

CITY OF KELOWNA

Bylaw No. 12715

Amendment No. 5 to Development Application and Heritage Procedures Bylaw No. 12310

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the Development Application and Heritage Procedures Bylaw No. 12310 be amended as follows:

1. THAT the **Preamble**, located on Page 1, be amended by
 - 1.1. Deleting "and Agricultural Land Commission applications" and replacing with "Liquor Licence applications under Part 5 of the *Liquor Control and Licensing Act*; and Agricultural Land Commission applications."
 - 1.2. Deleting "WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act*" and replace with "WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act* and Part 5 of the *Liquor Control and Licensing Act*".
 - 1.3. Adding "issue liquor licence resolutions," after "issue a Temporary Farm Worker Housing Permit," and before "or the Agricultural Land Commission;"
2. THAT **Section 1.3 Scope**, Subsection 1.3.1 be amended by deleting the following:

"l) For property to be added to or removed from the Heritage Register; or
m) For Early Consideration by Council"

and replacing with the following:

"l) For property to be added to or removed from the Heritage Register;
m) For Early Consideration by Council; or
n) For a liquor licence"
3. THAT **Section 1.4 Definitions** be amended by adding in its appropriate location the following new definition:

"**Liquor and Cannabis Regulation Branch**' or '**LCRB**' means the **Liquor and Cannabis Regulation Branch** established by the *Liquor Control and Licensing Act*;"
4. THAT **Section 2.1.2 Application Requirements and Processing** be amended by adding the following new subsection:

"o) An application for a Liquor Licence will be made and processed substantially in accordance with Schedule '16' of this bylaw."
5. THAT **Section 2.2 Council Decisions** be amended by adding the following new subsection:

"2.2.8 Liquor Licence Applications

Except for applications that can be considered by the **Department Manager, Development Planning**, pursuant to Section 2.0 of Schedule '16' of this bylaw, Council may, upon receipt of a report from the City Manager respecting an application under Schedule '16', pass a resolution that:

 - a) Supports the application;
 - b) Does not support the application; or
 - c) Directs that the application be considered at a Tuesday Regular Meeting of Council.

6. THAT **Section 2.3 Delegation of Authority** be amended by adding the following new subsection:

"2.3.8 Liquor Licence Applications

The powers of Council under Section 38(3) of the *Liquor Control and Licensing Act* to provide comments and recommendations with respect to an application, subject to restrictions identified in Schedule '16' of this bylaw."

7. THAT **Schedule '1' – Application Requirements** be amended by

7.1. Deleting the following:

"The information listed below will be required for applications under this **bylaw** in accordance with Schedules '2' to '15' of this bylaw:"

and replacing with:

"The information listed below will be required for applications under this **bylaw** in accordance with Schedules '2' to '16' of this bylaw:"

7.2. Adding the following after 'Floor Plans' and before 'Elevation Drawings – 1:200 scale recommended, all units in metric, including:'

"• Occupant Load – A detailed floor plan showing all washrooms, exits, seating, fixtures and furniture that is stamped by the City of Kelowna."

8. THAT **SCHEDULE '16'** Liquor Licence Applications, as attached to and forming part of this bylaw, be added.

9. This bylaw may be cited as "Bylaw No. 12715, being Amendment No. 5 to Development Application and Heritage Procedures Bylaw No. 12310".

10. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE '16' – Liquor Licence Applications

This Schedule describes the process applicants must follow for *Liquor Control and Licensing Act* applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

1.1 Liquor Licence applications are made directly to the **Liquor and Cannabis Regulation Branch (LCRB)**. Applications that require local government input are then forwarded to the **City**.

1.2 Following submission to the **LCRB**, a separate application must be submitted to the City of Kelowna. The following information is required for a Liquor Licence application. See Schedule '1' of this bylaw for a description of each application requirement.

Application Form	State of Title
Owners Authorization	Project Rationale
City–Stamped Occupant Load	

2.0 LIQUOR LICENCE APPLICATION (DELEGATED)

2.1 SCOPE OF DELEGATION

2.1.1 The powers delegated to the **Department Manager, Development Planning** with respect to Liquor Licence applications are limited to the following application types:

- a) A Patron Participation Entertainment on a new or existing Food Primary Licence where the capacity is equal to or less than 250 persons;
- b) A new Liquor Primary Licence, Lounge Endorsement, Picnic Area Endorsement, or Special Event Area Endorsement where the capacity is equal to or less than 99 persons; or
- c) A structural change to an existing Liquor Primary Licence, Lounge Endorsement, Picnic Area Endorsement, or Special Event Area Endorsement where the total capacity is equal to or less than 99 persons.

2.2 PROCESSING PROCEDURE

2.2.1 An application under the *Liquor Control and Licensing Act* that is among the application types set out in section 2.1.1 of this Schedule will be processed as follows:

- a) Upon receipt of an **LCRB** application package where local government input is required, submitted in accordance with the requirements of this bylaw the City will contact the applicant who must then submit a Liquor Licence Application to the Development Planning Department.
- b) Development Planning will review the application for completeness. If the application is incomplete, it will be processed in accordance with section 2.11 Incomplete Applications of this bylaw.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations, including, but not limited to, the **LCRB** Liquor Policy Manual and Council Policy No. 359.

- e) The applicant will complete public notification and consultation as required by Council Policy No. 359 Liquor Licensing Policy & Procedures.
- f) Relevant referral agency comments will be considered by the **Department Manager, Development Planning**.
- g) Development Planning will notify the applicant in writing of the decision of the **Department Manager, Development Planning**. If the **Department Manager, Development Planning** decides not to support the application the applicant may, within 10 business days of being notified in writing of the decision, request **Council** to reconsider the decision.
- h) The Report of the **Department Manager, Development Planning**, including recommendations and related schedules, will be uploaded to the **LCRB** portal.

3.0 LIQUOR LICENSE APPLICATION (COUNCIL)

3.1 PROCESSING PROCEDURE

An application under the *Liquor Control and Licensing Act* that is not among the application types set out in section 2.1.1 of this Schedule will be processed as follows:

- a) Upon receipt of an **LCRB** application package where local government input is required, submitted in accordance with the requirements of this bylaw, the City will contact the applicant who must then submit a Liquor Licence Application to the Development Planning Department.
- b) Development Planning will review the application for completeness. If the application is incomplete, it will be processed in accordance with section 2.11 Incomplete Applications of this bylaw.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations, including, but not limited to, the **LCRB** Liquor Policy Manual and Council Policy No. 359.
- e) The applicant will complete public notification and consultation as required by Council Policy No. 359 – Liquor Licensing Policy & Procedures.
- f) Development Planning staff will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.
- g) Council will consider the application.
 - i. An application with a capacity greater than 99 persons but less than or equal to 250 persons will be considered at a Monday Regular Meeting (afternoon) unless Council resolves to consider the application at a Tuesday Meeting.
 - ii. An application with a capacity greater than 250 persons will be considered at a Tuesday Meeting.
- h) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- i) If authorized, Development Planning will forward the Council resolution to the **LCRB** with the staff report, Council resolution, and applicable schedules.