSINESS DISTRICT |

- C9 REGIONAL COMMERCIAL
C10 TOURIST COMMERCIAL
C10A TOURIST COMMERCIAL &

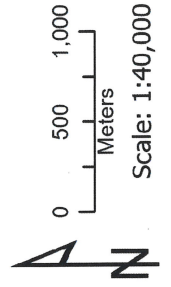
-  C11 SERVICE COMMERCIAL
 CD1 COMPREHENSIVE DEVELOPMENT AREA 1
 I1 LIGHT INDUSTRIAL
 CITY CENTRE DISTRICT



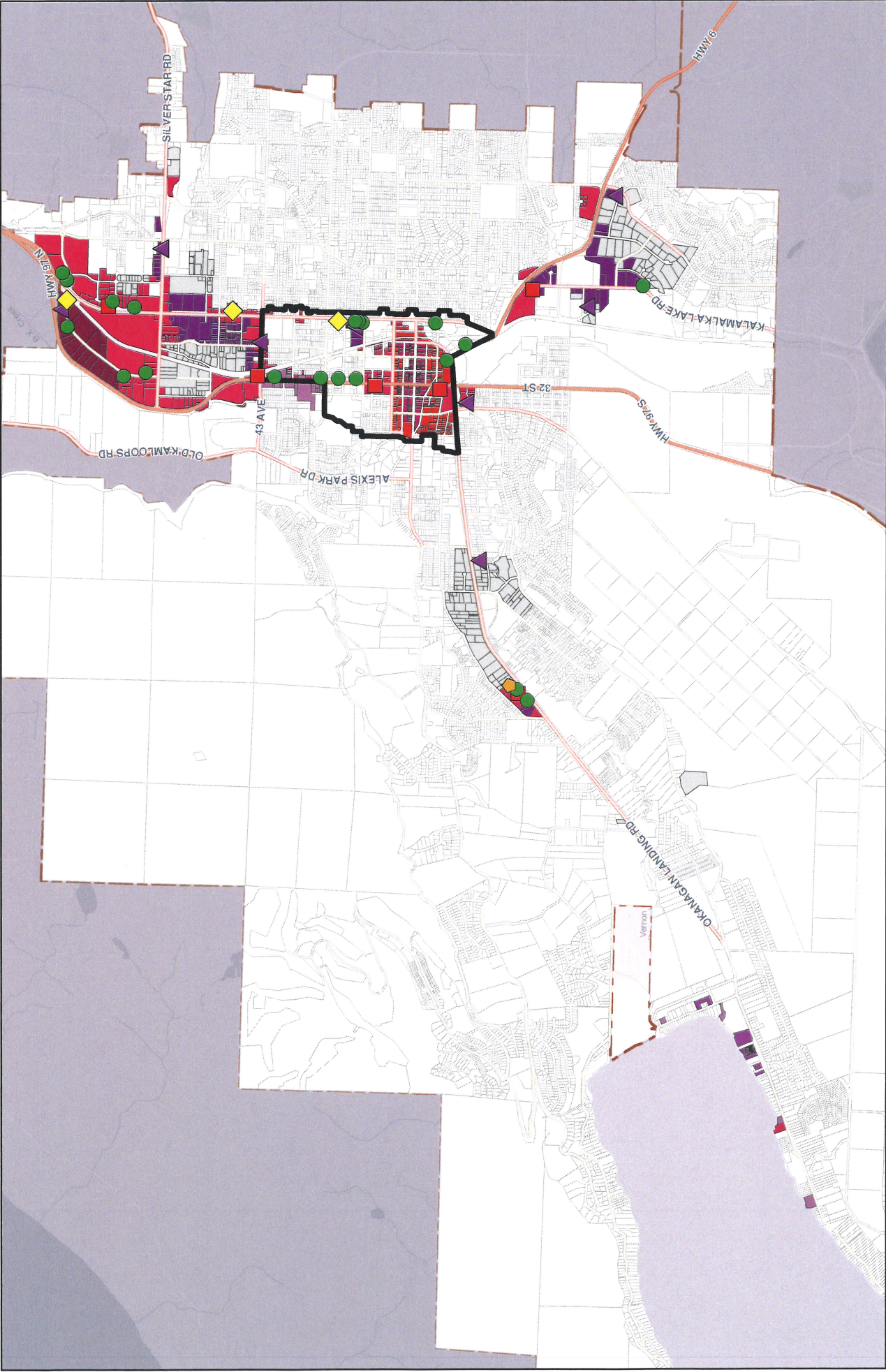
Attachment 3 – Map of Existing Drive-Through Locations

Legend

-  Car Wash
-  Financial Service
-  Food/Beverage
-  Liquor Primary Service
-  Rapid Vehicle Services
-  CITY CENTRE DISTRICT



E:\GMAPPHIC\INFORMATION\SYS\TENS\915 MAPS\19 Transportation\07 Landuse\DriveThrough\Ave7to Document.aprx



Attachment 4 - Comparison of Zoning Districts to Drive-Through Locations

Legend

	Car Wash		C9		CD1
	Financial Service		C10		I1
	Food/Beverage		C10A		CITY CENTRE DISTRICT
	Liquor Primary Service		C11		

Scale: 1:40,000