



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 6, 2014
SUBJECT/REPORT NO:	Food Trucks on Private Property, Places of Worship, Schools and Industrial Zones (PED12085(c)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kelly Barnett (905) 546-2424 Ext. 1344
SUBMITTED BY:	Neil Everson Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That Schedule 6, Food Service Vehicles – Class B, of the Business Licensing By-law No. 07-170, be amended to relax the regulations respecting Food Service Vehicles as follows:
 - (i) To permit Food Service Vehicles to operate on private properties for places of worship for fundraising efforts and schools for fundraising and special events no more than ten days in a calendar year;
 - (ii) To permit Food Service Vehicles to operate within Industrial Business Parks and industrial zoned areas provided there is a 30 m separation from residential uses;
- (b) To clarify that Food Service Vehicles are only permitted to operate on private property where the zoning permits a restaurant (except in institutional and industrial areas as per recommendations (i) and (ii) of Report PED12085(c));
- (c) To prohibit Food Service Vehicles on private property within 100 m of a Special Event Advisory Team event;
- (d) That in accordance with Recommendations (a), (b) and (c) of Report PED12085(c), the proposed By-law attached as Appendix “A” to Report PED12085(c) which amends Schedule 6, Food Service Vehicles – Class B, of the Business Licensing By-law, and which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

This Report responds to the recent Planning Committee and Council direction to report on the regulations affecting Food Service Vehicles with a purpose to accommodate fundraising initiatives on private properties, institutional uses and to permit Food Service Vehicles to operate in industrial areas.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND

Planning Committee at the February 18, 2014 meeting approved the following motion by Councillor Lloyd Ferguson:

“(i) Food Trucks on Private Property

- (a) That staff be directed to report back to the Planning Committee with respect to all regulations and affecting Food Trucks located on private property;
- (b) That staff be directed to use discretion in enforcing the Food Truck Licensing requirements respecting zoning until the requested report is considered by Committee and City Council.”

In discussing the matter at Committee, and further at City Council on February 26, 2014, the discussion related to reviewing the regulations with a purpose to facilitate fundraising initiatives for churches and schools and to facilitate Food Service Vehicle operations in Industrial Business Parks and Industrial zoned areas.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report. Due to the time constraints of reporting back to Planning Committee, no stakeholder consultation was undertaken.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Food Service Vehicles are currently regulated by Schedule 6 (Food Service Vehicles) of the Licensing By-law No. 07-170 in addition to the Zoning By-law No. 05-200 which regulates permitted uses within the City of Hamilton.

Requests are regularly received from places of worship and schools that want Food Service Vehicles to operate on their properties for fundraising purposes and special events. However, in most cases the properties are not zoned to permit a restaurant use such that Food Service Vehicles are not permitted.

Also, Food Service Vehicles are known to operate in industrial areas where there are little if any concerns about their operation. However, again, these industrial areas are not zoned to permit a restaurant use.

In accordance with the recent Committee/Council directive, staff recommends amending Schedule 6 of the By-law as follows:

- (1) to permit Food Service Vehicles to operate on a private property used as a place of worship for fundraising or a school for fundraising and special events no more than ten days in a calendar year; and,
- (2) to permit Food Service Vehicles to operate on road allowance and private property within industrial zones provided there is a 30 m separation from residential use.

While the above amendments will relax the regulations with respect to Food Service Vehicle operations, the location of any Food Service Vehicle will still be subject to all by-law requirements related to traffic and pedestrian safety. Limiting the number of occurrences per calendar year to ten days lessens the impact on adjacent uses, particularly residential uses, where no restaurant use is allowed on the property, balancing the interests of the institutions and their neighbours.

In reviewing the regulations, staff find it necessary to clarify that Food Service Vehicles are only permitted to operate on private property where the zoning permits a restaurant (exceptions being (1) and (2) as noted above).

Further, in accordance with previous Council direction, and the staff commitment to undertake a one-year review of Schedule 6, staff is continuing to investigate and consult with affected stakeholders with a view to implementing a permit parking system for Food Service Vehicles to operate at prescribed locations on City streets. However, to date staff have not received feedback on possible locations and believe that there is a shift in stakeholder focus with the implementation of the recently approved Park Permit Program and opportunities for them to participate at Special Event Advisory Team (SEAT) approved events.

Finally, there have been concerns related to Food Service Vehicles operating on private property in close proximity to SEAT events such that outside businesses are capitalizing on such events. While the By-law currently prohibits Food Service Vehicles within 100 m of a SEAT event on a roadway, there are no such restrictions for private property. Therefore, staff recommends that the current 100 m roadway restriction also apply on private property.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED12085(c) – Amending By-law

KB/MH/dt