

Changes to Ch. 3 Wet zoning regulations (08/14/2006)

Changes made since August 3, 2006

3-80(a)2.a.: (Restaurant reporting requirements) The owner/operator must submit its reporting statement by hand delivery or mail. The prior version required the mail to be sent to the City by hand delivery or certified mail.

Said statement shall be either hand-delivered or sent via certified mail and postmarked on or before the thirtieth (30th) day of January and July of each year.

3-90(c): (Evidence of resumption of sales of alcoholic beverages) Further clarified that only evidence which is applicable to the particular establishment must be submitted to the City to demonstrate resumption of sales.

If the sale or service of alcoholic beverages has resumed at or from the wet-zoned parcel between the time the wet-zoned parcel was posted by the business tax division and prior to the expiration of the thirty (30) consecutive days as noted on the posted notice, a written notification and associated documentation as described below, shall be required to be filed with the land development coordination division prior to said expiration. ~~All of the~~ following documentation, if applicable to the subject establishment, shall be submitted to the land development coordination division, by the property owner, the holder of the alcoholic beverage license, or their designated representative, as evidence that the sale of alcoholic beverages has resumed at or from the wet-zoned parcel:

3-90(c): (Evidence of resumption of sales of alcoholic beverages/Public Hearing before City Council) Added language that after City Council sets the hearing date to consider the resumption of sales issues, the Land Development Coordination Division will send a copy of the motion fixing the date of the public hearing along with the notice requirements for the hearing to the property owner and to the address of the wetzoned parcel.

Public Hearing before City Council: Failure to provide documentation in conformity with the requirements stated herein shall result in a public hearing being held by the City Council. Notwithstanding the provisions of Section 3-100, Revocation and suspension for cause, upon request by a representative from the land development coordination division, the City Council shall, by motion, fix a date for a public hearing and cause a notice of the public hearing to be published one (1) time in a newspaper of general circulation at least thirty (30) days before the public hearing. No later than the next business day after City Council fixes the date for the public hearing, the land development coordination division shall send a copy of City Council's

requirements of Section 3-60, Public notice requirements, to the property owner and to the address of the wetzoned parcel.

Additionally, the property owner, the owner of the alcoholic beverage license, or their designated representative, shall comply with the notice requirements in Section 3-60, Public notice requirements.

3-90(c): (Evidence of resumption of sales of alcoholic beverages/Public Hearing before City Council) In the previous draft, if a property owner or owner of the AB license failed to appear at the public hearing, in the absence of good cause shown, the failure to appear "shall" be grounds for revocation of the wetzoning by City Council. The "shall" was changed to "may."

. . . In the absence of good cause shown, the failure to so appear ~~shall~~ may be grounds for revocation of the wet-zoning and a reversion to a dry status any property which has been zoned for the sale of any type of alcoholic beverages or from which any type of alcoholic beverages may be lawfully sold within the corporate limits of the city. . . .

For clarification, the following changes were made **after** the City Council workshop, and included in the version which was submitted to City Council on August 3, 2006.

3-80 b.2: (Restaurant reporting requirements)

Added requirement that the City will notify the property owner by certified mail of the non compliance with restaurant reporting requirements.

The land development coordination office shall immediately issue a 'Notice of Non-Compliance and Late Fee' to the business and property owner by certified mail, and shall impose and collect an administrative fee of five hundred dollars (\$500.00) from said business. The required documentation and late fee shall be submitted and paid to the land development coordination office. Said documentation and fee shall be either hand-delivered or sent via certified mail and postmarked on or before the thirtieth (30th) calendar day following the original required due date as stated in Section 3-80 (a)2.b.

3-90 b: (Posting of notice of discontinuance of sale of alcoholic beverages)

Added requirement that the City will notify the property owner by certified mail of the posting of notice of discontinuance of sale of alcoholic beverages.

The land development coordination office, no later than the next business day after the notice is posted, shall send a copy of the notice to the property owner, per the most recent tax roll, via certified mail.

3-90 c: (Evidence of resumption of sales of alcoholic beverages/Public Hearing before City Council)

Added language that the City will supply new or different evidence it intends to use at the public hearing to the property owner, operator and holder of the alcoholic beverage license no less than 5 days before the public hearing.

. . . . However, if the land development coordination division intends to present new or different evidence to support its position to City Council, it shall provide said information to the property owner, operator and holder of the alcoholic beverage license not less than five (5) days prior to the public hearing. . . .

3-90(c): (Evidence of resumption of sales of alcoholic beverages/Public Hearing before City Council)

Further clarified that only evidence which is applicable to the particular establishment must be submitted to the City to demonstrate resumption of sales.

Failure to provide ~~all of~~ the documentation in conformity with the requirements stated herein shall result in a public hearing being held by City Council . . .

3-90(d)(3): (Extension granted by land development coordination division).

Clarified that if the listed documentation is not available, other evidence which demonstrates efforts to complete construction may be submitted for consideration by the land development coordination division.

For those wet-zoned parcels, at or from which the sale of alcoholic beverages has ceased due to repair, renovation, expansion, or new construction, provide a copy of the building permit application, a copy of the building permit issued by the Construction Services Center and a copy of the contract for such repair, renovation, expansion or new construction, if applicable or other documentation indicating good faith ongoing effort to complete construction and resume sales of alcoholic beverages.