



Proposed Unified Development Code Amendments: Alcohol Establishments

City Council
Work Session

December 9, 2021



Purpose

- Provide an overview of proposed **regulations** of alcohol sales

Proposal

1. Regulate Alcoholic Beverage Establishments that **derive 75% or more of their gross revenues** from the sale of alcohol for on premises consumption through a **Conditional Use Permit (CUP)**
 - City regulation is **allowed** by the Alcoholic Beverage Code
 - Similar to current S-P-1 (R-AB) but **adds additional control** including revocation of CUP for cause and time limits - not available in a permanent zoning
 - Processed **similar to a zoning case** per state law with two public hearings and final council consideration
 - Considered case by case and site by site
 - Includes site plans, narratives, exhibits
 - Will not apply within the Urban Business District Overlay and PUD 6

Proposal, cont.

2. Regulate uses that receive **less than 75%** of gross revenue for on premises consumption based on the **zoning district for their primary function**
 - Allows restaurants, hotels, service, entertainment establishments to provide alcohol service with distance verification
3. Retain **separation distances** for the TABC permit
 - Continue to require 300 foot measurements for public or private schools, worship facilities and public hospitals as allowed by state law at time of TABC permit
 - Exempt the Urban Business Overlay (Lake Carolyn area), Heritage Crossing Zoning District, TOD districts, PUD 6, and city-owned properties where on-premises consumption may occur
 - Revise the alcohol distance variance process to be considered by the City Council only
4. Remove **revenue reporting** requirement

Other Amendments

- A. Amend C-N and C-C to remove the requirement of **activities within in a building**
 - Restaurants are only allowed by right in C-N, C-C, M-FW and FWY
 - Only C-N and C-C have the limitation
 - Allows restaurants to **serve on outside patios by right**, with appropriate noise and adjacency considerations
 - Provide additional **parking** as needed for patio seating area

- B. Amend Administrative Amendments to allow **expansion to outside patio**
 - For existing RAB districts, allow an **expansion** of the existing restaurant seating square footage on an adjacent patio area, with appropriate noise and adjacency considerations
 - Up to 25% in non mixed use districts (most districts)
 - Up to 50% in mixed use and TOD districts

Other Amendments, cont.

C. Amend or add **definitions**

- Alcoholic Beverage Establishments, Brewpub
- Alcohol beverage manufacture, wholesale and distribution; Brewery; Winery; Distillery
- Wine Boutique, Microbrewery/distillery
- Event Center/Rental Hall
- Restaurant
- Private Club (update)

D. Amend **land use chart** and **individual sections** to define districts for uses

- Restaurants currently allowed in C-N, C-C and FWY districts
- Add Alcoholic Beverage Establishments, Brewpub by CUP only
- Add Wine Boutique, Microbrewery/distillery in C-C, FWY, and TOD
- Add Alcohol beverage manufacture, wholesale and distribution in all industrial districts

Other Amendments, cont.

E. Create Conditional Use Permit

- For uses identified on the **land use chart** as CUP required;
- Requires **approval** from Council before use is allowed;
- Allows for **site by site** consideration of a request;
- Requires the applicant to provide a **site plan**;
- Enables **revocation** for poor behavior or operation, inaction, or discontinuance of use; and
- Sets an **indefinite time period** for operation unless otherwise determined by Council

Next Steps

October 14

City Council Work Session #1

November 1

Planning and Zoning Commission
Work Session #1

December 9

City Council Work Session #2

December 13

Planning and Zoning Commission
Work Session #2

January 3

Planning and Zoning Commission
public hearing and recommendation

January 13

City Council public hearing and vote

Discussion