

FAQ Proposed Text Amendment Relating to Alcohol Regulations

This ordinance establishes clear standards for conditional uses that support community and business goals, with the express aim of mitigating potential adverse impacts of alcohol related establishment. The ordinance focuses the City’s regulatory efforts on business licensing and land use policy with regards to alcohol related establishment. The ordinance removes licensing requirements that duplicate state law, as well as improves health and safety requirements, and matches City and State terminology and definitions. Below are some frequently asked questions about the proposed ordinance.

1. Does this ordinance allow bars in residential areas?

No. The ordinance does not allow bars in residential areas. The proposal allows Brewpubs and Dining Clubs in the CN (Neighborhood Commercial District) and RB (Residential Business District) zones. Both of these uses require that 50% of an establishment’s revenue come from food sales. No alcohol related uses will be allowed in the RO (Residential/Office District) zone. See the table below.

ZONING DISTRICT	ORIGINAL PROPOSED ALCOHOL RELATED USES*	PROPOSED ALCOHOL RELATED USES AT PLANNING COMMISSION ON 12/9/09*	PROPOSED ALCOHOL RELATED USES TO BE PRESENTED TO THE PLANNING COMMISSION ON 1/27/10*
CN (Neighborhood Commercial District)	Brewpubs, Social Clubs, Taverns	Brewpubs, Dining Clubs	Brewpubs, Dining Clubs
RB (Residential/Business District)	Brewpubs, Social Clubs, Taverns	Brewpubs, Dining Clubs	Brewpubs, Dining Clubs
RO (Residential/Office District)**	Brewpubs, Social Clubs, Taverns	Brewpubs, Dining Clubs	None***

* All uses noted in this table (Brewpubs, Social Clubs, Dining Clubs and Taverns) are currently and have continually been proposed to be limited in size (2,500 square feet or less in floor space), and are currently and have continually been proposed to be subject to the Conditional Use process in the noted Zoning Districts.

** No nighttime businesses are currently allowed in the RO zone.

***The changes regarding the RO zone are not reflected in the December 9, 2009 staff report. These changes will be presented to the Planning Commission at their January 27, 2010 meeting.

Definitions:

Tavern: an establishment that can sell beer with an alcohol content of 3.2% or less for on-premise consumption without selling food (i.e. the Tap Room).

Social Club: an establishment that can sell all forms of alcohol for on-premise consumption without selling food (i.e. the Green Pig).

Dining Club: an establishment that maintains at least 50% of its total sales from food, but also serves alcoholic beverages for on-premise consumption. The purchase of food is not required for the purchase or consumption of alcohol (i.e. Fats Grill, Market Street Oyster Bar, and Fiddler’s Elbow).

Brewpub: an establishment where revenue from food sales constitutes 50% of the business revenues. The establishment can produce only enough beer for sale and consumption on site, or for retail carryout sale in containers holding less than two liters, or for wholesale (i.e. Squatter’s Pub Brewery, Red Rock Brewing Company, and Desert Edge Brewery).

Microbrewery: a more intense land use than a brewpub, but still requires at least 50% of total business revenues, excluding wholesale and retail carryout sales of beer to come from food sales. There are no licensed microbreweries in Salt Lake City.

2. Is the City taking into consideration the different needs of different neighborhoods?

Salt Lake City is comprised of many distinct and diverse areas. Making alcohol establishments a conditional use in the RB and CN zones allows the city to consider the unique character of the surrounding neighborhood when determining if a conditional use permit should be issued. The criteria for the evaluation of conditional use proposals in these zones are the same criteria the Salt Lake City Council adopted in Ordinances 12 and 65 of 2009. These criteria ensure the compatibility and mitigation of negative impacts to surrounding land uses. These criteria can be found in attachment A of the December 9, 2009 Planning Commission Staff Report.

3. Does this ordinance offer protections from a proliferation of alcohol establishments in any area of the City?

Yes. In addition to limiting the size of the establishment, this ordinance limits alcohol establishments in the CN and RB zones where the size of the zone is at least one half (1/2) acre. The zone may be comprised of a single parcel or multiple parcels (irrespective of streets) as long as the aggregate area meets the half-acre minimum. This requirement eliminates the possibility of alcohol related uses on small parcels where the impact of such uses on surrounding residential areas would be difficult to mitigate.

The ordinance also states that “No more than one alcohol related establishment as noted in the Table of Permitted and Conditional Uses shall be located within six hundred feet (600’) of another alcohol related establishment as measured linearly without regard to intervening structures from the nearest point on the property line of one establishment to the nearest point on the property line of the second establishment.”

4. How will this ordinance be enforced?

Salt Lake City monitors the need for additional police in all of the City’s neighborhoods. This will be assessed as part of the normal procedures and processes. Additionally, establishments are subject to state laws that will be enforced by the Department of Alcoholic Beverage Control (DABC).

5. What was the public process used in developing this proposal?

Salt Lake City engaged in an extensive public outreach and education effort that has included meetings with Community Council Chairs, City Boards and Commissions, Public Open Houses, using the City’s webpage, and conducting eight Neighborhood Discussion Groups. Below is a timeline of the process.

June 30, 2009: Proposal presented to the Zoning Amendment Project (ZAP) Task Force.

August 2009: Proposal presented at the Community Council Chair Breakfast, and at the Business Advisory Board meeting.

August 20, 2009: Proposal presented at a Public Open House.

September-October 2009: The Proposal was posted on the Mayor’s webpage with a request for public comments. 169 people commented.

September-November 2009: Proposal presented at eight Neighborhood Discussion Groups. The purpose of these meetings was to identify issues related to the proposed ordinance. The City did not seek to reach or develop consensus on the proposal. The groups were for information gathering purposes only.

December 9, 2009: Proposal considered by the Salt Lake City Planning Commission

January 7, 2010: Proposal presented at the Community Council Chair Breakfast

January 14, 2010: A second Public Open House will be held

January 27, 2010: The Salt Lake City Planning Commission will consider the proposal a second time.

During the public outreach, City staff analyzed the feedback and input they received and made changes to the original proposal. The proposal that is being considered today is a result of the information, opinions and concerns Salt Lake City residents shared with the City (see table above).