



Summary of Zoning Code Alcohol-Related Uses and Proposed Changes - Legistar 88319

Alcohol-Related Zoning Use	Current Zoning Definition (MGO 28.211)	Proposed Zoning Definition (MGO 28.211)	Current Supplemental Regulations (MGO 28.151)	Proposed Supplemental Regulations (MGO 28.151)	If Proposed Changes, Why?	Currently Allowed in Alcohol Overlay District? (MGO 28.127)	Proposed Allowed in Alcohol Overlay? (MGO 28.127)
Accessory Retail Alcohol Sales	The accessory sales of alcohol at a retail establishment that holds a Class A license under Sec. 38.06(11)	The accessory sales of alcohol at a retail establishment for offsite consumption.	None	No change	Referencing specific alcohol license types can create conflicts and limits ability of Zoning to apply correct use.	No	No change
Brewery	A facility used for the manufacture of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability	No change	None	No change	No changes proposed.	N/A	N/A
Brewpub	An establishment that operates a restaurant and manufactures up to ten thousand (10,000) barrels of fermented malt beverages per calendar year on premises for consumption either on or off premises in hand-capped, machine-capped or sealed containers in quantities up to one-half barrel or 15½ gallons sold directly to the consumer. The establishment shall hold a Class "B" liquor license issued by the state if, in addition to offering for sale fermented malt beverages manufactured on the premises, it also offers for sale fermented malt beverages manufactured by a brewer other than the establishment.	An establishment that operates as a restaurant and manufactures fermented malt beverages on premise for consumption either on or off premise in hand-capped, machine-capped or other sealed containers sold directly to the consumer.	(a)Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats. (b)Brewpubs shall not hold an entertainment license under Sec. 38.06(11). (c)Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City	(a)Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.	Need for an ALRC entertainment license no longer determines zoning use. All uses must meet requirements of all other applicable laws; no need to repeat in zoning code. State has changed definitions. When we make the specifics of zoning code match specifics of state statutuue, we have to keep amending zoning code. A more general definition allows us to determine the use more effectively.	Yes	No change
Distillery/Winery	A facility that produces, by distillation, spirits for consumption, the sale and distribution of which are regulated by law	A facility that produces, by distillation or fermentation, intoxicating liquors for consumption.	None	No change	All uses must meet requirements of all other applicable laws; no need to repeat in zoning code. The current definition doesn't clearly include wine; revised definition includes wine.	N/A	N/A
Incidental Alcohol Sales	The sale of alcohol when such sales are affiliated with but subordinate to a principal use or structure, where the owner or operator of the principal use or structure holds a Class B license under Sec. 38.06, and where the sale of alcohol does not exceed 25% of the gross receipts of the owner's uses on the land.	No change	None	No change	No changes proposed.	Yes	No change
Liquor Store	An establishment in which the principal use is the sale of alcohol and which holds a Class A license for liquor or beer.	An establishment in which the principal use is the sale of alcohol for offsite consumption.	None	No change	Referencing specific alcohol license types can create conflicts and limits ability of Zoning to apply correct use.	No	No change
Lodge or Private Club	A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.	No change	Service of food and intoxicating beverages allowed when licensed.	May include the service of food and alcohol.	All uses must meet requirements of all other applicable laws; no need to repeat in zoning code. Alcohol is a more general term and includes beer, wine, and liquor.	N/A	N/A

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Nightclub	An establishment in which fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11) and may serve meals and include kitchen facilities.	None, Removed Use	(a) Shall hold entertainment license under Sec. 38.06(11), MGO. (b) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.	None, Removed Use	Need for an ALRC entertainment license no longer determines zoning use. Use is removed from zoning code and incorporated into existing uses of "tavern" and "concert hall."	Yes	No, Removed Use
Restaurant	A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. Does not include sales of fermented malt beverages or intoxicating liquor.	A commercial establishment where the principal and primary use is serving meals and where fermented malt beverages or intoxicating liquors may be sold for consumption upon the premises.	None	(a) If the restaurant serves alcohol, maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats, as shown on the floor plan consistent with approved capacity. (b) Must serve food at all hours it is open.	Need for an ALRC entertainment license no longer determines zoning use. If a restaurant serves alcohol, capacity determined by number of seats, staff, and waiting area supports restaurant use is primarily about serving meals. If not, use should be tavern.	Yes	No change
Restaurant-Nightclub	An establishment where the principal and primary use is serving meals and where fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11).	None, Removed Use	(a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats, as shown on the floor plan consistent with approved capacity. (Am. by ORD-22-00033, 5-19-22) (b) Must serve food at all hours it is open. (c) Shall hold entertainment license under Sec. 38.06(11). (d) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.	None, Removed Use	Need for an ALRC entertainment license no longer determines zoning use. Use is removed from zoning code and incorporated into "restaurant" use.	Yes	No, Removed Use
Restaurant-Tavern	An establishment where the principal and primary use is serving meals and where fermented malt beverages or intoxicating liquors are sold for consumption upon the premises.	None, Removed Use	(a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats, as shown on the floor plan consistent with approved capacity. (b) Must serve food at all hours it is open. (c) Restaurant-Taverns shall not hold an entertainment license under Sec. 38.06(11). (d) Restaurant-Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.	None, Removed Use	Use is removed from zoning code and incorporated into "restaurant" use. Capacity limit for restaurants serving alcohol is moved into restaurant use.	Yes	No change

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Tasting Room	An establishment which offers fermented malt beverages or intoxicating liquors for consumption on the premises that are manufactured or rectified on the premises or at an off-site location associated with the premises. Tasting Rooms may include food sales.	No change	None	No change	No changes proposed.	No	No change
Tavern	An establishment where the principal and primary use is serving fermented malt beverages or intoxicating liquors for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use, and which may serve meals and include kitchen facilities.	No change	(a) Taverns shall not hold an entertainment license under Sec. 38.06(11). (b) Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.	None	Need for an ALRC entertainment license no longer determines zoning use. All uses must meet requirements of all other applicable laws; no need to repeat in zoning code.	No	No change