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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** January 29, 2003  
**File No.:** (3360-20) **TA02-0006**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:** Text Amendment TA02-0006, Revision to the City of Kelowna Zoning Bylaw No. 8000, Section 14.4.2 of the C4 – Town Centre Commercial Zone to add “drive-in food services” as a Permitted Principal Use for properties fronting a provincial highway.

REPORT PREPARED BY: PAUL McVEY

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### 1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by;

1. adding the following permitted use to section 14.4.2 Principal Uses of the C4 – Town Centre Commercial zone;

(j) **drive-in food services**

and renumber subsequent paragraphs to suit.

2. Adding the following condition to section 14.4.6 Other Regulations of the C4 – Town Centre Commercial zone;

(c) **Drive-in food services** shall only be permitted on properties fronting a provincial highway.

and renumber subsequent paragraphs to suit.

AND THAT the Text Amendment bylaw be forwarded to a Public Hearing for further consideration;

### 2.0 BACKGROUND

The previous City of Kelowna zoning Bylaw 4500 permitted a “eating establishments” in a variety of commercial zones. That zone was silent regarding drive-through pick up windows for the associated eating establishment. As a result, there have been a number of restaurants developed in the Urban Town Centres of the city that have drive-through pick-up windows.

In 1998, there was a conscious effort made to create a specific zone for the identified Urban Town Centres of the city with a view to promote a more pedestrian sensitive use. As a result of the adoption of the new City of Kelowna Zoning Bylaw 8000 in 1998, there

were a number of existing restaurants with drive-through pick up windows that became non-conforming uses.

Since the adoption of Zoning Bylaw 8000 in 1998, there have been numerous inquiries to develop new eating establishments with drive through pick up windows in the urban town centres on sites fronting main transportation links, which run through the urban town centre of the City of Kelowna.

Upon review of this situation by City staff, it has become apparent that having Drive-in Food Services is an appropriate use along highway frontage. Proponents of the fast-food industry have indicated that a substantial volume of sales (and income) is from the drive-through window.

### 3.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with the proposed addition of “Drive-in Food Services” as a permitted use in the C4 – Town Centre Commercial zone, as long as the property is located along a provincial highway. The department has had numerous inquiries regarding eating establishments in Town Centres that have drive through pick-up windows.

By limiting the application of ‘**Drive-in Food Services**’ to locations along Provincial highways, the Planning and Development Services Department does not anticipate that this addition will have a substantial impact on the C4 – Town Centre Commercial zone, and seems to be an appropriate addition to the list of permitted uses in the C4 – Town Centre Commercial zone.

Drive-in Food Services are also currently a permitted use in the following zones;

C3 – Community Commercial,  
C6 – Regional Commercial,  
C9 – Tourist Commercial,  
C10 – Service Commercial,

The Planning and Development Services Department supports this application and recommends for positive consideration by City Council.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

PMc/pmc