

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY LAW NO. 96

WHEREAS the Legislature of the Province of British Columbia has, by the Liquor Act of the Province of British Columbia and by the Regulations pursuant thereto, permitted granting of general licenses for the operation of Neighbourhood Public Houses when approval therefore has been given by Regional District Boards;

AND WHEREAS the Regional Board under Section 218 of the Municipal Act has the power to do all such things as are incidental or conducive to the exercise of its allotted powers;

AND WHEREAS the Regional Board under Part XXI of the Municipal Act has the power to zone and regulate the use of land;

AND WHEREAS the Regional Board wishes to approve issuance of general licenses subject to specific regulations;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

DEFINITIONS

1. In the construction and interpretation of this By-Law the following words and terms shall have the meaning hereby assigned to them unless repugnant to the context hereof.

- (a) Chief Building Inspector means the duly appointed Chief Building Inspector of the Regional District of Central Okanagan.
- (b) Regional District shall mean the Regional District of Central Okanagan.
- (c) Neighbourhood Public House shall be a business for which a general license shall have been issued pursuant to Section 30 of the Government Liquor Act being Chapter 166 of the revised Statutes of British Columbia, 1960.
- (d) Person, shall in addition to its ordinary meaning unless repugnant to the context hereof, mean and include person as defined in the Interpretation Act being Chapter 199 of the revised Statutes of British Columbia, 1960.
- (e) Public House Licensed Premises shall mean a business holding a public house license pursuant to Section 30 of the Government Liquor Act being/

REGIONAL DISTRICT APPROVAL OF APPLICATIONS

2. The Regional District hereby approves the issuance of General Licenses under the Liquor Act of the Province of British Columbia for Neighbourhood Public Houses located within the boundaries of the Regional District but outside the boundaries of any incorporated Municipality provided that applications therefore shall have been first approved by the Chief Building Inspector and also specifically approved upon Resolution of the Regional Board in open meeting after the Board shall have considered the merits of such application.

ZONES

3. Neighbourhood Public Houses may be established only in Commercial Zones and upon compliance with this and any other By-law of the Regional District and regulations of the Provincial Government.

Provided that applications for Neighbourhood Public Houses in or adjacent to any residential zone shall be considered only on the basis of a Land Use Contract subject to the provisions of Section 702A of the Municipal Act.

PARKING

4. In addition to the requirements of the Zoning By-law of the Regional District parking shall be provided within the parcel of land upon which the Neighbourhood Public House is to be located as follows:

- 4.1 Parking shall be provided of not less than one (1) space for each and every thirty-six (36) square feet of seating area plus an additional three (3) parking spaces for staff.
- 4.2 (a) Every off-street motor vehicle parking area required by this By-law shall be surfaced with an asphaltic, coal tar, portland cement or similar binder pavement so as to provide a surface that is durable and dust free.
(b) The individual parking spaces, manoeuvring aisles, entrances and exits shall be clearly marked by curbs or fences, lines, signs clearly lighted and
(c) Each parking area shall have fences or curbs to prevent the crossing of sidewalks and boulevards except at authorized exits or entrances,
and/

and

(d) site drainage shall be provided in a manner approved by the authority having jurisdiction.

(e) All parking areas shall be adequately lighted to the satisfaction of the Chief Building Inspector.

(f) All parking areas shall be adequately screened by a closed fence or evergreen hedge from view from surrounding streets or residential zones to the satisfaction of the Chief Building Inspector.

(g) All parking areas shall conform in general to the requirements of the Zoning By-Law.

Front Yard

4.3 No off-street parking shall be permitted in the required front yard.

4.4 Except for entrances, exits and driveways, all required front yards shall be fully landscaped.

SIGNS

5. 5.1 Only one (1) facia sign attached to that portion of building housing the Neighbourhood Public House shall be permitted.

5.2 Highly illuminated signs, flashing signs, roof signs and free-standing signs shall not be permitted.

LOCATION

6. No Neighbourhood Public House shall be located within one mile of another Neighbourhood Public House Licensed Premises or Public House Licensed Premises except on approval of the General Manager appointed under the Liquor Act of the Province of British Columbia.

HOURS OF OPERATION

7. The hours of operation for a Neighbourhood Public House shall be 11 o'clock in the forenoon to 11 o'clock in the afternoon.

APPLICATION

8. Each application received for consideration of a Neighbourhood Public House shall be first processed by the Chief Building Inspector before submission to the Board for the necessary Resolution and each application that shall be received by the Regional District for approval of a Neighbourhood Public House shall be approved in the chronological order of the date that it shall have been received. If any application is/

is not complete so that the Chief Building Inspector must request further information or particulars of the applicant, such application shall be rejected immediately upon his having requested further information with liberty to the applicant to re-apply, which re-application shall be considered as a new application when it shall be again received and shall thereafter be dated for receipt as of the date of its having become a new application, PROVIDED HOWEVER that any application that is clearly located in excess of the one mile restriction hereinbefore mentioned and which is ready for submission to the Board for the necessary approving Resolution, may be so submitted to the Board.

INFORMATION REQUIRED TO BE SUBMITTED WITH APPLICATION

9. The information of particulars that the Chief Building Inspector shall require with each Neighbourhood Public House application shall be the following, unless this By-Law shall be amended.

- (a) Such form of Application as shall have been approved by the Secretary-Treasurer of the Regional District.
- (b) Floor plans of the proposed building and a plot plan of the property showing locations of all buildings and structures, parking, landscaping, exits and entrances and drainage.
- (c) A map of the area of application showing a one mile distance from each extremity to the parcel of land for which the approval is to be given.
- (d) The written approval from the owner of the building, and the owner of the property.
- (e) Written approval from the City of Kelowna or the Municipality of Peachland if the one mile distance required by this By-Law extends into the boundaries of the City of Kelowna, or the Municipality of Peachland.
- (f) A written opinion from the District Highways Manager as to whether or not the issuance of a License would create a traffic problem.
- (g) A photograph truly representing the building for which approval is requested or if there is any new construction or renovation, then a true representation of the proposed building in a form of artists conception
- (h) A copy of a Petition, in a form as prescribed by the Secretary-Treasurer of/

of the Regional District circulated by the applicant to every resident or business located within 1200 feet of the location for which approval is requested and a copy of an advertisement which has been published in not less than two consecutive issues of a local newspaper published and circulated within the area in which the proposed Neighbourhood Public House is to be located with the last of such publication appearing not less than three weeks before submitting the application to the Regional District for approval. Such advertisement shall include the explanatory notes of the Neighbourhood Public House Legislation, the location and legal description of the property a street plan of the area showing the one-half mile radius surrounding the site of the proposed Neighbourhood Public House together with a general description of the development proposed. Provision in the advertisement shall also be made for inviting written opinions for and against of the residents regarding the proposed development. The newspaper advertisement shall direct residents or businesses to register their opinions with the Secretary-Treasurer of the Regional District. The opinions of the residents and businesses shall be considered by the Regional Board in conjunction with the application

(i) Ten year histories and birthdates of the applicants indicating citizenship and eligibility to vote in British Columbia.

This By-Law may be cited for all purposes as the "Regional District of Central Okanagan Neighbourhood Public House By-Law, 1975, No. 96".

Considered by the Technical Planning Committee pursuant to Section 798B of THE MUNICIPAL ACT this 14th day of May, 19 75.


APPLICATION SUBJECTED TO PUBLIC HEARING PURSUANT TO SECTION 703 OF THE MUNICIPAL ACT this 25 day of June, 19 75.

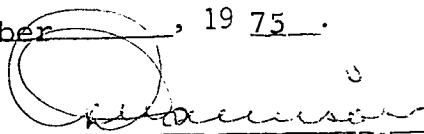
READ THE FIRST TIME this 26th day of May, 19 75.

READ THE SECOND TIME this 26th day of May, 19 75.

READ THE THIRD TIME this 26th day of May, 19 75.

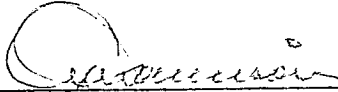
RECONSIDERED AND ADOPTED THIS 3rd day of November, 19 75.


Chairman


Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of By-law No. 96 as read a third time by the Regional District of Central Okanagan on the 26th day of May, 19 75.

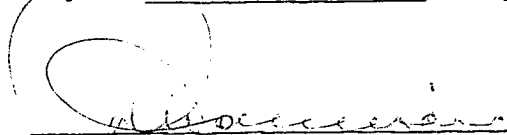
Dated at Kelowna this 26 day of June, 19 75.



Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of By-law No. 96 which was reconsidered and adopted by the Regional District of Central Okanagan on the 3rd day of November, 19 75.

Dated at Kelowna this 18th day of November, 19 75.



Secretary-Treasurer