

# STAFF REPORT

## City of Lancaster

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10/11/2022
JC

Date: October 11, 2022

To: Mayor Parris and City Council Members

From: Andrea Alexander, City Clerk

Subject: Zone Text Amendment to Title 17 (Zoning) of the Lancaster Municipal Code Relating to Alcoholic Beverage Establishments (Chapter 17.10, Chapter 17.12, Chapter 17.16 and Chapter 17.42)

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### Recommendation:

Adopt **Ordinance No. 1093**, amending Chapter 17.10, Chapter 17.12, Chapter 17.16 and Chapter 17.42 of the Lancaster Municipal Code relating to Alcoholic Beverage Establishments.

### Fiscal Impact:

None.

### Background:

The City Council directed staff to review and update the City's alcohol ordinance to create consistency and reconcile discrepancies in the Lancaster Municipal Code as it relates to alcohol establishment. Additionally, as part of the review process, staff surveyed and analyzed codes and policies from other agencies as appropriate and applicable. These agencies consisted of neighboring cities and the Department of Alcoholic Beverage Control. In addition to reviewing other cities, staff also reviewed current and past trends related to alcohol within the City of Lancaster, with respect to facility types and the current application and approval process. The result of this effort is a Zone Text Amendment (ZTA) to various sections in the Alcoholic Beverage Establishment section (see Attachment A) that would include:

- changes to definitions,
- modifications to conditional use permit requirements,
- addition of a minor use permit process, and
- removal of the factors regarding public convenience or necessity.

In addition, Chapter 17.10-Mixed Use zones, Chapter 17.12-Commercial zones, and Chapter 17.16-Industrial zones would include changes in two sections: *Uses subject to director's review*

*and approval, and Uses subject to conditional use permits.* These changes would be consistent with Chapter 17.42 of the Zoning Code. The major changes to Chapter 17.42 include the addition of the Director's Review and Minor Use Permit process, and the removal and reconciliation of definitions. Currently, Chapter 17.42 is convoluted with numerous definitions for the different types of alcoholic beverage establishments, making it complicated and unclear how to identify the type of establishments and its process. Definitions were removed, reconciled and revised to provide clarity. Also, in order to streamline the process for bona-fide restaurants, hotels, grocery stores and breweries, these types of uses would require approval of a director's review without a discretionary hearing.

In addition, convenience markets/neighborhood markets requesting the sale of beer and wine only would be subject to a new process called the Minor Use Permit (MUP). This requires a project notice to property owners within 500 feet of the project site, but the approving authority would be the Director. The Director may refer the project to Planning Commission or City Council for consideration and decision if deemed necessary.

### **Planning Commission**

The Planning Commission heard the proposed ZTA during their regular meeting on August 15, 2022, and unanimously voted to recommend approval to the City Council.

The proposed Zone Text Amendment would improve clarity, user-friendliness, and staff's ability to serve the public. It would provide more flexibility, incentivize businesses, and provide a business-friendly environment that would streamline the current process, while addressing any potential concerns related to the sale of alcohol.

At the Lancaster City Council meeting held on September 13, 2022, the City Council approved the introduction of **Ordinance 1093**, amending Chapter 17.10, Chapter 17.12, Chapter 17.16 and Chapter 17.42 of the Lancaster Municipal Code relating to Alcoholic Beverage Establishments. by the following vote: 4-1-0-0 Ayes : Malhi, Mann, Vice Mayor Crist, Mayor Parris; Noes: Dorris, Abstain: None; Absent: None

### **Attachment:**

Ordinance No. 1093

Exhibit "A" of the Ordinance

Attachment A-Redlines