

## POLICY REPORT

Report Date: January 21, 2013  
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Meeting Date: January 29, 2013

TO: Vancouver City Council

FROM: General Manager of Community Services in consultation with the General Manager of Planning and Development Services

SUBJECT: Amendments to the Zoning and Development By-law Regarding Farmers' Markets

### *RECOMMENDATION*

THAT, to implement improvements to the regulation of farmers' markets, the Director of Planning be instructed to make application to amend the Zoning and Development By-law to:

- i) amend the definition of "Farmers' Market" in Section 2 to better distinguish between "local prepared foods" and "local ready-to-eat foods"; and
- ii) amend Section 11.21 to increase the minimum required number of stalls from 10 to 11 and to increase the limit on stalls selling local ready-to-eat foods and local artisan crafts from 20% of all stalls to 40% of all stalls; and
- iii) add a cross-reference to Section 11.21 into the various district schedules which permit farmers' markets;

all generally as presented in Appendix A, and that the application be referred to a public hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally in accordance with Appendix A for consideration at the public hearing.

### *REPORT SUMMARY*

This report brings forward for referral to public hearing amendments to the Zoning and Development By-law which would implement improvements to the way farmers' markets are regulated. These amendments are proposed in concert with policy changes being brought

forward separately in the Policy Report entitled "Farmers' Market Report Back and Recommendations" (RTS 9770).

The proposed amendments build on the 2010-2012 interim Farmers' Market Policy that aimed to expand the number of markets and their viability, recognizing their contribution to residents and the City's economic, ecological, and social sustainability goals. The number of farmers markets has increased from 4 in 2010 to 9 in 2012, advancing the Greenest City local food target of 22 farmers' markets by 2020.

The recommended amendments to the Zoning and Development By-law would increase the minimum number of stalls required for a farmers' market from 10 to 11 and they would provide a more reasonable balance between the percentage of fresh local produce and other local products that can be sold, as well as better distinguish between "local prepared foods" and "local ready-to-eat foods".

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

- July 2010: Council approved the Interim Farmers' Market Policy (2010-2012). This interim policy allowed farmers' markets in all zones except in Comprehensive Development (CD-1) districts, reduced permit and licensing fees, provide signage, and introduced a streamlined application process.
- July 2010: Council approved the Greenest City Action Plan (2020) to increase local food assets by 50% by 2020, increasing the number of farmers' markets from 4 to 22 by 2020.
- September 2009: Greenest City Action Plan identified farmers' markets as a high priority in its *44 Quick Start Recommendations* presented to Council.
- February 2007: Council adopted the Vancouver Food Charter.
- December 2003: Council adopted the Action Plan for Creating a Just and Sustainable Food System for the City of Vancouver.

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the above.

### ***REPORT***

#### ***Background/Context***

Farmers' markets contribute to a range of Council strategies and priorities, including:

- *Greenest City 2020 Action Plan*: Targets an increase to the number of farmers' markets and the creation of Vancouver's Food Strategy, both to improve access to healthy local foods in neighbourhoods and support local green jobs;
- *Healthy City Strategy (expected: 2013)*: Identifies a healthy, just and sustainable food system as one of 20 Building Blocks of a Healthy City for All;
- *Vancouver Economic Action Strategy*: Farmers' markets contribute \$15 million to the local economy per year by providing opportunities for small food businesses and connecting local food producers directly with consumers;
- *Transportation 2040 Plan*: Supports local food production and distribution to reduce the need for large scale transport;

- *Housing & Homelessness Strategy*: Ensuring that farmers' markets expand to meet expected increase to the supply and diversity of affordable housing.

### *Strategic Analysis*

#### Recommendations for Farmers' Market Policy 2013

Following consultation with farmers' market organizers, key partners, and agencies (e.g., Business Improvement Associations), Council is asked to approve various policy changes outlined in the Policy Report entitled "Farmers' Market Report Back and Recommendations" (RTS 9770). In addition to the policy changes, amendments to the Zoning and Development By-law are also proposed and brought forward by this report for consideration at a public hearing. The by-law changes are contained in Appendix A and summarized below in the policy directions provided in Table 1.

**Table 1 – Recommended Zoning and Development By-law Amendments for Farmers' Markets:**

Key Areas	Interim Farmers' Market Policy (2010-2012)	Recommendations for Farmers' Market Policy (2013 and beyond)
1. Definition of farmers' markets	<ul style="list-style-type: none"> <li>• A "retail use" defined as an "open air or fully 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."</li> </ul>	<ul style="list-style-type: none"> <li>• Add "local" to ready-to-eat foods to better support local foods and better distinguish between prepared foods vs. ready-to-eat foods.</li> </ul>
2. Number of Stalls or Booths	<ul style="list-style-type: none"> <li>• 10 or more tables or booths, except where the Director Planning may permit a lesser number.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Change size to 11 or more tables or booths.</b> This size differentiates farmers' markets from smaller community food markets that are 10 stalls or less.</li> </ul>
3. Size Limitations	<ul style="list-style-type: none"> <li>• The site area of a Farmers' Market must not exceed 2,323 m<sup>2</sup>, 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.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes.</li> </ul>
4. Agricultural Product Requirements	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• No more than 40% of the total number of stalls or booths in a farmers' market may be used for the sale of local ready-to-eat foods and local artisan crafts.</li> </ul>

Additional farmers' market policy and guidelines regarding aligned permit fees, permit duration, building permits, and business licenses are included in an accompanying Policy Report entitled "Farmers' Market Report Back and Recommendations" (RTS 9770).

## Explanation for Proposed Amendments to Zoning and Development By-Law Regarding Farmers' Markets

### 1. Definition (Section 11.21.4 of Zoning and Development By-law):

*Interim Policy:* Farmers' markets were defined as a retail use as:

*In an "open air or fully covered market for 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 food, and local artisan crafts."*

The city's definition treated "prepared and local ready-to-eat food" as the same, while farmers' market operators consider these to be fundamentally different. Separating the two types of foods and vendors would provide greater clarity for farmers' market operators and allow them to differentiate agricultural *producers* from agricultural *processors* more carefully.

*Recommendation:* Staff recommends amending the farmers' market definition by adding the word "local" to "ready-to-eat foods." This ensures that the definition captures **both local prepared and local ready-to-eat foods**. This separates "local prepared" foods from "local ready-to-eat foods" as the previous definition provided some confusion for applicants. The proposed definition is:

*An "open air or fully covered market for 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 local ready-to-eat food, and local artisan crafts."*

Differentiations between "local prepared" and "local ready-to-eat" are absolutely important for farmers' market operators who carefully select the types of vendors for their markets.

"Local" refers to foods grown, raised, or produced on agricultural land in BC. "Local prepared" means foods that have been prepared locally that include as much BC ingredients as possible. This includes preserved fruits and vegetables, jams, and jellies, with an emphasis on agricultural BC products. "Local ready-to-eat foods" include foods available for consumption as a meal, such as crepes and chili.

### 2. Number of Stalls or Booths (Section 11.21.2 of Zoning and Development By-Law)

*Interim Policy:* Under the interim policy, each farmers' market site was required to have a minimum of at least 10 stalls or booths, except where the Director Planning may permit a lesser number.

*Recommendation:* The minimum number of booths is proposed to increase from 10 or more to 11 or more. This better differentiate the size of farmers' markets from the size of community food markets, which are sites of healthy, fresh foods that are 10 or less booths or stalls.

### 3. Size Limitations (Section 11.21.3 of Zoning and Development By-Law)

*Interim Policy:* The site area of a farmers' market must not exceed 2,323m<sup>2</sup> (or 25,000 sq. ft.), except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all policies and guidelines adopted by Council.

*Recommendations:* Staff recommends retaining the size limitations to a maximum of 2,323m<sup>2</sup> (or 25,000 sq. ft.), unless approved by the Director of Planning. This allows a reasonable expansion of the largest existing farmers' market (Trout Lake is at 1950m<sup>2</sup> or 21,000 sq. ft.) while limiting traffic and noise impacts.

#### 4. Agricultural Product Requirements (Section 11.21.5 of Zoning and Development By-Law)

*Interim Policy:* The interim policy required that all stalls or booths at each farmers' market site had a minimum of 20% for the sale of local prepared and ready-to-eat foods and local artisan crafts. This percentage requirement was created to ensure that farmers' markets directly support the expansion of agricultural producers and small artisan food businesses involved in the production, processing, and distribution of local food within Vancouver and connected to local agricultural producers.

*Recommendation:* Staff proposes to amend the Zoning and Development By-Law farmers' market regulations to state: "No more than 40% of the total number of stalls or booths in a Farmers' Market shall sell local ready-to-eat foods and local artisan crafts. "

This percentage better ensures markets have a mix of vendors: agricultural producers, locally-prepared foods, local ready-to-eat vendors and local artisanal crafts. An appropriate balance is critical to the economic viability and seasonality of farmers' markets year-round. This adjusted 40% maximum requirement is especially important when fresh produce is less available during fall and winter months, allowing market operators the flexibility to include more small-scale businesses alongside ready-to-eat foods and artisanal crafts to sustain their operations.

The previous 20% maximum created considerable strain on farmers' market organizers, forcing some to re-locate to other municipalities with fewer restrictions. As such, a more viable mix ensures that both agricultural producers and small-scale local food businesses have an opportunity to vend at markets. This 40% amendment will better support farmers' markets as one-stop-shops and community gathering spaces for residents.

This adjusted percentage still ensures that markets must carry *local* produce and must be *producer direct*, but also better supports farmers' markets in carrying a diversity of local food options. This 40% also better aligns Vancouver's farmers' markets with the BC Association of Farmers Markets and ensures a more competitive percentage for the City of Vancouver to better compete with adjacent municipalities as an ideal location.

#### *Implications/Related Issues/Risk (if applicable)*

##### *Financial*

There are no financial implications.

#### **CONCLUSION**

As recognized by Council, farmers' markets provide numerous health, environmental, economic, and social sustainability benefits by improving access to local food, supporting green food jobs, reducing food transportation, and minimizing environmental impacts. To better meet City Council's Greenest City priorities, this report recommends amending the farmers' market definition and conditions within the Zoning and Development By-law.

These amendments are recommended in concert with policy changes being brought forward by the Policy Report entitled "Farmers' Market Report Back and Recommendations" (RTS 9770) which include: (a) aligning permit length and permit fees for markets on zoned lands, Park Board sites, and streets; (b) applying a business license fee for all farmers' markets; (c) continuing to streamline the application process; (d) better addressing of neighbourhood

traffic impacts; and (e) directing staff and funding to explore infrastructure opportunities with Park Board. These directions are necessary to better support farmers' market operations that will better meet Greenest City targets and Vancouver's Food Strategy goals.

The Director of Planning recommends, subject to a public hearing, approval of the amendments to the Zoning and Development By-law generally as contained in Appendix A.

\* \* \* \* \*

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

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

1. This By-law amends the indicated provisions of the Zoning and Development By-law.
2. In section 2, in the definition of "Farmers' Market", before the words "ready-to-eat", Council adds "local".

*[The above amendment adds the word local to ensure that the definition captures both "local prepared" and "local ready-to-eat" foods. This is aimed to separate "local prepared foods" from "local ready-to-eat foods". The previous definition treated both as the same and provided some confusion for staff and applicants.]*

3. In section 11.21:
  - (a) in section 11.21.2, Council strikes out "ten" and substitutes "eleven"; and
  - (b) in section 11.21.5, Council strikes out "20%" and substitutes "40%" and, after the word "local" strikes out "prepared and".

*[The above amendment to section 11.21.2 increases the number of stalls or booths from 10 to 11 or more, 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.]*

*[The above amendment to section 11.21.5 adjusts the wording from "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" to "No more than 40% of the total number of stalls or booths in a farmers' market may be used for the sale of local ready-to-eat foods and local artisan crafts."]*

4. To section 3.2.R in the C-1, C-2, C-2B, C-2C, C-2C1, C-3A, FC-1, FM-1, HA-1, HA-1A, HA-2, HA-3, I-1, I-2, I-3, IC-1, IC-2, IC-3, M-1, M-1A, M-1B, M-2, RA-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-4, RS-6, RT-1, RT-2, RT-3, RT-6, RT-7, RT-8, RT-9, RT-10, RT-10N, RM-1, RM-1N, RM-2, RM-3, RM-3A, RM-4, RM-4N, and RM-6 District Schedules, after "Farmers Market", Council adds "subject to the provisions of Section 11.21 of this By-law".

To section 3.2.1.R in the C-5, C-6, C-7, C-8, MC-1, MC-2, RM-5, RM-5A, RM-5B, RM-5C, RS-1, RS-5, RS-7, RT-4, RT-4A, RT-4N, RT-4AN, RT-5, RT-5A, RT-5N and RT-5AN District Schedules, after "Farmers Market", Council adds "subject to the provisions of Section 11.21 of this By-law".