

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Kristina Brcic, Team Leader – Development Approvals

Date: May 23, 2023

Subject: Zoning By-law Amendment File ZBA-02-2023 initiated by Lakeshore regarding Refreshment Vehicles

Recommendation

Approve Zoning By-law Amendment Application ZBA-02-2023 (Zoning By-law 2-2012, as amended), to remove the definition of 'Food Cart', to add a definition of Refreshment Vehicle and add a restriction on the length of time a refreshment vehicle can be in a residential zone in the Lakeshore Zoning By-law 2-2012; and

Direct the Clerk to read By-law 54-2023 during the Consideration of By-laws, all as presented at the June 13, 2023 Council meeting.

Background

At the August 9, 2022 Council meeting, Council directed Administration to prepare a report allowing food trucks to operate in the Municipality of Lakeshore.

At the April 4, 2023 meeting of Council, Administration was directed to prepare a report to permit the use of 'Food Carts' on all private property. A "temporary time limit" was requested for Food Cart use on private property in residential zones as set out below:

"Direct Administration to prepare a report regarding the regulation of food vehicles as described in **Option 3 (to amend the Zoning By-law to permit food trucks on all private property with temporary use permitted on residential property only)**, all of which is further described in the report presented April 4, 2023."

Zoning By-law Amendment (ZBA-02-2023) is a proposed housekeeping amendment to remove the definition of 'Food Cart' from the Lakeshore Zoning By-law 2-2012.

FOOD CART – shall mean a non-motorized/motorized vehicle from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public. Shall include but is not limited to push carts, wheeled vehicles, or similar vehicle excluding catering trucks.

Currently, the Zoning By-law defines a “Food Cart” but does not permit them in any zone. This has the effect of not permitting Food Carts anywhere in the municipality.

In addition to the Zoning By-law, food vehicles are prohibited under By-law 86-2002, Being a By-law Prohibiting Sales by Retail in Highways or on Other Public Property. By-law 86-2002 prohibits the sale of any materials or goods by retail on any highway or public property, with the exception of:

- a) a farmer or market gardener selling goods produced by them;
- b) any festivals or public entertainment sanctioned by the Municipality;
- c) fundraising or not-for-profit endeavors conducted by charitable organizations or businesses that have received prior approval by Council; and
- d) ice-cream bar retail vending operation for sales conducted from a pedal-type ice-cream cart.

The proposed Zoning By-law Amendment will not repeal By-law 86-2002, nor will it expand uses onto public property.

Comments

Provincial Policy Statement (PPS) and County of Essex Official Plan

There are no issues of provincial or County significance raised by the proposed housekeeping amendment.

Municipality of Lakeshore Official Plan

The Municipality of Lakeshore Official Plan does not speak to regulation of Food Carts. Therefore, there are no issues raised by the proposed housekeeping amendment.

Lakeshore Zoning By-law 2-2012, as Amended

The Municipality of Lakeshore has proposed an amendment as a result of Council’s direction to introduce a Zoning By-law Amendment to permit ‘food trucks’. As such, the Community Planning Division is proposing the removal of the definition of ‘food carts’ from the Lakeshore Zoning By-law.

Currently, the Lakeshore Zoning By-law only contains a definition for Food Carts. No additional regulations regarding the use of Food Carts within Lakeshore are included. As such, they are not permitted in any zones within Lakeshore.

The definition to be removed is detailed below:

90. FOOD CART – shall mean a non-motorized/motorized vehicle from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public.

Shall include but is not limited to push carts, wheeled vehicles, or similar vehicle excluding catering trucks.

A definition will be added as follows:

1. Section 4.0 Definitions, the term 'REFRESHMENT VEHICLE' is added, between 'REFRESHMENT ROOM' and 'RESOURCE EXTRACTION OPERATION' in that the subsequent definition be renumbered, and shall read:

REFRESHMENT VEHICLE - also commonly known as a Food Truck, shall mean any *Vehicle* or *Trailer* from which food stuffs and/or refreshments are prepared and/or sold for consumption to the public, in accordance with the provisions of Section 6.46.1 of this By-law.

In order to implement the Council direction to implement permit food trucks on all private property with temporary use permitted on residential property only, the following Section will be inserted into the Zoning By-law:

Section 6.0 General Provisions, 'Section 6.46.1 Refreshment Vehicle' is added following Section 6.46 Recreational Vehicle and Utility Trailer Storage and shall read:

6.46.1 Refreshment Vehicle

No Person shall operate a *Refreshment Vehicle* in a residential zone, unless:

- a) The *Refreshment Vehicle* is servicing a private event on private property, with the consent of the property owner, for a period no longer than twenty-four (24) hours.

As the effect of the Amendment will be to permit the operation of Refreshment Vehicles this summer, Administration will monitor the impact and bring a report to Council to advise of any issues. If required, recommendations will be made on using updated regulations and definitions in a stand-alone Refreshment Vehicle By-law. As well, licensing and enforcement considerations will be reviewed.

Financial Impacts

There are no financial impacts as a result of this amendment. There could be increased demand for By-law resources to enforce this amendment which may impact future resourcing and service levels in that area.

Report Approval Details

Document Title:	ZBA-02-2023 Housekeeping Amendment - Remove Food Cart Definition.docx
Attachments:	
Final Approval Date:	Jun 7, 2023

This report and all of its attachments were approved and signed as outlined below:

Prepared by Kristina Brcic

Submitted by Ryan Donally and Tammie Ryall

Approved by Krystal Kalbol, Justin Rousseau and Truper McBride