



COUNCIL REPORT

To: Paul Gipps, CAO
From: Stirling Scory, Planner II
Subject: **P 21-10 Mobile Restaurant Business Licensing Bylaw Amendment 0087.12, 2021**

Date: June 22, 2021
File No: P21-10

RECOMMENDATION

THAT Council gives first, second, and third reading to the City of West Kelowna Business Licensing and Regulations Amendment Bylaw No. 0087.12, 2021.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Support initiatives that promote the community's local businesses, agriculture, and wineries.

BACKGROUND

Based on recent correspondence and interest from mobile restaurant operators and the public, staff have reviewed additional opportunities to support mobile restaurant operations on agricultural and public lands. Mobile restaurants, sometimes more commonly referred to as food trucks or mobile vendors, are a form of mobile business regulated through the City's Business Licensing and Regulations Bylaw, 0087.

History

In 2012, the City's Business Licensing Bylaw was amended to allow for greater operational flexibility for mobile restaurants than what existed in the Mobile Vending Policy and Business Licensing Bylaw. The Bylaw Amendment, 0087.03, resulted in the following changes:

- increased the stationary time of mobile restaurants from 15 minutes to 30
- changed the use of mobile restaurants to operate solely on public lands instead of private property
- permit the amplification of music only while the mobile restaurant is in motion

Official Community Plan Bylaw No. 100

The City's Official Community Plan (OCP) identifies the opportunity to support the diversification of the agricultural economy through a diversity of activities, which could include the enhancement of agri-tourism so long as these are ancillary to the primary farming activities on the parcel, and would not otherwise impact the agricultural capability of the farmland.

In consideration of economic sustainability, the OCP also identifies that agricultural land owners may be supported through the exploration of agri-business and enterprises, so long as the consideration is made to the *Agricultural Land Commission Act*, should the subject land be in the Agricultural Land Reserve. Additionally, the OCP identifies an opportunity to support the economy by encouraging a sustainable tourism economy with a strong economic mix of uses.

Agricultural Plan

The Agricultural Plan identifies through one of its goals that the diversification and the expansion of the agricultural industry should be pursued; furthermore, policy encourages the integration of urban and agricultural growth, with a particular focus on the encouragement of food access opportunities and new techniques to integrate agriculture into the urban experience.

Zoning Bylaw No. 154

Currently, the Zoning Bylaw allows for the operation of mobile vending in all zones; however, the Business Licensing Bylaw regulates the operation of business irrespective of what the Zoning Bylaw permits. Therefore, while the Zoning Bylaw does permit the use of mobile restaurants in any zone, the Business Licensing Bylaw requires that the operation of a mobile restaurant operate on public property.

ALC Requirements

The Agricultural Land Reserve Use Regulation permits the use of agricultural land for the purposes of an agri-tourism 'activity' under Section 12 which can include things such as agricultural heritage exhibits, harvest festivals, or corn mazes. To be considered, the property must have farm status and no permanent facilities may be constructed. Alternatively, a mobile food truck may operate on a property under Section 17 as an 'event'. In this circumstance, the food truck is limited to operate 10 times per year, but the activities do not have to be farm related (i.e. a wedding). An event may only occur on a property that has farm status, and there must be parking and a maximum of up to 150 people.

DISCUSSION

Proposed Business Licensing Bylaw Amendments

The proposed amendments will provide an opportunity for agricultural land owners to permit a mobile restaurant on their lands to enhance agri-tourism in West Kelowna. The bylaw amendment requires that land owners must operate the mobile restaurant as a secondary or ancillary use, which prevents existing and potential future agricultural land owners that own land without an agricultural use from operating a mobile restaurant, and

the operation of a mobile restaurant must still comply with the Agricultural Land Reserve Use Regulations, as detailed in Sections 12 and 17. It will remain the responsibility of the ALC to enforce these regulations.

In addition, the amendments also support opportunity for mobile restaurant operators to be stationed for additional time on public lands. The provision of a two hour operating time limit may provide more opportunities for existing mobile restaurant operators. Mobile restaurants must still abide by the existing provisions of the Business Licensing Bylaw, but the added time may also encourage business as the adjusted time limits provide more flexibility for operators. The change is expected to continue to support businesses and West Kelowna's tourism industry.

Furthermore, the proposed amendments also permit the operation of a mobile restaurant on private lands for a period of up to four (4) hours, and to a maximum of 10 times per year on a single parcel. The ability for mobile restaurants to operate on private lands that are not agricultural provides further opportunities to support mobile restaurant owners.

Bylaw Enforcement

Staff are aware of mobile restaurants that are currently operating on agriculturally zoned lands, and there have been limited concerns with their operation. The existing provisions of the Business Licensing and Regulations Bylaw will continue to enforce the requirement that mobile restaurants meet all safety and food requirements as required by the province, that the vehicle will not be allowed to amplify music while parked on the property, and that the mobile restaurant shall only serve food and beverages.

FINANCIAL IMPLICATIONS

It is not anticipated that the Business Licensing Bylaw will generate any additional income through the issuance of additional business licenses. However, there are added benefits in supporting West Kelowna's agricultural industry and agri-tourism industry and mobile restaurants that wish to operate on public lands. The greater flexibility in permitting the operation of mobile restaurants on public and private lands is anticipated to encourage the operation of mobile restaurants which will in turn support West Kelowna's local economy and tourism industry.

CONCLUSION

Should Council consider the proposed bylaw amendment, these uses may encourage additional investment in mobile restaurants within the City.

Alternate Motion:

THAT Council postpone first, second and third reading of the City of West Kelowna Business Licensing Regulations and Amendments Bylaw 0087.12, 2021.

Should Council postpone consideration of this Bylaw, additional direction to staff would be requested.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. City of West Kelowna Business Licencing Amendment Bylaw 0087.12, 2021
2. City of West Kelowna Business Licencing Bylaw 0087, Section 8 Redline Version