

COMMITTEE OF THE WHOLE REPORT

AGENDA  
COUNCIL  
MAY 20 2009  
DATE

late item  
(Report)

May 19, 2009

**REPORT TO:** F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER  
**FROM:** G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING  
**SUBJECT:** CONSIDERATION OF A ZONING BYLAW AMENDMENT  
TO PERMIT FOOD CONCESSION TRAILERS

---

**Issue:**

Consideration of a zoning bylaw amendment to permit food concession trailers.

**Executive Summary:**

The City has received a request to eliminate the prohibition on a use located in part or in total within a trailer in order to permit a food concession trailer within the industrial park.

**Background:**

Mr. Robert Laframboise (Hot Dog Bob) made a presentation to the Committee of the Whole at the meeting that was held Monday, May 11, 2009 requesting that the City amend its bylaw to discontinue the general prohibition on conducting uses within a trailer in the industrial park. The request was made in order to allow Mr. Laframboise to operate a take-out food service from a modified recreational vehicle trailer within the industrial park, likely on the Share-Kare Feed and Pet Supplies property at 1200 Franklin's Gull Way.

The prohibition on uses located within a tent or trailer is contained within Section 604 of the Zoning and Development Bylaw, 1994, No. 2000. The current prohibition prevents any food concession services from operating anywhere within the City from either a tent or trailer.

The precise origin of the prohibition is not entirely known. It is believed that it may have been enacted in order to prohibit the use of tents or trailers as industrial buildings. The concept behind the industrial park envisioned it to become a high technology business park with a high aesthetic standard. Originally it was the employee intensive [rather than land intensive] uses that were considered the target market. It may have been felt at the time that the use of tents or trailers would be contrary to this goal. The other possible origin of the prohibition would be to prevent an influx of temporary businesses during the summer tourist season. It may have been thought that seasonal businesses would disadvantage permanent businesses that serve the community year round.

**Options:**

Council may:

1. Remove the prohibition on uses occurring within tents and trailers;
2. Amend the bylaw to permit food concession trailers only within the Industrial I-1 zone;

## CONSIDERATION OF A ZONING BYLAW AMENDMENT TO PERMIT FOOD CONCESSION TRAILERS

3. Maintain the status quo.

### Analysis:

1. This option will permit the use of tents or trailers on a City-wide basis for any use that is permitted within the underlying zoning of a given property; except where prohibited from doing so by the BC Building Code. This will also potentially allow food concession trailers in any zone where a Food Catering Facility or Fast Food Outlet is a permitted use. Allowing temporary facilities, such as tents or trailers, will likely encourage more seasonal businesses to operate that capitalize on the summer tourist trade. This option is appropriate if Council believes temporary or seasonal businesses should be more broadly permitted within the City.

Conversely, this option may be seen as a disadvantage to existing permanent businesses that serve the community on a year round basis; businesses that pay property taxes to the City. In addition, removing the prohibition entirely may have consequences beyond that which is intended. For example, removal of the current regulation may allow for semi-trailers to be used for the conduct of commercial activities or on-site storage.

2. This option would permit food concession trailers only on those properties that are zoned Industrial I-1. The general prohibition on the use of tents and trailers would be retained in a modified form that will allow for uses within tents or trailers only where it is expressly permitted within a given zoning designation of the Bylaw. A new food concession trailer use is proposed to be added to the list of permitted uses within the Industrial I-1 zone.

As the industrial park does not typically cater to tourists, it is unlikely that permitting food concession trailers within the industrial park will create a substantial influx of seasonal business. The industrial park, due to its nature, is not subject to the same high aesthetic scrutiny as are other commercial areas. Allowing food concession trailers would therefore be less of a concern in this regard within the Industrial I-1 zone than elsewhere in the City. While the Industrial I-1 zone permits food catering facilities, the area is generally devoid of restaurants or cafes. Permitting food concession trailers may allow for a potentially under served market niche to be fulfilled. For these reasons Staff would recommend support for amending the bylaw to permit the use.

There is one note of caution that travel trailers being used in this way could become unintended permanent structures. Staff therefore recommends that any intended bylaw amendment contain a proviso that the maximum stay of a food concession trailer be limited to no more than 180 days per calendar year on any given property.

3. This option will continue to prohibit any use occurring within a tent or trailer anywhere within the City, including a food concession trailer within the industrial park. This option is appropriate if Council is satisfied with the current regulations and wishes to maintain the status quo.

At this time bylaw compliance staff has an open file regarding the non-permitted use of a trailer.

**CONSIDERATION OF A ZONING BYLAW AMENDMENT  
TO PERMIT FOOD CONCESSION TRAILERS**

**Sustainability:**

Sustainability implications to the City associated with the proposed bylaw amendment are neutral.

**Financial Implications:**

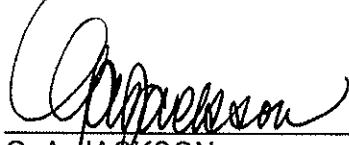
As an amendment application has not been made the financial implications to the City are the costs of newspaper advertising for the Public Hearing (approximately \$700.00) and Staff time.

**Recommendation:**

That the report from the Director of Community Planning dated May 19, 2009 regarding food concession trailers be received;

And That the Mr. Robert Laframboise (Hot Dog Bob) be required to pay the anticipated newspaper advertising costs (approximately \$700.00) to permit this amendment to proceed;

And Further That Staff prepare an amendment bylaw to amend Zoning and Development Bylaw, 1994, No. 2000 in order to add Food Concession Trailer to the list of permitted land uses within the Industrial I-1 zone.




---

G. A. JACKSON

BR/dd  
Attachment

Planning/3360-01/2009/Agenda/Report-Food-Concession-Trailer-1.

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**



---

F. MANSON, C.G.A.

# CITY OF PARKSVILLE

## BYLAW NO. 2000.\_\_\_\_

### Text Amendment – to permit Food Concession Trailers in the Industrial I-1 zone

---

A bylaw to amend the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:

- a. Section 104 - DEFINITIONS - by adding:

"**food concession trailer** means the temporary use of a travel trailer of not more than 10 metres in length for the preparation and sale of food or beverage in compliance with provincial health regulations for immediate consumption;"

- b. Section 206 - INDUSTRIAL I-1 zone by addition the following to Section 206.1:

| Permitted Land Uses     | Minimum Lot Size |
|-------------------------|------------------|
| Food Concession Trailer | N/A              |

- c. Section 604 - PROHIBITED USES OF LAND, BUILDING AND STRUCTURES by deleting the text of paragraph (b) and substituting it with the following:

"a use located in part or in total in a tent or trailer except where such use is explicitly permitted within a zone;"

This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2009, No. 2000.\_\_\_\_".

**READ A FIRST TIME** this    day of    , 2009

**READ A SECOND TIME** this    day of    , 2009

**PUBLIC HEARING HELD** this    day of    , 2009

**READ A THIRD TIME** this    day of    , 2009

**ADOPTED** this    day of    , 2009