

POLICY FORMAT: City Ordinance

RESTRICTION TYPE: Container Size, Single Container

SUMMARY: The proposed ordinance requires all new off-premise retailers wishing to operate anywhere in a Planned City District to obtain a Conditional Use Permit that prohibits the sale of wines over a specified alcohol content, the sale of small containers of wine or distilled spirits, and the sale of single containers of malt beverages. This sample language is based on San Diego, California Municipal Code, Chapter 15, Article 6, Division 3, Section 156.0315.

SAMPLE POLICY LANGUAGE

PLANNED CITY DISTRICT

Section 1. Separately Regulated Uses

- (a) Establishments engaged in the sale of alcoholic beverages for off-premise consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three. The following conditions of approval for an off-premise Conditional Use Permit shall apply:
 - (1) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
 - (2) No malt beverage products shall be sold in less than six-pack quantities per sale.
- (b) Any of the permits in sub-section (a) may be revoked after the holding of a public hearing if either of the following exists:
 - (1) Evidence is provided that there are violations of any conditions of approval.
 - (2) Evidence is provided that the use is creating a nuisance to the surrounding neighborhood.