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POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: June 30, 2010
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Meeting Date: July 6, 2010

TO: Vancouver City Council

FROM: Director of Planning in consultation with the Director of Social Policy,
Director of Development Services, General Manager of Engineering
Services and Director of Licenses and Inspections

SUBJECT: Farmers' Market By-law Amendments and Interim Actions

RECOMMENDATION

- A. THAT, in support of Farmers' Markets in the City, the Director of Planning be instructed to make application to amend the Zoning and Development By-law, the Zoning and Development Fee By-law, the First Shaughnessy Official Development Plan By-law, and the First Shaughnessy District By-law generally as set out in Appendix A;
- FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-laws, generally in accordance with Appendix A, for consideration at the Public Hearing;
- AND FURTHER THAT the amending by-laws be referred to a Public Hearing.
- B. THAT amendments to the License By-law to provide a definition and licence fee for Farmers' Market, generally as presented in Appendix C, be approved;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law, generally in accordance with Appendix C, for enactment.
- C. THAT an amendment to Schedule A of the Street Vending By-law to provide for Farmers' Market vendor permit fees, generally as presented in Appendix D, be approved;

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law, generally in accordance with Appendix D, for enactment.

- D. THAT, if Council approves the amendments to the Zoning and Development By-law in Recommendation A, then Council adopt the "Interim Guidelines for Farmers' Markets in the City of Vancouver" to be used in the consideration of applications for farmers' markets, generally as outlined in Appendix B.
- E. THAT Council direct the Director of Planning to report back on the effectiveness of these initiatives, with a report back following the 2012 winter farmers' market season.
- F. THAT Council ask the Park Board to consider recommendations A, B, C, D, and E with a view to aligning its permits, processes and fees for farmers' markets.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

HEALTH AUTHORITY COMMENTS

Staff at Vancouver Coastal Health support the recommendations. The proposed actions have been designed in the interest of supporting the sales of local food at farmers' markets in the city. Farmers' market groups must comply with all food safety requirements and guidelines as set out by the Provincial Health Services Authority's *Guidelines for the Sale of Foods at Temporary Food Markets* to ensure health and safety requirements are met.

COUNCIL POLICY

Relevant Council Policies:

- Creating a Sustainable City, adopted on April 23, 2002.
- West End Farmers' Market - RM-5A Text Amendment, enacted on July 8, 2003.
- Action Plan for Creating a Just and Sustainable Food System for the City of Vancouver, adopted on December 9, 2003.
- Second Annual Food Policy Progress Report - Vancouver Food Charter, adopted on February 15, 2007.

PURPOSE AND SUMMARY

Farmers' markets currently face several hurdles in order to set up in the city, and these hurdles include financial, process and zoning matters. Council has set a precedent by supporting reduced fees for priority initiatives. Farmers' markets are seen as a priority as

outlined in the *44 Quick Start Recommendations* presented to Council by the *Greenest City Action Team* in September of 2009.

Zoning, other by-law amendments, and related interim actions are proposed in this report, all in support of advancing farmers' markets. Further, it is proposed that staff in various departments related to implementing farmers' markets will work in a coordinated fashion, with a Planning Department liaison position acting as a City facilitator and first point of entry for market groups and all enquiries related to markets.

The proposed initiatives in this report provide immediate interim actions in support of farmers' markets (both non-profit and for profit) including: amending all District Schedules, with the exception of the CD-1 District Schedules, to add Farmers' Markets as a conditional-approval use on a temporary time limited basis, at the discretion of the Director of Planning and reduce permit fees in alignment with fees for other similar situations (including prevailing practice for determining fees). To assist the Director of Planning and the markets, existing by-laws have been updated and design guidelines developed to be used for an interim period. Through the interim period, ending in April 2012 (the 2012 winter farmers' market season conclusion) staff will monitor the impact of the new by-laws and guidelines and report back to Council with recommendations, as required, to make any further improvements, including addressing compatibility with neighbouring communities, with a view to further enhance the operation of farmers' markets.

Through the interim period, a Planning Department liaison will act as a guide through the application process and ensure interdepartmental collaboration continues. The liaison's role will also include monitoring these initiatives, mitigating potential conflicts and providing alternative solutions and/or recommendations, as required. At the end of the interim period staff will report back on the performance of the farmers' market initiatives and provide recommendations for positive action beyond 2012.

The Director of Planning recommends that the proposed amendments to the Zoning and Development By-law, the License By-Law and the Street Vending By-law be referred to public hearing. Staff from all departments involved have aligned their objectives and support additional recommendations D, E and F related to further advancing farmers' markets.

BACKGROUND

On July 8, 2003, Council approved a motion supporting the development of a just and sustainable food system for the City of Vancouver that fosters equitable food production, distribution and consumption; nutrition; community development and environmental health. In addition, Council approved the following:

"THAT the Director of Current Planning be instructed to make application to amend the Zoning and Development By-law to:

- add and define Farmers' Market as a use term in Section 2;
- limit development permits for this use to one year in Section 10;
- provide additional regulations for this use in Section 11; and
- permit this use as a conditional-approval use in the RM-5A District;

AND THAT if the rezoning is approved, at the time of enactment the by-law be accompanied by an amendment to the Parking By-law to provide parking and loading regulations for

Farmers' Market and an amendment to the License By-law to define Farmers' Market and set a fee of \$10, all generally as set out in Appendix B to the Policy Report "West End Farmers' Market - RM-5A Text Amendment" dated June 20, 2003;"

Since enactment and the setting up of the approved RM-5A farmers' market at Lord Roberts Elementary, *Your Local Farmers Market Society* has concluded that this RM-5A site is no longer suitable for their needs and subsequently the Society has set up the West End Market on Comox Street to better meet the operational needs of the community, market operators and vendors.

On May 13, 2008, Council approved a motion to further strengthen farmers' markets in the city.

Since that time, staff on the Urban Agriculture Steering Committee (consisting of representatives from Planning, Social Policy, Development Services, Engineering, Parks and Real Estate) have facilitated discussions with the farmers' market community to address the issues identified by Council and to ensure ongoing support of food policies and local farmers' markets. *Your Local Farmers Market Society*, one of the major farmers' market organizers in the Lower Mainland, has educated staff on the complexities around setting up and running markets and has also provided recommendations that address the compatibility of markets across the City and enable markets to run in a more efficient and affordable manner.

On September 22, 2009 the *Greenest City Action Team (GCAT)* recommended *44 Quick Start Recommendations* to Council that address environmental sustainability, and included support for farmers' markets. In addition, *GCAT* distributed *Vancouver 2020 A Bright Green Future, An Action Plan For Becoming The World's Greenest City by 2020*, which also focussed on local food and identified the long-term goal that "Vancouver will become a global leader in urban food systems."

Staff acknowledge the hurdles that market operators face and have taken the *Society's* comments and suggestions into consideration in tandem with the City's goal of becoming the "Greenest City by 2020" in preparing the following zoning amendments, guidelines and other actions.

DISCUSSION

The purpose of this section is to discuss a number of issues that farmers' markets have been facing and present staff recommendations to address identified barriers. Issues that can be immediately tested in this pilot period include zoning and development approvals, signage, hours of operation, permitting processes and fees, parking and loading, and traffic control. Measures identified in the May 13, 2008 Council motion that have not been addressed in this report include incorporating farmers' markets into the Visioning process and accommodating multi-year operating leases on City-owned land. Incorporation into the Visioning process was addressed in the *Kick Starting Green Initiatives Memo* sent to Mayor and Council in January of 2009, and accommodating multi-year leases on City owned land will be addressed in the future on a site-by-site basis by the Director of Real Estate, in consultation with other affected departments.

Zoning and Land Use

Zoning - Currently, the Zoning and Development By-law does not allow for farmers' markets as a permitted use on privately owned lands (except in the RM-5A District) and as a result, markets have been forced to pursue complex alternative avenues on Park Board land and City streets and sidewalks.

Today, there are a total of five markets running in the city, with two on Park Board land and three on City streets and sidewalks. These are not subject to the Zoning and Development By-law and consequently do not require development permits or the approval of the Director of Planning. In addition, market groups have expressed concerns that the Zoning and Development By-law currently allows the farmers' market use in only one small area of the West End.

Staff acknowledge that not having farmers' markets as a permitted use in more zones across the city makes it difficult to find appropriate locations and limits the number of neighbourhoods participating in the local food movement. In response, staff have drafted by-laws and guidelines for Council's consideration that would meet the immediate needs of farmers' markets, expand the opportunities for farmers' markets in other zones across the city, subject to the discretion of the Director of Planning.

The proposed Zoning and Development By-law amendments and related guidelines will not encumber the current farmers' markets on parks and streets, and these markets will continue to operate under the current application process and will not require development permits. However, permitting the use in most zones across the city will increase the opportunity for farmers' markets on zoned lands (this would be an entirely new experience under a myriad of potential conditions including private and publicly owned lands and for profit and non-profit circumstances). These new opportunities would be open to all interested parties not just the mainstream farmers' market associations and organizations as has been the case to date and may appeal to a potentially broader spectrum of proponents (with varying degrees of experience and capacity). Staff believe it's prudent that any by-laws and guidelines clearly indicate farmers' markets as the market type to ensure their growth and expansion throughout the city within a well defined farmers' market context and that this not be confused as an opportunity for other unrelated retailing. In recent years staff have received enquiries from other open air market retailers seeking sites and zoning for their markets and in the absence of supporting zoning these could not be considered on zoned lands. With the creation of opportunities for farmers' markets staff anticipate that other open-air retail proponents may seek the same and will monitor the situation accordingly.

Staff recommend that Farmers' Markets be added as a conditional-approval use in all Districts with the exception of Comprehensive Development Districts (CD-1s). For the immediate future staff support excluding the existing CD-1s from the amendment on the basis that CD-1s are tailor-made to the intended form of development and typically do not have suitable site area or conditions to accommodate a farmers' market. However, should a reasonable opportunity arise, staff are prepared to entertain the consideration of farmers' markets in CD-1s on a site-by-site basis and in accordance with the specifications and guidelines outlined in the attached Appendices. Should a farmers' market be deemed an appropriate use for a CD-1 zoned site, the respective CD-1 by-law will need Council approval to add the use to that by-law as a conditionally approvable use by the Director of Planning. Such by-law amendments could be processed through a Director of Planning initiated text amendment.

It is also noted that in a number of Official Development Plan districts including False Creek, Downtown, Central Waterfront, Downtown Eastside/Oppenheimer and B.C. Place/Expo, farmers' markets can be considered under the use terms related to retail and commercial uses.

It should be noted that farmers' markets on Park Board lands are controlled by Park Board policies and by-laws and as a result staff have recommended that Council ask the Park Board to consider aligning their provisions with the measures recommended in this report.

Land Use - Detailed aspects of land use have been considered in reviewing the expansion of farmers' markets throughout the city and include: integration of the use on existing developed sites, on-site parking, more permanent structures, concurrent use with other uses on a site, vacant lands and the varying interfaces offered by the many potentially different contexts in residential, commercial, mixed residential/commercial and industrial areas. This review identified a number of finer aspects that proponents and staff should take into account in deciding upon a location. Critical aspects are addressed through the proposed by-law amendments and guidelines. As this is a pilot, and a first for any City in the Lower Mainland, staff will monitor the initial period of these changes towards ensuring markets are permitted as contemplated, and that any challenging or adverse conditions to either a market or its neighbourhood are addressed successfully and quickly.

Markets on existing developed sites, especially those developed to the maximum have very limited additional useable space for a market. In the case of developed sites, the more likely place for a market in respect to area, access, visual profile and ease of setup and take down would be on surface parking areas. It is strongly recommended that landscaped areas and yards not be fettered or altered in any way for use by markets recognizing that these spaces typically provide a neighbourly transition and buffer to streets and other neighbours which are highly valued and relied upon for relief between sites.

Parking lot sites not required for any development may have the most appeal for a farmers' market as opposed to a farmers' market on a parking lot forming part of a development that would face the prospect of opposition by its current users in addition to other impacts arising from the displacement of the users of the parking lot. Staff recommend that only parking lots that are underutilized or available because of a situation of non-concurrent use be considered for markets with the aim of not displacing current users and creating additional parking and traffic impacts in the immediate neighbourhood. However, in cases of proven underutilization or non-concurrent use due to the market use operating during the "off/closed" hours for the development, an application for a farmers' market would be considered. This is a situation that will require further monitoring to get a complete sense of opportunities and challenges.

Within the industrial areas the introduction of non-industrial uses, even of a temporary nature, have a history of receiving opposition from existing industrial users because of several issues of compatibility including: traffic conflicts of trucks versus cars, increased vehicular volumes, traffic and other attributes of industrial uses that may not be conducive to the nature of non-industrial uses such as farmers' markets. It should be noted that although we are opening up farmers' markets to industrial areas, this does not in any way indicate that a temporary farmers' market will lead to the commercialization of existing industrial areas. However, there may be opportunities for markets on sites on arterial streets along the periphery of industrial lands where an industrial operation is not active during market hours and has suitable surface area for a market. Even in these cases care needs to be taken to

ensure that there are no operational impediments created or conflicts to any neighbouring industrial land users or other adverse impacts such as traffic, parking and pedestrian conflicts.

Site Area Requirements - Current regulations in the Zoning and Development By-law limit the size of markets to less than 1 200 m² (12,917 sq. ft.), with a general understanding that size restrictions on farmers' markets were established to provide for a reasonable economy of scale without being overly large and resulting in significant neighbourhood impacts. As years have passed, 4 out of the 5 markets (which were on City streets and/or Park lands and therefore not directly governed by the Zoning and Development By-law) have grown to range from 1 394 m² (15,000 sq. ft.) to 1 950 m² (21,000 sq. ft.). These larger farmers' markets have not resulted in problematic impacts. This experience suggests that current restrictions on site size should be changed to reflect the size of markets today and provide the potential for modest growth.

Increasing the permitted maximum market size is recommended in the proposed by-law amendments and guidelines attached in Appendices A and B, with an opportunity for further expansion at the discretion of the Director of Planning subject to several criteria related to neighbourliness including managing noise, traffic, parking, loading and garbage impacts.

The City's largest farmers' market, *Trout Lake Farmers Market*, is operating at 1 950 m² (21,000 sq. ft.). Staff suggest that the size of a farmers' market site be amended to not exceed 2 323 m² (25,000 sq. ft.). This change in the maximum size of farmers' markets will allow for markets to continue at their current size as well as provide opportunities for growth. The proposed amendments to the Zoning and Development By-law, together with the Interim Guidelines for Farmers' Markets, will provide guidance to the Director of Planning in exercising his discretion with respect to applications for larger scale farmers' markets.

Permits, Processes and Fees

As farmers' markets have not been a permitted use on private lands across the City, market groups have been applying for Special Event Permits through Engineering or the Park Board. Markets have expressed concern about the overall process, lack of interdepartmental collaboration and having to apply under Special Event Permits, as they see farmers' markets as a daily activity with a need to be a normal use in communities rather than a limited multi-day summer event.

Farmers' markets representatives also have concerns with the high cost of fees associated with the permits required to operate farmers' markets. These fees have included Special Event Approval Letter fees, Special Event Market Permit (SEMP) fees, electrical permit fees, tent fees and street closure costs. Fees can drive up the cost of food prices, deter vendors from participating and discourage market groups from setting up markets in the City.

Staff, therefore, recommend permit fee reductions (for both non-profit and for profit) within the context and structure of existing fee schedules as outlined in Appendix E. Fee reductions are used in a number of policy areas which are city priorities.

In order to reinforce interdepartmental collaboration in the permit process, Planning will provide a liaison for farmers' markets for the duration of the pilot period. To provide guidance to potential market groups, staff will post an information sheet which provides one

source of essential information in regard to how to set up a market including information in regard to relevant by-laws and fees.

Through the development application process, market organizers would be required to submit a 'local procurement plan' outlining how they propose to respond to this provision. This would be referenced in any follow-up enforcement action, if required. The liaison position will be working with Property Use Inspectors to advise them in regard to new provisions related to locally produced foods and artisan crafts.

To ensure best business practices are followed, (as currently done by the existing markets run by *Your Local Farmers Market Society*) market organizers are required to apply for the applicable permitting from the appropriate City department and or Park Board based on the location of the market. A general breakdown of the associated costs and permitting required for markets on different types of land is in Appendix E.

Public and Private Property - With the proposed Zoning and Development By-law amendments to permit farmers' markets as a conditional-approval use across the city, proponents wishing to operate on lands other than streets or park land would be required to obtain a development permit and a business licence. Building permits are not required for open-air markets but are required for markets with temporary shelters such as tents or new permanent structures. The City has an established fast-track building permit process for tents specifically for such events. Likewise, a streamlined development permit process for farmers' markets will also be established in Development Services. Noting that the use will be a conditional-approval use and as such it is customary to notify neighbours of an application so their comments may be taken into account in deciding the outcome of an application, the resulting processing time would be approximately 4 -6 weeks. In the event a market proposal, by virtue of its size and/or location, is highly unlikely to impact neighbours, then notification could be forgone and the process would be reduced to an approximate average of 2 weeks.

The current Zoning and Development By-law fee schedule does not provide a permit fee specifically for farmers' markets. These would fall under the broad category of outdoor uses such as nurseries, parking areas, storage yards and similar uses. As a conditional use the development permit fee for a farmers' market would be a minimum of \$519 and for the 25,000 sq. ft. example the fee would be \$4,338. The minimum fee of \$519 would permit a maximum market size of 2,153 sq. ft. This fee structure is not within the affordability of most farmers' markets nor is the higher end of the scale representative of the City costs of processing, inspections and monitoring.

Staff believe a more appropriate fee, for both non-profit and for profit market organizers, that would be consistent with existing cost recovery expectations and in keeping with fees charged to applicants in a non-profit circumstance, would be the flat fee charged for daycares, cultural facilities and social service centres where the applicant is an incorporated non-profit society. The current fee for these uses, regardless of size, location, outright, or conditional use is \$519. Coincidentally, this fee is also the minimum fee for the outdoor uses noted above.

The current fee for a building permit for tent structures based on construction costs is typically \$200 or less. The minimum fee for a building permit is \$112 which covers construction value up to and including \$5,000. Staff believe the current tent process and

permit fees for other like uses under similar circumstances is reasonable for farmers' markets and no changes are being proposed at this time.

Under the License By-law, the current business licence fee for farmers' markets by a recognized non-profit proponent is \$10 and it is recommended this be retained. Noting that the proposed amendments to allow the use throughout the city opens the doors to any interested party, non-profit and for profit, raises an interesting predicament. Under the current licence fee structure, there is no business licence category for farmers' markets that operate for profit. The Chief License Inspector recommends that the License By-law be amended to reflect a flat fee of \$10 per annum be applied to for all farmers' markets.

With respect to time-limited development permits, staff are recommending that the time limit for these permits be at the discretion of the Director of Planning in accordance with the existing provisions of Section 3.3.1 of the Zoning and Development By-law. The Director of Planning would take into account the merits and circumstances of each specific market in conjunction with neighbourhood context and the nature of any impacts. Those markets needing more assistance or in sensitive environments would be permitted for shorter periods of time with appropriate conditions of approval to address any such circumstances. Time limited approvals have proven to be an incentive to be neighbourly and compliant and allow the proponent and staff to address issues as they arise giving all parties ample time and opportunity to collaborate and develop solutions.

City Streets - A Special Event Approval letter and a Special Event Marketing Permit (SEMP) are required to use City streets for a farmers' market and are issued by the Special Event Office in the Engineering Services Department. Special Event staff provide direction to the organizers about such issues as set up requirements, parking and notification, and coordinate City services, such as changes to parking regulations.

Engineering Services policy is to charge cost-recovery and administrative costs for any traffic related services provided to farmers' markets, often required even when a market is on Park property. As well, there is a Special Event Marketing Permit required for all event organizers who want to use City streets and sidewalks for vending. In the case of farmers' markets on City streets, the Special Event fee is \$100 and is applied for the entire market season. Any substantial change to the market could require a separate process and additional fees. The Special Event Marketing Permit provides authority for event organizers to control vending on City streets with the fee being \$104 per block of street for every day the street is used for the market. In 2009, three of the five farmers' markets were located on City streets and paid a total of \$5,200 in SEMP fees for an average of just over \$1,700/year per market. In 2009, the SEMP fees ranged from \$1,179 to \$2,065.

Engineering Services is prepared to waive a significant portion of the SEMP fee to keep their costs for operating the market in line with the annual \$519 fee proposed for markets on private property (as outlined in Appendix E).

Electrical Permits - The Electrical Bylaw requires that electrical permits be provided for temporary power installations associated with this type of activity. These permit fees are dependent on the size and type of temporary generators as well as the number of days for the installation. The fee for electrical permits for temporary power installations currently ranges from \$73 to \$888. The City Electrician recommends that the By-law be amended to require a single flat fee of \$73 for all portable generators rated for not more than 5kW and a single flat

fee of \$148 for all portable generators rated for more than 5kW or from any other temporary or permanent power source not exceeding 750V.

Dual Process - In instances where markets occur on both City streets and Parks, staff in various departments will continue to liaise to ensure coordination and proper permitting has been issued. For markets on Park Board lands, applicants deal directly with Park Board staff who also advise of any other City departments and processes applicants may need to engage towards securing the requisite approvals.

Health and Safety - In addition to the City and Parks Board permitting process, markets will need to comply with all food safety requirements and guidelines as set out by the Provincial Health Services Authority's *Guidelines for the Sale of Foods at Temporary Food Markets*. The onus is on the market organizer to contact the Vancouver Coastal Health Authority and submit an application before commencement of sales.

On-street Parking

Farmers' Markets have expressed concern over the lack of safe and secure parking provided to vendors at the markets. At some markets, parking is limited and has forced vendors to park their unsecured vehicles blocks away from the markets thereby inefficiently distancing themselves from any supplies and extra product. In instances where the City is able to restrict on-street parking, farmers' markets have been responsible for the costs to "hood" parking meters and to install temporary parking signs. In an effort to create more space for their vendors, *Your Local Farmers Market Society* encourages alternative modes of transportation and request that patrons visiting the market walk, bike or take transit to the markets.

Staff agree that in the pre-application stage parking for both vendors and visitors should be assessed. Staff will work with markets to adequately assess locations where reasonable on-street parking can be provided and signs can be installed to reflect the need for secure parking for market vendors. Reasonable access will be determined on a site-by-site basis and will address aspects such as the impact on the neighbourhood and maintaining existing traffic and safety levels.

In 2009, three of the five farmers' markets required on-street parking restrictions and the three paid a total of \$1,035, for an average of \$345/year per market. It should be noted that the City does not charge not-for-profit societies sponsoring events for lost parking meter revenue and does not see a need to change this arrangement.

Traffic Control

If City streets are closed or restricted by a farmers' market, the farmers' market organizers are typically required to address a traffic control plan to maintain the safety of the public. In rare cases, private traffic control professionals or VPD traffic authority officers may be required to direct traffic. None of the existing five markets have required traffic control staff. If required, the cost to hire traffic control staff would be the responsibility of the farmers' market organizers.

Barricades, advisory signs and equipment - In implementing traffic control plans where streets are closed, farmers' markets use City-provided barricades, warning signs and equipment.

The City provides the barricades, warning signs and equipment to the farmers' markets for use during the season. The farmers' markets are responsible for the set up and take down for each market during the season, and returning the barricades, signs and equipment to the City at the end of the season.

The City does not charge farmers' markets for use of the barricades, signs or equipment. The City does not see a need to change this practice.

Signage

Your Local Farmers Market Society has expressed concern that the Sign By-law, in combination with Park Board and Engineering limitations on signage, restricts them from adequately providing wayfinding and promotional signage. Property, whether public or private is subject to the Sign By-law; signage on parks strictly for parks is controlled by the Park Board and signage on streets and lanes is subject to the approval of the City Engineer. In the absence of farmers' market specific sign by-laws proponents face uncertainty as to which department needs to approve their signage (for example, there are no by-law provisions in place allowing for non-traffic related signage on streets and sidewalks such as wayfinding and directional signage).

The success of a farmers' market can be directly related to signage. Strategically located signage is very important in assisting with location identification and helping to mitigate traffic, parking and other related impacts. To further assist and support farmers' markets, Engineering Services will be proceeding with producing and installing special notification signs to provide awareness of market locations. Each sign, approximately 1m by 1.5 m, would be mounted on a street pole near the market entrance and would be installed at the beginning of each market season and removed at the end of the season. The specific wording of each sign would be generic so the signs can be re-used in subsequent years.

The cost of each sign is in the order of \$100 for production, installation and removal. The cost to install and remove a sign each year is estimated to be \$100 and Engineering Services is prepared to waive these costs by absorbing them.

Hours of Operation

As markets have grown in popularity over the past number of years, market vendors have felt the need to expand their hours of operation. Farmers' markets currently operate within the hours of:

Public and Private Property

7:30 a.m. to 8:00 p.m., Monday through Friday

10:00 a.m. to 8:00 p.m., Saturdays

Streets

7:00 a.m. to 8:00 p.m., Monday through Saturday

10:00 a.m. to 8:00 p.m., Sundays and holidays

After consulting with *Your Local Farmers Market Society* and in consideration of potential community conflicts, staff recommend that farmers' markets be permitted to start, on a conditional basis, as early as 7:00 a.m. with the current closing time of 8:00 p.m. retained (these time restrictions also apply to the moving in and out of equipment and materials). Shorter operating hours may be approved by the Director of Planning based on the merits of specific applications.

FINANCIAL IMPLICATIONS

To support and encourage farmers' markets, staff are recommending fee reductions as outlined in Appendices A, C, D and E.

In 2009, the value of City services based on the fees charged for farmers' markets included \$7,750 in total for 5 markets. If these same 5 markets apply in the upcoming year (based on the proposed fees), the City would take in a total of approximately \$3,335 instead of the \$7,750 for a shortfall of \$4,415. This is not a material change.

The above figures do not include fees and costs of related services provided to farmers' markets on Park land and School Board land.

ENVIRONMENTAL AND SOCIAL IMPLICATIONS

Farmers' markets contribute to a greater reliance on locally-based food systems and benefit local and regional economies. Supporting farmers' markets in the city will lead to a greater reduction of "food miles" currently averaging over 2 500 km from farm to fork. Collaboration between farmers' markets and the City will strengthen food security through citizen engagement and support sound food system strategies as well as bring people together for sharing and celebration.

CONCLUSION

The proposed recommendations are in response to Council's direction to staff to support farmers' markets and support the City's objective of becoming "a global leader in urban food systems" as outlined in the *Action Plan For Becoming The World's Greenest City by 2020*, as recommended by the *Greenest City Action Team*.

Council's commitment to a sustainable City and a just and sustainable food system would be supported by facilitating:

- more farmers' markets across the city;
- greater access to locally produced food;
- gathering places for neighbours and for local businesses to start up and thrive.

In order to accomplish these objectives staff present recommendations to amend existing by-laws, permit processes and fees along with guidelines to be used for an interim period. In addition, staff will be working to better coordinate work across city departments as well as

proceeding with implementation of operational improvements including signage, hours of operation, on-street parking and traffic control measures, in support of farmers' markets.

During the interim period, ending in April 2012 (the 2012 winter farmers' market season conclusion) staff will monitor the impact of the new by-laws, guidelines and operational improvements. Staff will report back at the end of the interim period with recommendations for further improvements, as required, including compatibility with neighbouring communities.

Staff from the departments involved have aligned their objectives and actions to assist in achieving success of the recommendations put forward in this report. The Director of Planning recommends that amendments to the Zoning and Development By-law, the License By-law and Street Vending By-law be referred to public hearing, which amendments are generally as shown in Appendix A, C and D, and that if Council approves the amendments to the Zoning and Development By-law in Recommendation A, the License By-law in Recommendation B and the Street Vending By-law in Recommendation C, then Council adopt the Interim Guidelines for Farmers' Markets as set out in Appendix B.

* * * * *

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

BY-LAW NO. _____

**A By-law to amend
Zoning and Development By-law No. 3575
regarding farmers' markets**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Zoning and Development By-law.
2. In section 2 after the definition of "Adult Retail Store" under the definition of "Retail Uses", Council repeals the definition of "Farmers' Market" and substitutes:

"Farmers' Market means an open air or fully or partly covered market, for the sale of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts."

3. Council repeals section 10.33.1.
4. Council repeals section 11.21 and substitutes:

"11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least ten stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts.

11.21.5 No more than 20% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local prepared and ready-to-eat foods and local artisan crafts."

5. To section 3.2.R in the RA-1 District Schedule, after "[Retail]" and before "• Retail", Council adds:

"• Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

6. To section 3.2.1.R in the RS-1, RS-5, RS-7, RT-4, RT-4A, RT-4N and RT-4AN, RT-5, RT-5A, and RT-5N and RT-5AN District Schedules, after "[Retail]" and before "• Neighbourhood", Council adds:

"• Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

7. To section 3.2.R in the RS-1A, RS-2, RS-4, RS-6, RT-1, RT-2, RT-3, RT-6, RT-7, RT-8, RT-9, RT-10 and RT-10N, RM-1 and RM-1N, RM-2, RM-3, RM-3A, and RM-4 and RM-4N District Schedules, after "[Retail]" and before "• Neighbourhood", Council adds:

"• Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

8. To the RS-1B District Schedule, after section 3.2.I and before section 3.2.S, Council adds:

"3.2.R [Retail]

• Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

9. To the RS-3 and RS-3A District Schedule and to the IC-3 District Schedule, after section 3.2.P and before section 3.2.S, Council adds:

"3.2.R [Retail]

• Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

10. In section 3.2.1.R of the RM-5, RM-5A, RM-5B and RM-5C Districts Schedule, Council repeals the words "Farmers' Market in the RM-5A District only."

11. To the C-7 and C-8 Districts Schedule, after section 3.2.I.P and before section 3.2.1.S, Council adds:

"3.2.1.R [Retail]

• Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

12. In section 3.2.1R of the MC-1 and MC-2 Districts Schedule, after "[Retail]" and before "● Furniture", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

13. To section 3.2.R of the RM-6, C-1, FC-1, M-1B, M-2, IC-1 and IC-2, I-3 and HA-1 and HA-1A District Schedules, after "[Retail]" and before "● Gasoline", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

14. To section 3.2.R of the FM-1 District Schedule, after "[Retail]" and before "● Grocery", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

15. To section 3.2.R of the C-2 District Schedule, after "Adult Retail Store" and before "● Furniture", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

16. To section 3.2.R of the C-2B, C-2C, C-2C1, M-1, M-1A, I-2 and HA-2 District Schedules, after "[Retail]" and before "● Furniture", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

17. To section 3.2.R of the C-3A District Schedule, after "Adult Retail Store" and before "● Gasoline", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

18. To section 3.2.1.R of the C-5 and C-6 Districts Schedule, after "Adult Retail Store" and before "● Gasoline", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

19. To section 3.2.R of the I-1 District Schedule, after "[Retail]" and before "● Vehicle Dealer", Council adds:

"● Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*"

20. To section 3.2.R of the HA-3 District Schedule, after “[Retail]” and before “● Liquor Store”, Council adds:

- “● Farmers’ Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*”

21. Council repeals section 3.3.1 of the RM-5, RM-5A, RM-5B and RM-5C Districts Schedule and substitutes:

“All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) the display of flowers, plants, fruits and vegetables;
- (c) restaurant; and
- (d) farmers’ market.”

22. Council repeals section 3.3.1 of the C-2B and C-2C District Schedules and substitutes:

“All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) restaurant;
- (d) neighbourhood public house; and
- (e) farmers’ market.”

23. Council repeals section 3.3.1 of the C-2C1 District Schedule and substitutes:

“All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) restaurant;
- (d) drive-in restaurant;

- (e) drive-through service;
- (f) neighbourhood public house; and
- (g) farmers' market."

24. Council repeals section 3.3.1 of the C-5 and C-6 Districts Schedule and substitutes:

"All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full service gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) neighbourhood public house;
- (d) restaurant; and
- (e) farmers' market."

25. Council repeals section 3.3.1 of the C-7 and C-8 Districts Schedule and substitutes:

"All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) vehicle dealer;
- (d) taxicab or limousine station;
- (e) restaurant;
- (f) neighbourhood public house; and
- (g) farmers' market."

26. Council repeals section 3.3.3 of the MC-1 and MC-2 Districts Schedule and substitutes:

"All uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;

- (c) display of flowers, plants, fruits and vegetables;
- (d) neighbourhood public house;
- (e) vehicle dealer;
- (f) transportation and storage uses;
- (g) lumber and building materials establishment; and
- (h) farmers' market."

27. Council repeals section 3.3.1 of the HA-1 and HA-1A, District Schedules and substitutes:

"All uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) parks and playgrounds;
- (d) neighbourhood public house;
- (e) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply; and
- (f) farmers' market."

28. Council repeals section 3.3.1 of the HA-2 District Schedule and substitutes:

"All uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables;
- (d) neighbourhood public house; and
- (e) farmers' market."

29. Council repeals section 3.3.1 of the HA-3 District Schedule and substitutes:

"All uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) neighbourhood public house; and
- (c) farmers' market."

30. Council repeals section 3.3.1 of the C-1 District Schedule and substitutes:

"All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) neighbourhood public house; and
- (d) farmers' market."

31. Council repeals section 3.3.1 of the C-2, C-3A and FC-1 District Schedules and substitutes:

"All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) vehicle dealer;
- (d) drive-in restaurant;
- (e) drive-through service;
- (f) lumber store;
- (g) taxicab or limousine station;
- (h) neighbourhood public house; and
- (i) farmers' market."

32. Council repeals section 3.3.1 of the RM-6 District Schedule and substitutes:

"All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) display of flowers, plants, fruits and vegetables;
- (c) split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (d) restaurant; and
- (e) farmers' market."

33. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

34. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2010

Mayor

City Clerk

BY-LAW NO. _____

A By-law to amend
Zoning and Development Fee By-law No. 5585
regarding fees for farmers' market

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. After Section 5 of Schedule 1 to the Zoning and Development Fee By-law, Council adds:
"5A. For a Farmers' Market \$519.00"
2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2010

Mayor

City Clerk

BY-LAW NO. _____

A By-law to amend First Shaughnessy
Official Development Plan By-law No. 5546

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the First Shaughnessy.
2. After section 3.2.P and before section 3.2.S, Council adds:
" 3.2.R • Farmers' Market"
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2010

Mayor

City Clerk

BY-LAW NO. _____

**A By-law to amend By-law No. 5543
regarding Farmers' Market
in First Shaughnessy District (FSD)**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law No. 5543.
2. In section 3 of the By-law, after subsection (k), Council adds:

 "and
 (l) farmers' market;"
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2010

Mayor

City Clerk

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INTERIM GUIDELINES FOR FARMERS' MARKETS

Interim Guidelines for Farmers' Markets in the City of Vancouver

Application and Intent

These interim guidelines have been prepared in response to Council's direction to staff to support farmers' markets and also support the City's objective of becoming "a global leader in urban food systems as outlined in the *Action Plan For Becoming The World's Greenest City by 2020* as recommended by the *Greenest City Action Team*.

These guidelines are to be used in conjunction with those provisions and District Schedules of the Zoning and Development By-law and Official Development Plans that permit farmers' markets. In addition to City regulations and policies, farmers' market organizers must contact Vancouver Coastal Health Authority and submit an application before commencement of sales and must comply with all food safety requirements and guidelines as set out by the Provincial Health Services Authority's *Guidelines for the Sale of Foods at Temporary Food Markets*.

The intent of these guidelines is to encourage farmers' markets that bring locally sourced produce to the citizenry of Vancouver and promote sustainable methods of production and distribution.

It is also the purpose of these guidelines to ensure that best business practices are followed and that there is compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, and pedestrian amenity.

The interim guidelines and related zoning other priorities will be reviewed over the interim period, ending in April 2012 (the 2012 winter farmers' market season conclusion).

The following guidelines apply:

1. It shall be the duty of farmers' markets to adhere to good management practices and maintain the market in a condition that will reasonably prevent unneighbourly nuisances.
2. Local or locally produced means that produce must be grown within the Province of British Columbia. Prepared and ready-to-eat foods should include as much BC grown ingredients as possible.

Note - Market organizers are required to submit a 'local procurement plan' outlining how they propose to respond to this provision. This would be referenced in any follow-up enforcement action, if required.

3. Farmers' market locations will be limited to arterial intersections and not smaller sites or sites near residential neighbours and must be compatible with nearby sites.

4. Farmers' market operating hours are limited to the following maximum parameters:
7:00 a.m. to 8:00 p.m., Monday through Sunday including holidays.

These time restrictions also apply to the moving in and out of equipment and materials. The Director of Planning may approve a lesser operating time based on actual merits and circumstances of each specific market.
5. Any development permit issued for farmers' markets shall be limited to a length of time (e.g. weeks or months) determined by the Director of Planning. Permit length will be based on actual merits and circumstances of each specific market. Those markets needing more assistance and monitoring will be permitted for shorter periods of time; hence an incentive to be neighbourly and compliant.
6. Farmers' market groups must provide easily identifiable bins for trash, recycling and composting.
7. Prior to leaving the market area, the farmers' market group must remove all matter and debris from the area on a daily basis. Trash must be completely removed and disposed of off-site in a sustainable manner that includes recycling and composting.
8. If City streets are closed or restricted by a farmers' market, the market is required to prepare a traffic control plan to maintain the safety of the public and the plan must be approved by the City. Traffic control professionals (private service, police officers or traffic authority) may be required to direct traffic.
9. Signage for farmers' markets may be posted for the full-term of each farmers' market season, in accordance with the regulations provided by the Engineering Department.
10. Liability Insurance is mandatory for events held on City property; and evidence of insurance, at a level determined by the City, must be provided before final approval can be given. The event insurer must submit the completed Standard Insurance Certificate Form as a condition of approval.

The City of Vancouver reserves the right to refuse acceptance of any farmers' market that is not in keeping with the guidelines and each application submitted for conditional-approval use will be dealt with on a site-by-site basis requiring special approval of the Director of Planning.

* * * * *

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding farmers' markets**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the License By-law.
2. From section 2 Council strikes out the definition of "Farmers' Market" and substitutes:

"Farmers' Market" means an open air or fully or partly covered market, for the sale of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts."
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2010

Mayor

City Clerk

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PROPOSED FARMERS' MARKET PERMIT FEES CHART

Farmers' Market Permit Fee Chart

| Permits | Parks | Streets | Zoned Lands | Notes |
|--------------------------------|--------------------|--|----------------|---|
| Development (DE) | Not Required | Not Required | \$519 | Reduced to minimum fee from current range of \$519-\$4,338 (based on largest market). |
| Building (BU) | \$112 - \$200 | Tents/Structures need P.Eng. Letter of Assurance | \$112 - \$200 | If tents are used the fee is in the base fee range for BU's. For tents/structures on Streets, a P.Eng. Letter of Assurance is required (not reflected in City charges). |
| Electrical Permits (EP) | | | | |
| <5kW | \$73 | \$73 | \$73 | If generators are required fees have been reduced from a range of \$73 - \$888. |
| >5kW | \$148 | \$148 | \$148 | |
| Business License (BL) | Not Required | Not Required | \$10 | Fees have been reduced from \$138/Day or \$277/Week or \$2442/annum. |
| Engineering (ENG) | \$0 - \$519 | \$519 | \$0-\$519 | Fee for parks includes traffic control and traffic control signage. Fees for zoned lands may only require traffic control signage. Fees for streets include signage, traffic control and neighbourhood notification. Engineering fees are based on cost recovery and have been reduced from an average rate today of approximately \$1,500. |
| Parks | \$1120/Season/Park | Not Applicable | Not Applicable | This fee is charged per season (i.e. a continuous market occurring every weekend for a number of months are charged a fee for each park location per season based on the number of approx. visitors). |
| Total Range | \$1120 - \$1987 | \$519 - \$667 | \$529 - \$1396 | |

Note - Markets currently exist on Parks land and Streets. Markets on Zoned lands are a first for the City and will operate as pilots.

Samples:

Zoned Lands

| | Existing Fees | Proposed Fees |
|--------------------|----------------------|----------------------|
| DE | \$4,338 | \$519 |
| BU | \$112-\$200 | \$112-\$200 |
| EP | \$73-\$888 | \$73-\$148 |
| BL | \$10-\$2,442 | \$10 |
| ENG | \$1,500 | <\$519 |
| Total Range | \$4,348-\$9,368 | \$529-\$1,396 |

Streets and Sidewalks

| | Existing Fees | Proposed Fees |
|--------------------|----------------------|----------------------|
| DE | - | - |
| BU | - | - |
| EP | \$73-\$888 | \$73-\$148 |
| BL | - | - |
| ENG | \$1,500 | \$519 |
| Total Range | \$1,500-\$2,388 | \$519-\$667 |

Parks

| | Existing Fees | Proposed Fees |
|--------------------|----------------------|----------------------|
| DE | - | - |
| BU | \$112-\$200 | \$200 |
| EP | \$73-\$888 | \$73-\$148 |
| BL | - | - |
| ENG | \$1,500 | <\$519 |
| Total Range | \$0-\$2,588 | \$0-\$867 |

Note - If there is a combination of two of the locations there may be a combination of fees.

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