



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** COW-Operations\_Planning\_and\_Development\_Services  
**Meeting Date:** July 2, 2024  
**Report Number:** PDS.24.097  
**Title:** Zoning Requirements for Food Trucks  
**Prepared by:** Shawn Postma, Manager of Community Planning

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### A. Recommendations

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THAT Council receive Staff Report PDS.24.097, entitled “Zoning Requirements for Food Trucks”

AND THAT Council direct staff to include a Town Wide Zoning By-law Amendment for Food Trucks as part of a Future Comprehensive Zoning By-law Amendment Update (2025)

### B. Overview

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The purpose of this report is to provide Council with an update on a June 3 Deputation regarding Food Trucks, as well as providing background information on existing Zoning By-law permissions, previous consideration for Food Trucks in 2021, and go-forward options for Council to consider.

### C. Background

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On June 3, 2024 Council heard a deputation from Sean Kelly, owner of Black Angus Meats, an existing retail store and business in the Town of The Blue Mountains that has relocated from Lora Bay to Craigeith and now to 199 King Street East in Thornbury.

Mr. Kelly has indicated that he has been operating a Food Truck since 2010, has been in and out of service, and has been using the Food Truck for catering and to support instore sales. Health Unit approvals are in place and have been confirmed by the Town.

The deputation was sparked in part from multiple active by-law infractions that are on the property relating to the Sign By-law infractions, storage of Shipping Containers on site, and the Operation of a Refreshment Vehicle (Food Truck). The By-law Enforcement matters remain unresolved at this time.

Council passed a motion to receive for information the deputation of Sean Kelly, Black Angus Meats, and then directed Staff “to bring a staff report in regards to the zoning requirements and food truck locations within the Town of The Blue Mountains.”

The purpose of this report is to provide an overview of the Zoning By-law requirements for food trucks, history of previous Council consideration on food trucks, and to present options for Council consideration.

## **D. Analysis**

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### ***Zoning By-law 2018-65***

The Blue Mountains Zoning By-law 2018-65 controls all development within the Town by setting out what land can be used for (permitted uses), and setting out lot development requirements such as where buildings and structures can be located, minimum/maximum lot sizes, dimensions coverage, property setbacks, parking requirements, building heights and other controls.

The Lands at 199 King Street East are zoned General Commercial 'C1'. This zone provides for a wide range of permitted uses from retail stores, office space, restaurants, art galleries, fitness centres, banks, hotels/motels, and other uses. The 'C1' zone applies to most of the highway 26 corridor through Thornbury as well as downtown Clarksburg.

Food Trucks are not included as a permitted use in the General Commercial 'C1' Zone and are therefore a prohibited use on lands zoned 'C1'.

Food Trucks are not permitted in any other zone, and are therefore generally prohibited within the municipality, save and except for certain town owned lands described below.

In order to permit a Food Truck on private property a Property Owner would be required to submit a Zoning By-law Amendment and proceed through a public process and obtain Council approvals. It is noted that this process can take 3 to 6 months to complete and is subject to application forms, fees and completion of supporting materials such as justification, site plan drawings, and other site specific materials that may be identified.

### ***Town Consideration of Food Trucks***

In June 2021 Planning Staff presented [Staff Report PDS.21.065](#) to Council to initiate a public engagement process and to consider a Zoning By-law Amendment to allow refreshment vehicles (food trucks) on certain Town owned lands for a temporary basis. The report was presented in response to increasing requests to establish food trucks within the Town. In May 2022 Council considered Recommendation [Staff Report PDS.22.053](#) and enacted two Zoning By-law Amendments:

By-law 2022-40:

Allows for a Refreshment Vehicle on a permanent basis at:  
Beaver Valley Community Centre - 58 Alfred Street West  
Moreau Park - 76 Victoria Street South & 128 Alfred Street West

By-law 2022-41

Allows for a Refreshment Vehicle on a temporary (3 year) basis at:

Northwinds Beach - 209605 Highway 26  
Lion's Park - 118 Lion's Park Lane  
Little River Beach - 4 Harbour Street  
Tomahawk Recreation Complex - 417230 10th Line

A *Refreshment Vehicle* is defined as: any motor vehicle, trailer, cart or similar vehicle or device used to serve food for consumption. For the purposes of this definition, motor vehicle shall not include an unassisted bicycle or tricycle operated by a single rider.

Refreshment Vehicles permitted on a permanent basis were considered appropriate due to the number of events held at the BVCC and Moreau Park. Food Trucks are permitted at anytime and are generally brought in for large events such as the Fall Fair. Refreshment Vehicles permitted on a temporary basis were considered as part of a 'pilot project' to gauge the impact and desirability of Food Trucks within the Town.

Following the enactment of the above By-law, Town Staff initiated a Request for Quotations (RFQ) process to seek out interested bidders who wish to establish a seasonal Food Truck on the Town Owned Lands. The RFQ set out minimum bid requirements including a minimum bid of \$1000 per property, and requirements for insurance, health unit approvals, and other matters.

As a result, no bids were received in 2022. The Town issued a new RFQ in 2023 and again no bids were received. The Town issued a final RFQ in early 2024 with one bid received, however the bid is not yet compliant on the minimum bid requirements, and it is not clear if this Food Truck will operate in 2024. Town Staff has not fully evaluated the impact and desirability of Food Trucks within the community, however it is evident that the pilot project to permit Food Trucks on Town Owned lands were not successful.

By-law 2022-41 is set to expire in May 2025, after which time Food Trucks will no longer be permitted on certain Town Owned Lands. Food Trucks will continue to be permitted at BVCC and Moreau Park.

### ***Council Options***

Based on the above commentary, Planning Staff have identified the following options available to Council:

1. Status Quo.

Food Trucks will continue to be permitted only on certain Town Owned Lands, with a majority of those lands becoming unavailable after May 2025. After that date Food Trucks will generally be prohibited within the municipality and only permitted at BVCC and Moreau Park. Staff can provide a further update on the success of the 'pilot project' after the summer season concludes.

In relation to the deputation on this matter, the status quo requires the Owner to complete a Zoning By-law Amendment package to the Town. It is noted that the required pre-consultation application has been completed and the minimum application requirements have been identified. The Owner would be required to submit the required information and fees, participate in the Public Meeting, and receive a decision of Council. It is noted that Council cannot direct an owner to submit a Planning Application, and that the Owner has the right and ability to submit an application at any time.

2. Consider a Town Wide Zoning By-law Amendment for Food Trucks

This option would be Town led and will require Town resources to complete. The Town can initiate the application process, lead the public engagement portion, and develop a recommendation report to Council. As part of this process, Town Staff will be required to develop a terms of reference for the project that may include a review of other community By-laws, leading practices, lessons learned, and other matters. The timing and complexity of this project will need to be reviewed in further detail to confirm when and how this project can be completed.

3. Consider a Town Wide Zoning By-law Amendment for Food Trucks as part of a Future Comprehensive Zoning By-law Amendment Update (2025)

Town Staff will be preparing a comprehensive update to Zoning By-law 2018-65 following the completion of the Official Plan 5-Year review. The primary purpose of this update is to ensure that the Zoning By-law remains relevant to the updated Official Plan, and to bring other areas of the Zoning By-law up to date with current issues. As part of this process, provisions for Food Trucks across the municipality can be developed and presented as part of the overall update.

***Owner Options***

The owner of 199 King Street East also has a number of options available:

1. Consider a Site Specific Zoning By-law Amendment at 199 King Street East as identified in Option #1 above.
2. Remove the Food Truck and consider an expansion or make internal renovations to the existing building and offer food sales within the main building.
3. Remove the Food Truck from the site to bring the site more into compliance with the Zoning By-law.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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No adverse impacts anticipated as a result of this Staff Report

## **G. Financial Impacts**

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Costs associated with By-law Enforcement remain on-going.

Costs associated with a Town Initiated Zoning By-law Amendment are estimated at \$23,000.

Costs associated with a Town Initiated Zoning By-law Amendment as part of the comprehensive Zoning By-law update are estimated at \$10,000.

Costs associated with a privately initiated Zoning By-law Amendment are recovered through application fees with the Owner also responsible for the preparation of supporting materials.

## **H. In Consultation With**

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By-law Enforcement Staff

Community Services Staff

Planning Services Staff

Adam Smith, Director of Planning and Development Services

## **I. Public Engagement**

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The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required.

However, any comments regarding this report should be submitted to Shawn Postma,  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

## **J. Attached**

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1. Nil

Respectfully submitted,

Shawn Postma  
Manager of Community Planning

For more information, please contact:  
Shawn Postma, Manager of Community Planning  
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**Report Approval Details**

Document Title:	PDS.24.097 Zoning Requirements for Food Trucks.docx
Attachments:	
Final Approval Date:	Jun 20, 2024

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

**Adam Smith - Jun 20, 2024 - 8:47 PM**