

**CITY COUNCIL RESEARCH DIVISION  
LEGISLATIVE SUMMARY**



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**Bill Type and Number:** Resolution 2020-254

**Introducer/Sponsor(s):** Council Members Becton, Diamond, Salem, Bowman, Wilson, Freeman and DeFoor

**Date of Introduction:** May 12, 2020

**Committee(s) of Reference:** R, LUZ

**Date of Analysis:** May 14, 2020

**Type of Action:** Request to mayoral administration; emergency approval request

**Bill Summary:** The bill requests the City administration to suspend enforcement of certain provisions of the Zoning Code during the current local or state emergencies, whichever is longer, for the purpose of allowing: 1) some outside retail display and sales of all merchandise, subject to certain limitations; 2) some outside sale and service of food and outside seating for licensed restaurants, subject to certain limitations; 3) some outside sale and service of alcohol (beer, wine or liquor), subject to certain limitations; and 4) sale of all alcohol (beer, wine or liquor) by a licensed facility or establishment for off premises consumption (also known as “package sales”). The conditions on allowing these temporary outdoor uses are: 1) the outside area shall be contiguous to the retail location or licensed restaurant, facility or establishment; 2) the outside area shall not adversely impact the use of a sidewalk or right of way; 3) no amplified music or other sounds are permitted; and with regard to outdoor sale or service of alcoholic beverages, 4) the outside area shall be no greater than the inside area licensed for sale and service of alcohol; and 5) the outside area shall be surrounded by a temporary barrier at least three and a half feet high; provided, that the temporary barrier may be broken by up to two entranceways no more than four feet wide each.

The bill states that no private property rights are established for the above uses due to any suspension of enforcement of the Zoning Code during the local or state emergencies and it requires all property owners, tenants and operators to continue to comply with any other applicable laws, rules or regulations not addressed in this resolution.

**Background Information:** The purpose of the bill is to permit and encourage stores, restaurants and bars to participate in the phased reopening of the local economy in a way that makes economic sense for the proprietors while still protecting the public health and safety by allowing outdoor sales and seating options that increase patron capacity above the temporarily restricted indoor occupancy limits and to allow licensed alcoholic beverage establishments to temporarily sell alcohol for off-premises consumption (“package sales”).

**Policy Impact Area:** Economic recovery via temporary relaxation of regulatory enforcement

**Fiscal Impact:** Undetermined

**Analyst:** Clements