

FOOD VEHICLE REVIEW:

Zoning By-law Amendment



DRAFT DISCUSSION PAPER
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DRAFT

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1. INTRODUCTION

1.1 Purpose/Background

On July 6, 2015 Council approved the “Business Licence By-law Review – Food Vehicle Schedule and Temporary Food Sales Update” (Report Number PS-15-36). This report recommended an amendment to the Zoning By-law (1995)-14864 to regulate food vehicles on private lands be brought forward for Council’s consideration by Q3 of 2016.

The purpose of this paper is to review the work that has been completed to date on food vehicles in Guelph, review the existing policy framework and review minor variance approvals that have been granted through the Committee of Adjustment. Additionally, a major component of this paper is a review of other municipal practices in order to understand how other municipalities’ are regulating food vehicles and identify best practices. Section 3 of this paper provides a discussion of potential zoning issues to be considered through the Zoning By-law amendment in order to apply appropriate regulation and to ensure alignment between the Zoning By-law and the Business Licensing By-law. It is anticipated that both the Zoning By-law and Business Licensing By-law will be considered by Council in September 2016. The intent of new regulation for food vehicles is to provide flexibility while at the same time mitigating any potential negative impacts and ensuring compatibility with the surrounding area.

This paper presents options for regulating food vehicles on private property and some public property such as parks and City owned lands. These options were developed based on other municipal practices, a review of existing Zoning By-law regulations and minor variances for food vehicles. From these options, preliminary recommendations are presented that provide further planning analysis and justification. Preliminary recommendations of this paper will guide the direction of the Zoning By-law amendment.

In order to align the Zoning By-law and the Business Licensing By-law, an amendment is being proposed. This will create clarity and consistency among City By-laws. The City’s Business Licensing By-law is responsible for regulating the location of food vehicles on *public property* (including the public right-of-way) and the licensing of all food vehicles within the City. A zoning by-law is a tool under the *Planning Act* that contains legally enforceable regulations to control the use of *private property* and some public property such as City owned lands and parks. It has the ability to protect areas from incompatible development and land uses. For example, a zoning by-law regulation can ensure that food vehicles do not block a corner sightline on a property.

Through the preparation of the July 6, 2015 Staff Report, the By-law Compliance, Security and Licensing Department conducted extensive research and community

engagement. This consisted of a review of the food truck industry across North America and all temporary food sales within the City of Guelph and a thorough community engagement plan. As part of the engagement work conducted, City staff formed a working group, which included staff members from By-law, Licensing, Zoning, Fire, Health, Traffic/Parking, Parks, Tourism and Community Engagement. In addition to City Staff, representatives from the United Food Trucks Unlimited (UFTU), Ontario Restaurant Hotel and Motel Association (ORHMA), Downtown Guelph Business Association (DGBA), Farmers' Market vendors and current licensed street vendors were invited to participate in round table discussions to help inform the development of regulation. Public feedback was incorporated into the July 6, 2015 Staff Report and informed the Report's recommendations. These comments have also been taken into consideration in the recommendations of this discussion paper.

1.2 Timelines/Process

Attachment 5 of the July 6, 2015 Staff Report recommended that an amendment to the Zoning By-law to regulate food vehicles be brought forward for Council's consideration in Q3 of 2016.

The project timeline outlined in Figure 1 includes the statutory public process required by the *Planning Act* and anticipates the proposed Zoning By-law amendment will be presented to Council in September 2016.

The majority of community engagement has been conducted through the By-law Compliance, Security and Licensing Department. This paper is being released to the established community working group for review and comment. Comments received will further inform this paper and the preliminary recommendations. In addition, Planning Staff attended a food vehicle stakeholder meeting to present topics of this paper and information regarding the Zoning By-law amendment. This was an opportunity to hear feedback from food vehicle stakeholders.

The draft Zoning By-law amendment will be presented at a public open house on May 17, 2016. Feedback received will be used to revise the draft zoning by-law. A formal public meeting of City Council is planned for July 11, 2016 to meet the formal statutory requirements of the *Planning Act*. This provides an opportunity for individuals to delegate to Council. The Zoning By-law will be further revised as necessary based on feedback received and a recommended Zoning By-law will be presented to Council for consideration.

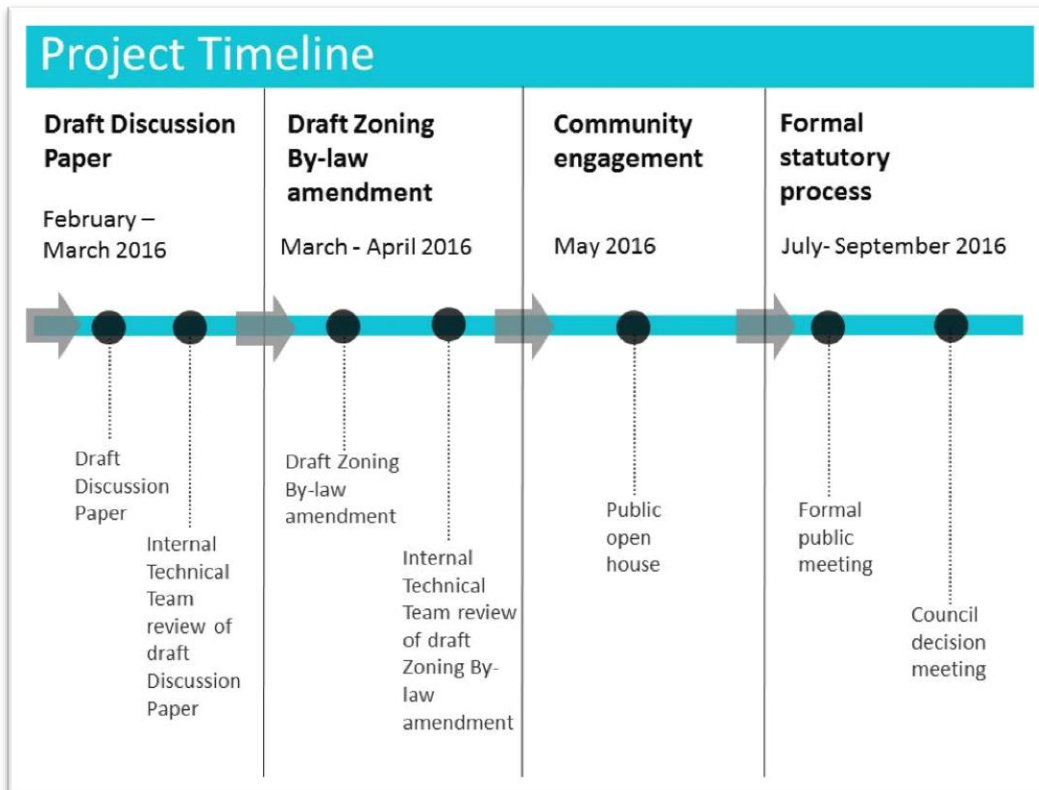


Figure 1: Proposed Project Outline

1.3 Policy Context

1.3.1 Official Plan

The Official Plan (2001) contains general policies related to the economic vitality of Downtown and other commercial and mixed use areas:

- 7.4 c) To promote the continued economic viability, intensification and revitalization of the Central Business District (Downtown) and other existing designated commercial and mixed-use areas.

1.3.2 Zoning By-law

The Zoning By-law does not specifically regulate the use of food vehicles within the City. In the past, the Zoning By-law has been interpreted to not permit food vehicles due to Section 4.22 of the Zoning By-law that regulates “Enclosed Operations.” This section requires that the operations of every commercial or institutional zone use shall be conducted within an enclosed building or structure. This regulation in effect prohibits the food vehicle use in commercial and institutional zones in Guelph.

One specialized zone in the Zoning By-law permits a mobile barbeque facility with a table in the Specialized Service Commercial (SC.1-52) zone (Section 6.4.3.1.52.2.6). No additional regulations are included in the specialized zone related to the mobile barbeque facility.

Existing establishments that would be defined as a food vehicle use within the City have been permitted through applications to the Committee of Adjustment for minor variances to the Zoning By-law.

1.3.3 Minor Variances

The City of Guelph has approved nine minor variances related to food vehicles from the Zoning By-law (see Table 1). Variances have been granted from Section 4.22, Enclosed Operations, of the Zoning By-law.

Conditions have been included by the Committee of Adjustment for all minor variances that have been approved. Generally, the conditions are related to the location of the food facility and related seating on the property.

Minor Variances from Zoning By-law (1995)-14864			
Application Number	Description	Conditions	Comments on Site Plan
A-119/98 10 Woodlawn Rd. E.	Variance from the requirements of Section 4.22 to establish a mobile barbeque facility with table.	<ol style="list-style-type: none"> 1. Mobile barbeque and table operation be limited to the sidewalk area in front of the store. 2. That the proposed mobile barbeque and table not be located in any existing parking space or blocking movement for pedestrians on existing sidewalks or vehicles in existing traffic aisles. 3. That the vendor provide to the City Clerk, proof of inspection by the Fire Chief and the Medical Officer of Health of the barbeque which is to be used by the applicant in the operation, prior to establishment and each and every year thereafter. 	Details about location not specified.
A-114/99 695 Woodlawn Rd. W.	Variance from the requirements of Section 4.22 to permit a hot dog cart.	<ol style="list-style-type: none"> 1. That the hot dog cart be located in the southeast corner of the property, a minimum of 7 metres from the Woodlawn Road property line. 	3 metre setback from front property line.
A-86/05 705 Southgate Dr.	Variance from the requirements of Section 4.22.1 to permit an unenclosed commercial operation (hot dog cart).	<ol style="list-style-type: none"> 1. That the hot dog cart be permitted in the location identified on the site plan submitted by the Planning Division taking up one parking space only. 2. That the mobile food vending truck (hot dog cart) be removed from the subject property each night. 	<p>Details about location not specified.</p> <p>Hot dog cart occupying 2 parking spaces. As built site plan indicates that those 2 parking spaces are in excess of the total spaces required.</p>
A-93/05	Variance from the	<ol style="list-style-type: none"> 1. That the site be brought into site plan 	Proposed mobile

Minor Variances from Zoning By-law (1995)-14864			
Application Number	Description	Conditions	Comments on Site Plan
836 Southgate Dr.	requirements of Section 4.22.1 to permit a mobile BBQ/mobile food preparation vehicle to be allowed to operate in the gravel parking area adjacent to the building.	<p>compliance, to the satisfaction of the City, prior to December 31, 2005.</p> <ol style="list-style-type: none"> That the applicant submit an as-built site plan in accordance with Section 41 of the Planning Act, satisfactory to the Director of Planning and Building Services indicating the location of the mobile barbecue facility. That the unenclosed operation (mobile barbecue facility) be limited to a maximum size of 128 square feet (11.9 square metres). That the power source to the trailer meets the requirement of Guelph Hydro Electric Systems. 	kitchen located 61.3 metres from front property line (Clair Road) and 17.4 metres from the exterior side yard (Southgate Drive).
A-106/07 705 Southgate Dr.	Variance from the requirements of 4.22.1 to permit a mobile food preparation trailer which will occupy one off-street parking space.	<ol style="list-style-type: none"> That the mobile food vending trailer be permitted in the location identified on the site plan included with the application to the satisfaction of the Director of Community Design and Development Services. 	As identified on site plan included with submission.
A-39/10 710 Woolwich St.	Variance from the requirements of Section 4.22.1 to locate a mobile barbecue facility (hot dog cart) on the left side of the building, behind the front wall.	<ol style="list-style-type: none"> The location of a hot dog cart shall be in accordance with the concept plan submitted with this application. The hot dog cart shall not be located on required parking or block the sidewalk to access the front doors. 	Details about location not specified.
A-9/11 40 Willow Rd.	Variance from the requirements of Table 6.1.2- Row 13 and Section 4.22.1 to permit a 1.5 metre by 2.44 metre mobile barbecue facility which will be situate 0.77 metres from the front property line.	<ol style="list-style-type: none"> That the owner keeps the mobile barbecue facility (hot dog cart) approximately 0.77 metres from the front property line and approximately 2.29 metres from the existing driveway entrance as shown in red on the applicant's plan. That the mobile barbecue facility be located outside of the required driveway sightline triangle. That the mobile barbecue facility not obstruct any required parking space. That the mobile barbecue facility be located 0.6 metres from the side lot line. 	0.77 metres from front property line (Willow Road).
A-11/13 1027 Gordon St.	Variance from the requirements of Section 4.22.1 to permit an unenclosed operation (a food preparation and vending vehicle).	<ol style="list-style-type: none"> That the Food Preparation and Vending Vehicle owner (for the business known as Food Man and Culture Boy) apply for and receive a Business Licence from the City of Guelph prior to opening. That the Food Preparation and Vending Vehicle is only permitted on the subject property at the location 	Proposed area for food truck occupying 5 parking spaces. As built site plan indicates that those 5 parking spaces are in excess of the total parking spaces required.

Minor Variances from Zoning By-law (1995)-14864			
Application Number	Description	Conditions	Comments on Site Plan
		<p>specified on the Site Plan approved by Planning Staff.</p> <ol style="list-style-type: none"> 3. That the Food Preparation and Vending Vehicle operates only during specified times (10am-3pm Monday to Saturday). 4. That the Food Preparation and Vending Vehicle does not stay on the subject property overnight. 5. That no seating and/or other amenities are provided for patrons of the Food Preparation and Vending Vehicle; in order to provide such amenities, the applicant would need to go through a formal Site Plan Approval process. 6. That the operator of the Food Preparation and Vending Vehicle provide waste receptacles to be placed upon arrival when the vehicle stops to sell or offer for sale refreshments, and that it be removed together with all of the waste collected in the waste receptacles and accumulates in the surrounding area upon leaving. 7. That parking signs are erected to ensure that the specified location (as per the Site Plan) is not taken up by other vehicles for the use of parking during the hours of operation for the Food Preparation and Vending Vehicle. 8. That other occasional/temporary uses or structures, such as a produce tent, may not operate on the subject property at the same time as the Food Preparation and Vending Vehicle as there is not sufficient parking on site to accommodate further uses. 	Approximately 5 metre setback from front property line (Gordon Street) and 3 metres setback from the exterior side yard.
A-104/14 919 York Rd.	Variances from the requirements of Sections 4.22.1, 4.22.4, and 6.4.3.1.48 to permit a Food Preparation and Vending Vehicle.	<ol style="list-style-type: none"> 1. That the applicant prepare and submit an approved site plan application under Section 41 of the Planning Act to the satisfaction of the General Manager of Planning Services, which includes details on but not limited to: off-street parking, internal traffic circulation, outdoor seating, waste collection, fuel and utility facility location(s), landscaping, and the exterior design of vehicle. 2. That the minor variance be valid for a period of no longer than 3 years from the date of the Committee's decision. 	Details about location not specified.

Table 1: Summary of Minor Variances from Zoning By-law (1995)-14864 related to Food Vehicles

2. OTHER MUNICIPAL PRACTICES

Guelph is among a number of municipalities addressing the licensing and regulation of food vehicles. Food vehicle regulations vary in different municipalities. Most often food vehicles are regulated through the business licensing by-law and include regulations related to permitted zones, the permitted location on a property and the number of food vehicles permitted at one location. Some municipalities have incorporated food vehicle regulations into their zoning by-laws.

A number of municipalities within Ontario, such as Hamilton, Cambridge, Waterloo, etc. were reviewed to understand how other municipalities in Ontario are regulating food vehicles. Municipalities outside of Ontario such as Kamloops, British Columbia and Raleigh, North Carolina were also reviewed as they more specifically regulate food vehicles through their zoning by-laws.

Each municipality has a different way of regulating food vehicles in terms of permitted zones, definitions, permitted location on a property and the number of food vehicles permitted on a property.

Permitted zones:

The review of other municipal practices indicated that food vehicles are generally permitted in commercial zones. In addition, some municipalities permit food vehicles in other zones such as park, industrial, employment and university zones. Other municipalities are more general and permit food vehicles in any zone that permits a restaurant use or a take-out restaurant use. Food vehicles are generally not permitted on private property in residential zones.

Definitions:

Food vehicles are defined in a variety of ways through zoning by-laws or business licensing by-laws. Definitions include: refreshment vehicle (motorized and non-motorized), food truck, stationary refreshment vehicles, food service vehicle, food carts, commercial refreshment vehicle, food truck or trailer, chip hut, refreshment carts, etc.

Location:

The permitted location of food vehicles on private property is specified in some cases, either in the business licensing by-law or the zoning by-law. For example, some regulations require food vehicles to be located within a defined parking area; they cannot be located within drive aisles, a driveway or required parking spaces; and they cannot be located within a sightline triangle. Other municipalities do not regulate the location of food vehicles on private property or the location is left open to the approval of the city's planning department.

Other regulations:

Other food vehicle regulations for private property applied either through the business licensing by-law or the zoning by-law include: the number of food vehicles permitted on a lot; parking requirements; only permitted on a lot with a principle building; separation distance between other food vehicles and restaurants; and, regulation for seating.

3. CITY OF GUELPH ZONING BY-LAW REVIEW

3.1 Definitions

The current definitions in the Zoning By-law related to food vehicles should be revised to ensure there is no conflict between the Zoning By-law definitions and the Business Licensing definitions. This is to ensure compatibility between City by-laws and to ensure there is no conflict in the interpretation and enforcement of both by-laws.

Previously, the Zoning By-law adopted the **Food Preparation and Vending Vehicle** definition through an administrative amendment to the By-law in 2010 to align with the Mobile Food Preparation Vehicle definition defined in the Business Licensing By-law. With changes proposed to the Business Licensing By-law, the Zoning By-law definitions should be reviewed and updated.

Currently the Zoning By-law includes the following food vehicle related terms:

“Chip Wagon” means an immobile vehicle, either mounted on blocks or supported by a conventional wheel, tire and axel system which shall be operated only in conjunction with a Flea Market from which only French fried potatoes, popcorn and non-alcoholic beverages may be sold to the public.

“Food Preparation and Vending Vehicle” means a vehicle in or from which food is prepared and/or provided and shall include a Chip Wagon, mobile barbeque facility, mobile food preparation vehicle, refreshment vehicle, refrigerated bicycle cart, and the like but does not include an itinerant catering truck.

(added through the 2010 Administrative Amendment By-law to match the Business Licensing By-law).

In addition, the City has used a Mobile Barbeque term through minor variance approvals and site specific zoning which does not have a specific definition.

The current Business Licensing definition is:

“Mobile Food Preparation Vehicle” means a vehicle or other itinerant food premises from which food prepared therein is provided for sale or sold and includes an ice cream truck.

The By-law Compliance, Security and Licensing Department are reviewing the Business Licensing By-law to condense similar uses and create clarity in terms of the different types of food vehicles. Proposed new zoning definitions are being reviewed in collaboration with the Business Licensing team. Both By-laws are being amended simultaneously, with the intent to be brought forward to Council together for approval in September 2016.

Proposed Business Licensing Definitions:

“Food Vehicle” means an outdoor wheeled contrivance not permanently affixed to the ground and capable of being moved on a daily basis, from which Food intended for immediate consumption is Provided for Sale or Sold, and includes a motorized, self-propelled vehicle (a “Food Truck”), a vehicle that is not self-propelled, but that can be easily towed (a “Food Trailer”) and a vehicle moved by human exertion (a “Food Cart”).

“Ice Cream Truck” means a Food Truck from which Food specially related to ice cream, frozen desserts or other frozen confections are Provided for Sale or Sold.

“Refreshment Truck” means a Food Truck from which all the Food Provided for Sale or Sold (except beverages) has been pre-packaged.

For the purpose of the Zoning By-law it is recommended that the Food Vehicle definition proposed in the Business Licensing By-law or a similar definition be adopted. The proposed Food Vehicle definition incorporates both an Ice Cream Truck and a Refreshment Truck; therefore it is not recommended that the three terms be defined individually for zoning purposes as it is proposed that the three types of trucks will be subject to the same regulations.

It is recommended that the **Chip Wagon** definition be deleted from the Zoning By-law as it would no longer be relevant and could be categorized as a “Food Vehicle”. It is also recommended that the **Food Preparation and Vending Vehicle** be deleted and replaced by the new proposed Food Vehicle definition.

3.2 Permitted Zones

The intent of the proposed Zoning By-law amendment is to be permissive in nature and allow food vehicles where appropriate in order to reduce additional administration, such as minor variance applications. Food vehicles permitted through the Zoning By-law would also be subject to the regulations of the Business Licensing By-law and would be required to have property owner/manager permission.

Generally, the proposed Zoning By-law approach is to permit food vehicles where a **Restaurant** and/or **Restaurant (take-out)** use is permitted. This includes the following zones:

- Convenience Commercial (C.1)
- Neighbourhood Shopping Centre (NC)
- Community Shopping Centre (CC)
- Regional Shopping Centre (RC)
- Central Business District 1 (CBD.1)
- Central Business District 2 (CBD.2)
- Service Commercial (SC.1)
- Service Commercial (SC.2)
- Commercial-Residential (CR)
- Industrial (B.3) Malls
- Industrial (B.4) Malls

Stakeholder engagement conducted through the By-law Compliance, Security and Licensing Department identified a desire to permit food vehicles in industrial zones. Therefore, it is recommended that the Industrial B.1, B.2, B.3, B.4 and B.5 zones also be amended to permit the use of food vehicles as they are considered to be a compatible use that would provide additional amenities to these zones.

Through conversations with Parks Operations Staff, it has been determined that food vehicles could be permitted in the following park zones: Community Park (P.3), Regional Park (P.4) and Commercial Recreation Park (P.5) zones as concession stands are permitted in these zones. Guidelines for the regulation of food vehicles in park zones are also proposed to be developed by City Parks staff to further regulate the use.

Community engagement conducted through By-law Compliance, Security and Licensing also indicated that there is an interest in permitting food vehicles on school and place of worship properties. The Business Licensing By-law does not permit ice cream trucks within 100 metres of any park, school, place of worship or hospital (on private property or on street). The intent of this regulation is to ensure that ice cream trucks are not parked outside of schools and other institutional uses on a daily basis. This regulation includes an exception to the 100 metre separation distance, where the owner of the affected park, school, place of worship or hospital has given written permission for the mobile vehicle to operate within 100 metres. The intent of the Zoning By-law is to be permissive in its approach and permit food vehicles within institutional zones (I.1, I.2 and I.3). Food vehicles are required to be in compliance with the Business Licensing By-law and have permission from the property owner/manager in order to locate on these institutional properties and other private property within the 100 metres. Allowing food vehicles in institutional zones will prevent the need to obtain a minor variance to the Zoning By-law in cases where the City and the property owner/manager have granted permission for food vehicles to operate on the property.

In addition, it is proposed that food vehicles will be permitted in specialized zones of the zones listed above that refer to the parent zone for a list of permitted uses or

specialized zones that permit a restaurant or take-out restaurant use. Permitting food trucks in specialized zones that have a specific list of permitted uses that do not include a restaurant or take-out restaurant isn't being recommended at this time. The intent of each specialized zone would need to be further investigated and this would be better addressed through the comprehensive review of the Zoning By-law.

It is not recommended that food vehicles be permitted on private property in residential zones as it is not a compatible use and restaurant uses are not permitted in these zones. Furthermore, section 4.13.7.5 of the Zoning By-law regulates commercial vehicles in residential zones. Commercial vehicles are not permitted on private property in residential zones when they exceed a gross weight of 3,000 kilograms, exceed a height of 2.6 metres and have an overall length greater than 6 metres. Permitting food vehicles in residential zones would create conflict with existing Zoning By-law regulations.

Based on feedback received through community engagement initiatives recorded in the July 6, 2015 Staff Report (PS-15-36) and a review of other municipal practices, it has been determined that permitting food vehicles in the proposed zones listed above would be consistent with other municipal practices and would be compatible with the existing uses in these zones.

More detailed regulations specific to the location of food vehicles on private property, the number of food vehicles permitted, parking and buffer areas will be discussed further in the next chapter. This type of additional regulation could further mitigate any concerns of incompatibility with adjacent land uses.

3.3 General Provisions

It is recommended that a new sub-section be created under Section 4: General Provisions of the Zoning By-law to regulate the use of food vehicles. Food vehicle regulations established in the Zoning By-law would apply to all types of food vehicles.

Each section below will present zoning options and provide preliminary recommendations for addressing issues. Zoning options have been developed based on other municipal practices and a review of the current Zoning By-law and minor variance decisions. Each preliminary recommendation includes a planning rationale for the direction recommended.

Recommended regulations for food vehicles shall be applicable to Commercial, Institutional and Industrial zones. Food vehicles in Park zones will be regulated by guidelines developed by the Parks Operations and Forestry division.

3.3.1 Location of Food Vehicles on Private Property

The Zoning By-law could place restrictions on the location that a food vehicle could park/be placed on private property. In general, it would be beneficial to ensure the placement of food vehicles does not impact the flow of vehicular or pedestrian traffic entering or leaving a parking lot and blocking accessible pathways/walkways or cause any safety issues related to sightlines, fire routes and emergency service access.

Options:

- Require food vehicles to comply with Section 4.22.2 and 4.22.4 of the current Zoning By-law (Regulations for outdoor sales and display area- 3 metre setback from street line) and Section 4.6 (sightlines of the current Zoning By-law).
- Only permit food vehicles on lots with other uses/buildings (i.e. not on vacant lots).
- Require food vehicles to locate in a defined parking space, unless otherwise approved pursuant to the Site Plan Control provisions of the *Planning Act*.
- Not allow food vehicles to occupy any required off-street parking spaces for all of the uses situated on the lot.
- Not allow food vehicles to occupy accessible parking spaces.
- Require setbacks from buildings and/or property lines for the placement/parking of food vehicles.

Preliminary Recommendation:

It is recommended that food vehicles only be permitted to occupy a defined parking space, unless otherwise approved pursuant to the Site Plan Control provisions of the *Planning Act*. This provision would ensure that food vehicles do not block driveways, drive aisles, emergency routes, loading spaces, pedestrian and accessible walkways, required landscape buffers, etc. In cases where a food vehicle cannot locate within a defined parking space, an application for Site Plan approval (S. 41 of the *Planning Act* or successor) is recommended to be required to ensure that the placement of the food vehicle is appropriate on the site and does not obstruct the flow of pedestrian or vehicular traffic.

In the case of a special event, food vehicles could be exempt from the location requirements of the Zoning By-law, but must be located in accordance with the special events permit.

Food vehicles should not be permitted to occupy any accessible parking spaces.

In addition, it is recommended that food vehicles be required to comply with sightline regulations under Section 4.6 of the current Zoning By-law.

It is not recommended that additional parking be required in order for a property to accommodate a food vehicle. A food vehicle is temporary in nature and is not intended to occupy a parking space indefinitely. It is anticipated that a food vehicle will be parked on a site for a short amount of time during the day.

It is also not recommended that food vehicles have additional setbacks from buildings and/or property lines. Food vehicles will be located within defined parking spaces on commercial, institutional and industrial sites or within a location delineated on an approved site plan. This will ensure they do not block pedestrian or vehicular traffic.

3.3.2 Number of Food Vehicles permitted on Private Property

The number of food vehicles permitted on private property at one time is regulated in some municipalities. For example, Milton only permits 1 food vehicle per location. Other municipalities regulate the number based on the size of the property. The majority of municipalities remain silent on this issue.

Options:

- Regulate the number of food vehicles based on the size of the property.
- Do not regulate the number of food vehicles permitted on private property.

Preliminary Recommendation:

It is not recommended that the number of food vehicles permitted on a property be regulated at this time. It is anticipated that the number of food vehicles will naturally be regulated by the market (property owners/managers), who will determine if a site can accommodate food vehicles based on their parking demand and availability.

This issue can be monitored over time to see if a regulation is required in the future.

3.3.3 Parking Requirements

The Zoning By-law outlines the required number of parking spaces on a property based on the type of use. The By-law can include additional parking space requirements for food vehicles on private property. This type of regulation would ensure that adequate

parking is available and the required parking for the primary use isn't being occupied by the food vehicle and its patrons.

Options:

- Require additional parking for food vehicles.
- Do not require additional parking for food vehicles above that required for the site.

Preliminary Recommendation:

It is not recommended that additional parking above what is required on the site for the existing use be provided to accommodate the food vehicle use. Food vehicles are considered accessory to the existing use and are temporary in nature. It is not anticipated that food vehicles will generate additional parking demand than that of the current use. For example, a food vehicle parking on an Industrial property over lunchtime is expected to draw business from the employees already on site. It is not expected that people would drive to the industrial site to get lunch. In addition, it is expected that a food vehicle in a commercial parking lot would generate a quick turnover in occupied parking spaces from patrons visiting both the commercial use and the food truck.

3.3.4 Setbacks to Surrounding Sensitive Land Uses/ Buffers

One purpose of a zoning by-law is to ensure land use compatibility. A zoning by-law can utilize additional regulations to ensure that food vehicles are not placed close to the property line of an incompatible use, i.e. a residential property.

Options:

- Require a separation distance from surrounding sensitive uses, i.e. residential zones.
- Require a setback from property lines and/or buildings.
- Do not regulate additional setbacks from property lines and/or buildings.

Preliminary Recommendation:

A setback regulation for food vehicles on commercial and industrial properties, including a separation distance from surrounding sensitive uses, i.e. residential zones, is not recommended to be implemented in the Zoning By-law.

Commercial, industrial and institutional zones are required to provide buffer strips when abutting sensitive land uses including Residential, Institutional, Park, and Wetland zones in the current Zoning By-law. A buffer strip is defined as a land area used to visibly separate one use from another use or to shield or block noise, lights, or other nuisance. The existing required buffer strip is considered adequate for the separation of food vehicles from other sensitive land uses.

4. Conclusion

A zoning by-law amendment to permit the use of food vehicles on lands zoned Commercial (C.1, NC, CC, RC, CBD.1, CBD.2, SC.1, CR), Industrial (B.1, B.2, B.3, B.4, B.5), Park (P.3, P.4, P.5) and Institutional (I.1, I.2, I.3) would implement the recommendations of the July 6, 2015 By-law Compliance, Security and Licensing Staff Report and make it more accessible for food vehicle operators to do business within the City.

It is recommended that the definitions related to food vehicle uses in the Zoning By-law be updated to align with the new Business Licensing By-law. This will ensure consistency in interpretation and enforcement of regulations for food vehicles in the City. Additional zoning by-law regulations are recommended to ensure that food vehicles are located in appropriate zones and situated on sites to ensure that they do not block vehicular and pedestrian flow and sightlines to ensure all safety components are maintained on a site.