



TOWN OF COMOX PLANNING REPORT

TO:	Richard Kanigan, Chief Administrative Officer
FROM:	Marvin Kamenz, Municipal Planner
SUBJECT:	Rezoning Application No. RZ 09-2 Drive-thrus
MEETING DATE:	RCM October 21, 2009 3 rd Reading and Adoption


Submitted by

Concurrence


Approval

RECOMMENDATION:

1. That Bylaw No. 1636 (Comox Zoning Amendment No.39, 2009) be given Third Reading (**Attachment 2**).
2. That Bylaw No. 1636 (Comox Zoning Amendment No.39, 2009) be Adopted.

PROPOSAL:

Zoning amendment to permit drive-thrus on all parcels where they currently exist and prohibit drive-thrus on all other parcels.

BACKGROUND:

Drive-thrus currently exist at 1966 Guthrie Road and 727 Anderton Road. A map identifying the location of these two properties is shown in **Attachment 1**. The proposed bylaw permits existing drive-thrus as well as construction of additional drive-thrus on the properties identified in **Attachment 1** and prohibits drive-thrus on all other properties in Comox that are subject to Town of Comox Zoning Bylaw 1377. Any future application proposing drive-thrus on a property subject to Zoning Bylaw 1377 other than those identified in **Attachment 1** will require a rezoning application.

A Public Hearing on RZ 09-2 was held on October 7, 2009. A copy of the minutes of the Public Hearing are included in your October 21, 2009 agenda package.

MK/PM
Schedules: 0

Attachments:
1: Application Summary
2: Bylaw No. 1636

ATTACHMENT 2

TOWN OF COMOX

BYLAW NO. 1636

A BYLAW TO AMEND THE TOWN OF COMOX ZONING BYLAW 1377

WHEREAS Council has the authority under the provisions of the *Local Government Act* to amend the Zoning Bylaws;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title:

This Bylaw may be cited for all purposes as "Comox Zoning Amendment No. 39, 2009".

2. Amendments:

- (a) Section 3.2 (Definitions), Town of Comox, Zoning Bylaw 1377 is amended by adding the following definition:

Drive-Thru Services

A business in which customers order and receive food, services, or retail goods or conduct financial transactions while remaining in their vehicle, but excluding car washes, service stations and gas bars, and facilities providing minor vehicle repair.

- (b) Section 5 (General Regulations), Town of Comox, Zoning Bylaw 1377 is amended as follows:

- i. By adding the following text as Section 5.10 and renumbering accordingly:

Drive-Thru Services and Drive-Thru Restaurants

Drive-Thru Services and Drive-Thru Restaurants are prohibited in all zones except the C3.1 zone.

(c) Section 305.1(11), Town of Comox, Zoning Bylaw 1377 is amended by adding the following use and renumbering accordingly:

(11) Drive-thru services

(d) Section 305.2, Town of Comox, Zoning Bylaw 1377 is amended as follows

i. By adding the following text as Section 305.2(4):

Drive-thru services and drive-thru restaurants shall only be permitted on Lot A Section 77 Comox District Plan VIP86498 and Lot A District Lot 170 Comox District Plan VIP67445

4. Adoption:

READ A FIRST time this	16 th	day of September	,	2009
READ A SECOND time this	16 th	day of September	,	2009
ADVERTISED A FIRST time this	25 th	day of September	,	2009
ADVERTISED A SECOND time this	30 th	day of September	,	2009
PUBLIC HEARING HELD this	7 th	day of October	,	2009
READ A THIRD time this		day of	,	2009
ADOPTED this		day of	,	2009

MAYOR

CORPORATE OFFICER