


Memorandum

Planning Division
Community & Economic Development Department

To: Zoning Amendment Project Task Force

From: Lex Traugher – Principal Planner
Salt Lake City Planning Division 

Date: June 30, 2009

Re: Draft Alcohol Regulations

- Draft Chapter 21A.36.200 – Alcohol Related Establishments
- Draft Land Use Tables
- Draft Definitions

Attached is a draft of the proposed alcohol regulations consisting of the elements listed above. Please note that all the pages in each land use table are not included; only the pertinent pages. The gray highlighted lines in the tables represent proposed changes.

21A.36.200 Alcohol Related Establishments

A. Purpose Statement: The purpose of this section is to permit the establishment of taverns, social clubs, brewpubs, and microbreweries as defined in Part VI, chapter 21A.62 of this title, subject to licensing procedures, and where appropriate, conditional use standards.

B. License Required: No tavern, social club, brewpub, or microbrewery shall be established, operated, or maintained within the City without a valid license issued by the Utah state division of licensing, and without a valid business license issued by the Salt Lake City business licensing office.

C. Taverns, Social Clubs, Brewpubs, and Microbreweries – Authorized as Permitted Uses: Taverns, Social Clubs, Brewpubs, and Microbreweries shall be permitted pursuant to subsection B of this section in zoning districts noted in the Tables of Permitted and Conditional Uses provided that the establishment is located on a deeded public street, in a shopping center with pedestrian access, or in an airport terminal. In addition, the establishment must meet spacing and location requirements per Utah state law.

D. Taverns, Social Clubs, Brewpubs, and Microbreweries – Authorized as Conditional Uses: Taverns, Social Clubs, Brewpubs, and Microbreweries, may be allowed, as conditional uses pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in zoning districts noted in the Tables of Permitted and Conditional Uses provided:

1. In approving a conditional use permit for a tavern, social club, brewpub, or microbrewery, the Planning Commission shall:
 - i. Require that a security and operations plan be prepared and filed with the City which shall include:
 - a. A complaint-response community relations program, and
 - b. A provision for a representative of the tavern, social club, brewpub, or microbrewery to meet with neighbors upon request in order to attempt to resolve any neighborhood complaints regarding the operations on the business premises;
 - c. Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15) feet from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for the applicable zoning district in Chapter 9.28 of this code;
 - d. A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;
 - e. Prohibiting electronically amplified sound in any exterior portion of the premises;
 - f. Designation of a location for smoking tobacco outdoors in conformance with State law;
 - g. A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by 6 a.m. the following day, including any smoking and parking lot areas, and;

- h. A provision stating that portable trash receptacles on the premises be emptied daily and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a City-approved trash storage area.
- ii. Require a review of the site and floor plan proposed for the premises by the Salt Lake City Police Department. Such review may require design features for the purpose of reducing alcohol-related problems such as consumption by minors, driving under the influence, and public drunkenness;
- iii. Require buffering where a tavern, social club, brewpub, or microbrewery abuts a residentially zoned parcel. Said buffering shall include vegetative landscaping or walls along any property line or within any required yard area on the lot where the premises are located;
- iv. Require that landscaping be located, and be of a type, that cannot be used as a hiding place, and;
- v. Require that the exterior of the premises be maintained free of graffiti at all times, including the main building, any accessory buildings or structures, and all signs;
- vi. Require that the establishment be located on a deeded public street or in a shopping center with pedestrian access;
- vii. Require that the establishment meet spacing and location requirements per Utah state law.

2. If necessary to meet the standards for approval of a conditional use permit set forth in Section 21A.54.080, the following conditions may be imposed:

- i. Limit the size and kind of signage located on the outside of any building containing a private club or association in conformance with Chapter 21A.46;
- ii. Require parking area lighting to produce a minimum footcandle that provides safe lighting for pedestrians, but does not intrude on residents' enjoyment of their homes, and;
- iii. Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses, and buildings and designating a new area if the potential effects of the area in the security and operations plan appear to adversely affect neighboring residences, businesses, and buildings.

E. Taverns, Social Clubs, Brewpubs, and Microbreweries – Authorized as Conditional Uses in Manufacturing Districts: Taverns, Social Clubs, Brewpubs, and Microbreweries, may be allowed, as conditional uses pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the M-1 and M-2 districts provided:

1. The establishment is located within ½ mile of a police precinct. If the establishment is proposed in a location that exceeds this distance, the applicant shall obtain a written statement from the Police Department granting permission to exceed the ½ mile proximity requirement.
2. The establishment is located on an arterial or collector street as defined by the Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional

Classification) Map.

F. Concentration Prohibited – In the R-MU, MU, CN, and CB zones, no more than one tavern, social club, or brewpub shall be located within six hundred feet (600') of another tavern, social club, or brewpub as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.

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PROPOSED DEFINITIONS

Tavern – A business establishment that is engaged primarily in the retail sale of beer, as defined by Utah State Code, for consumption on-premise, and includes the following if the sale of beer exceeds the revenue of the sale of food, although food need not be sold in the establishment: beer bar, parlor, lounge, cabaret, or nightclub.

Social Club – A business establishment that does not meet the State definition and/or requirements for a dining, equity, or fraternal club license, that serves alcoholic beverages (including but not limited to beer, heavy beer, wine, or liquor as defined in Utah State Code) for on-premise consumption.

Brewery – A business establishment that manufactures beer, heavy beer, or malt liquor for off-premise consumption, not to include those alcoholic beverages produced in a distillery or winery.

Distillery – A business establishment that manufactures distilled, spirituous beverages for off-premise consumption, not to include those alcoholic beverages produced in a brewery or winery.

Winery – A business establishment that manufactures alcoholic beverages from the fermented juice of grapes, fruits, or other liquid bearing plants for off-premise consumption, not to include those alcoholic beverages produced in a brewery or distillery.

EXISTING DEFINITIONS

Brewpub – A restaurant type establishment that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property which produces, ~~except as provided in subsection 6.08.081B2 of this code,~~ only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters (2 l) or for wholesale as outlined in subsections D and E of this definition. Automated bottle or canning production is prohibited. At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer ~~and the sales allowed pursuant to subsection 6.08.081B2 of this code.~~ Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at any one time, whichever is less. Brewpubs may sell beer in keg (larger than 2 liters) containers for the following purposes and in the following amounts:

A. An unlimited number of kegs (not to exceed 2,500 barrel capacity) for "brew fests" which, for the purpose of this definition, means events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three (3) such brewers;

B. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events sponsored by charitable organizations exempt from federal income tax pursuant to 26 USC, section 501(c)(3) or its successor; and

C. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events operating under a single event license from the state and the city where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event sponsor but is, instead, dispensed by employees of the brewpub;

D. Unlimited distribution to other restaurants of same ownership or control (not to exceed 2,500 barrel capacity). "Ownership or control" means more than fifty percent (50%) ownership in the actual business or controlling interest in any management partnership; and

E. No more than five hundred (500) barrels for wholesale distribution (not to exceed 2,500 barrel capacity).

Microbrewery – A brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales must constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer. (See sections 6.08.081 through 6.08.089 of this code.)

~~Tavern—Any business establishment engaged primarily in the retail sale or distribution of beer to public patrons for consumption on the establishment's premises, and that includes beer bars, parlors, lounges, cabarets and nightclubs.~~

21A.26.080 Table Of Permitted And Conditional Uses For Commercial Districts:

Legend	CN	CB	CC	CS1	CSHBD1	CG	TC-75
C = Conditional use							
P = Permitted use							
Use							
Residential :							
Assisted living center, large		P	P			P	P
Assisted living center, small		P	P			P	P
Dwelling, single room occupancy ⁶							P
Group home, large (see section 21A.36.070 of this title)			C			C	P
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P	P	P	P
Halfway homes (see section 21A.36.110 of this title)						C	
Living quarters for caretaker or security guard	P	P	P	P	P	P	P
Mixed use developments including residential and other uses allowed in the zoning district	P	P	P	P	P	P	P
Multiple-family dwellings	P	P	P	P	P	P	P
Nursing home		P	P			P	P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)			C			C	C
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)			C			C	C
Rooming (boarding) house	C	C	C	C	C	C	C
Transitional treatment home, large (see section 21A.36.090 of this title)			C			C	C
Transitional treatment home, small (see section 21A.36.090 of this title)			C			C	C
Transitional victim home, large (see section 21A.36.080 of this title)			C			C	C
Transitional victim home, small (see section 21A.36.080 of this title)			C			C	C
Office and related uses:							