

CURRENT CODE FOR USE	CCG-1	CCG-2	PUD
Liquor for off-premises consumption: LIQUOR STORE	EXCEPTION AT PC NOW	REQUIRE EXCEPTION FOR SOME	CUSTOMIZED
Liquor for on-premises consumption: RESTAURANT	EXCEPTION AT PC NOW	PERMITTED BY RIGHT	CUSTOMIZED
Liquor for on-premises consumption: BAR	EXCEPTION AT PC NOW	EXCEPTION AT PC NOW	CUSTOMIZED

CURRENT CODE FOR DISTANCE LIMITS	DISTANCE	WAIVERS
Church (except CN, CCG-1 or CCG-2 if with an unrelated principal use)	Liquor Store: 500 FEET Restaurant: 500 FEET Bar: 1500 FEET	AT PC NOW
School (except CN, CCG-1 or CCG-2 if with an unrelated principal use)	Liquor Store: 500 FEET Restaurant: 500 FEET Bar: 1500 FEET	AT PC NOW
Adult Entertainment	Liquor Store: 500 FEET	AT PC NOW

↓ PROPOSED CODE CHANGES ↓

1. Remove review of EXCEPTIONS and WAIVERS for liquor uses from the Planning Commission so all EXCEPTIONS and WAIVERS for liquor uses are heard by the City Council.
2. Require EXCEPTIONS for LIQUOR STORES in CCG-2, instead of permitting by right, if they do not meet certain site criteria. See criteria discussion below.

This approach makes fewer existing stores nonconforming thus reducing potential objections, while providing an opportunity for case-by-case review of future stores. See #3 below for addressing distance from existing liquor stores as part of the review process (case-by-case analysis), as opposed to using it as the reason for requiring the exception (subject to certain legal challenges).

LIQUOR STORE IN CCG-2 THAT WOULD REQUIRE AN EXCEPTION HEARD BY THE CITY COUNCIL	LIQUOR STORE IN CCG-2 THAT WOULD CONTINUE TO BE PERMITTED BY RIGHT
ONE ACRE OR LESS	OVER ONE ACRE
7000 SQUARE FEET OR LESS	OVER 7000 SQUARE FEET
Issues that we CAN NOT use as criteria: specific owners of the liquor store; whether it is franchised (like an ABC) or independently operated; City Council District (must apply same rules in whole City)	

3. Amend the EXCEPTION criteria to allow consideration of "proximity to similar uses".
4. Provide some timeframe for free applications for EXCEPTIONS so existing liquor stores can come into compliance. A "legal nonconforming" status means no bank loans, no expansion, no repairs over a certain dollar amount, etc.

EXCEPTION CRITERIA

1. Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;
2. Will be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values, and existing similar uses or zoning, and the impact of the proximity to similar uses;
3. Will not have an environmental impact inconsistent with the health, safety and welfare of the community;
4. Will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community;
5. Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent amendment to the plan adopted by the Council;
6. Will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity;
7. Will not overburden existing public services and facilities;
8. Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services; and
9. Will be consistent with the definition of a zoning exception and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such particular use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission.