



City of Kelowna  
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# Council Policy

## Liquor Licensing Policy & Procedures

ESTABLISHED: February 21, 2011

Contact Department: Development Planning

### Guiding Principle

The *Liquor Control and Licensing Act* and *Liquor Control and Licensing Regulation* provides opportunity for local governments to provide recommendations to the Liquor and Cannabis Regulation Branch (LCRB) on specified liquor license applications. Local government comments are a key component of the LCRB's licensing decisions.

### Purpose

To outline the criteria for evaluating a liquor license application and to establish standards and procedures for neighbour notification responsibilities.

### Application

This Policy applies to liquor license applications requiring local government input as per the *Liquor Licensing and Control Act*. This includes, but is not limited to, new, expanded, modified, relocated, or temporarily changed licenses for Liquor Primary Establishments, Food Primary Establishments, and Manufacturing Establishments.

### Definitions

"Capacity" means the total number of occupants as outlined on the Liquor Licence.

"Central Area" means the designated area identified in Schedule 'A'.

"Food Primary Establishment" means an establishment as defined by the Liquor and Cannabis Regulation Branch.

"Liquor Primary Establishment" means an establishment as defined by the Liquor and Cannabis Regulation Branch.

"Manufacturing Establishment" means an establishment as defined by the Liquor and Cannabis Regulation Branch.

"Outdoor Patio" means an area servicing patrons not located within a building.

"Patron Participation Endorsement" means an endorsement as defined by the Liquor and Cannabis Regulation Branch.

"Regular Format Development Notice Sign" means 4' x 2' signage for displaying notification requirements.

"Downtown Urban Centre" means 'Downtown Urban Centre' as defined in Kelowna 2040 – Official Community Plan Bylaw No. 12300.

### Policy Statements

#### Liquor Licenses Requiring a Council Resolution

In consideration of new, expanded, modified, or relocated establishments which serve liquor, the following guidelines shall be considered:

1. Hours:
  - a) Liquor service for a licensed establishment within the Central Area may be permitted between the hours of 9:00 AM and 2:00 AM. For a licensed establishment outside of the Central Area, liquor service may only be permitted between the hours of 9:00 AM and 12:00 AM;
  - b) Within the Central Area, an outdoor patio at a licensed establishment may not operate later than 11:00 PM.
  - c) Outside of the Central Area, an outdoor patio at a licensed establishment may not operate later than 12:00 AM. If the property, or any adjacent or abutting property, is designated or zoned for residential uses the patio must not operate later than 11:00 PM.
  - d) Establishments that operate roll shutters, bay doors, or similar large openings must close them by 11:00 PM.

- e) Amplified music and noise in an outdoor setting is discouraged but shall not occur after 11:00 PM.
- 2. Capacity:
  - a) A licensed establishment within the Central Area that closes later than midnight, must limit capacity to 500 persons. The capacity of a licensed establishment within the Central Area of greater than 500 persons may be considered in the following circumstances:
    - i. Where liquor service ends at or prior to 12:00 AM; or
    - ii. Where liquor service is provided in conjunction with alternative entertainment options that are less focused on alcohol consumption, including cultural or event-driven establishments.
  - b) For a licensed establishment outside of the Central Area, the capacity may not exceed 250 persons.
- 3. Siting:
  - a) A new licensed establishment, outside of the Downtown Urban Centre, with a proposed capacity of greater than 500 persons, may not be located within 250 meters of an existing licensed establishment with a capacity of greater than 500 persons.
- 4. Agricultural Land Reserve:
  - a) A licensed establishment located on parcels within the Agricultural Land Reserve (ALR) will only be permitted in accordance with the *Agricultural Land Commission Act (ALCA)* and ALR and Regulations. If not regulated by the ALCA or ALR regulations, liquor establishments on agricultural land must comply with all sections of this Policy.
- 5. Patron Participation Endorsement:
  - a) A patron participation endorsement may be supported where the proposal complies with all sections of this policy.
- 6. Other Consideration Criteria:
  - a) Pertinent input from other internal departments and external agencies;
  - b) Surrounding land uses and general impact on the local neighbourhood;
  - c) Proximity to other licensed liquor establishments; and
  - d) Public input.

#### Temporary Changes to Liquor Licenses:

- 7. Temporary license changes will be reviewed in accordance with the following guidelines:
  - a) A Temporary Change to Liquor Licence may not exceed 3 days;
  - b) Requests for Temporary Change to Liquor Licence must be submitted a minimum 6 weeks prior to the event.
  - c) RCMP input on policing impacts of proposed temporary license changes, including:
    - i) Payment of additional policing costs prior to the event;
    - ii) The number of temporary licence change requests received for each date, and their proposed capacity, proximity, and hours of service;
    - iii) Location of proposed temporary license change;
    - iv) Availability of policing resources;
    - v) Security Plan, including provision of qualified private security personnel.

#### Notification Requirements:

- 8. All liquor licence applications must complete neighbour notification prior to manager or Council consideration. Prior to notification or advertising the applicant must send the package to staff for review.
  - a) Notification Buffer Area:
- 9. For properties within the Permanent Growth Boundary as indicated on OCP Map 3.1, properties within a minimum of 50 m must be notified. The minimum notification distance may be increased at the discretion of the Department Manager, Development Planning based on the scale and specific characteristics of the application. An increase in

notification distance could include providing notification to a block end rather than stopping mid-block or capturing nearby residential areas that could be impacted.

- i) For properties outside of the Permanent Growth Boundary as indicated on OCP Map 3.1, all properties within 300 m must be notified.

Staff will generate a buffer map and list of properties for the applicant. Mail outs are required, and where possible, direct face-to-face notification with immediate neighbours is encouraged.

b) Neighbour Notification Content:

The Neighbour Notification will clearly state that this notification is from the applicant, and not from the City. The following items must be included in the mail-out or face-to-face notification:

- i) Location of the site
- ii) Detailed description of the proposal including specific changes proposed
- iii) Visual rendering or site plan of the proposal (if available)
- iv) Website for the proposal (if available)
- v) Contact information for the applicant
- vi) Contact information for staff

c) Summary of Neighbour Notification:

A summary of neighbour notification efforts, feedback, and responses must be provided to staff before the application can be scheduled for Council or considered by Department Manager. The summary report will be included in the Council report or Department Manager report and must not contain any personal details of attendees such as first and last names, addresses, phone numbers, etc. The summary must include the following information in the following order:

- i) Date the mail-outs or face-to-face notification was completed
- ii) Methods of notification (mail out, face-to-face, website, etc.)
- iii) List of all addresses notified
- iv) Details of the types of information provided
- v) Any feedback or key issues received from the neighbours
- vi) Outline any changes to the project resulting from neighbour notification

d) Signage:

Staff will coordinate with the applicant to order signs in a timely fashion to ensure signage is in place a minimum of 10 days prior to manager or Council consideration. Any costs associated with the production and installation of signage are the responsibility of the applicant and/or owner.

For sites with more than one frontage, a sign is required on each frontage. A sign is required for each 150 m of frontage, provided no more than three signs are required on any one site. Photographic evidence of the installation of the signs is required to be provided to staff prior to Council or Department Manager consideration.

Signage will be a Regular Format Development Notice Signs (4' x 2') and must contain:

- i) Detailed description of proposal including address and file number
- ii) Contact information for the applicant
- iii) Contact information for staff

e) Public Notice:

For applications requiring Council approval, the City will:

- i) Deliver notice of the application to owners and occupiers to a 50 m (or minimum four properties, whichever is greater) buffer a minimum of 10 days prior to the public meeting
- ii) Place newspaper advertisements in at least two consecutive issues with the last publication to appear not less than three and not more than 10 days before the public meeting

**Amendments**

Resolution: 24/11/25

Replacing: R458/16/05/30; R710/15/09/14; R170/11/02/21; Council Policy No. 315

**Schedule 'A'**

