

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 5, SECTIONS 5-75 AND 5-108,
RELATIVE TO ALCOHOLIC BEVERAGES AND THE FORM-
BASED CODE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 5, Section 5-75 is hereby amended by deleting Section 5-75, subsection (b) in its entirety and substituting in lieu thereof the following:

Sec. 5-75. When to be refused.

- (b) The sale of beer or other beverages of like alcoholic content for consumption on the premises within five hundred (500) feet, or two hundred (200) feet for consumption off the premises, as measured from any doorway entrance to the building of the applicant regularly used for public ingress or egress to the nearest doorway entrance to the school, church, adult-oriented establishment as defined in Chattanooga City Code, § 11-422(a), or other place of public gathering regularly used for public ingress or egress, specifically including day care centers for eight (8) or more children under seventeen (17) years of age for group care as defined in the Chattanooga Zoning Ordinance, shall be prohibited; provided however, this prohibition shall not apply to any proposed permit location within the area zoned C-3 Central Business District or UGC Urban General Commercial Zone or zoned pursuant to the Downtown Form-Based Code (City Code Chapter 38, Article XVI) or to any proposed permit location within five hundred (500) feet of Coolidge Park, Ross's Landing Park and Plaza, Miller Park and Plaza, Sanctuary Skate Park at Finley Stadium, East Brainerd Park, the Walnut Street Bridge or the area of Warner Park occupied by the Chattanooga Zoo; provided, further, that this distance proximity prohibition shall not apply to any location that has heretofore been issued a valid permit to sell, store or manufacture beer or other beverages of like alcoholic content under previous distance proximity restrictions but if any such permittee shall cease or discontinue the sale of beer for six (6) months, then the distance proximity prohibition contained in this section shall thereafter apply to such locations.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 5, Section 5-108 is hereby amended by deleting subsections (b) and (c) in their entirety and substituting in lieu thereof the following:

Sec. 5-108. Location and signs for liquor stores.

- (b) The distance prohibition set forth in Subsection (a) shall not apply to a retail license or permit for the sale of wine and/or high alcohol content beer as defined by T.C.A. § 57-3-101 within the area zoned C-3 Central Business District or within the area zoned pursuant to the Downtown Form-Based Code (City Code Chapter 38, Article XVI).
- (c)
 - (1) The distance prohibition set forth in Subsection (a) shall not apply to a retail license or permit within the areas zoned C-3 Central Business District or within the Downtown Core and Urban Form-Based Code Context Areas for liquor stores that have gross sales of distilled beverages (defined as: "alcoholic beverages other than wine and beer (both high alcohol content beer as defined by T.C.A. § 57-3-101 and beer as defined by T.C.A. § 57-5-101)" that is thirty-three (33) percent or less than the total gross sales of the liquor store.
 - (2) In order to qualify for the provisions of Subsection (c)(1), a liquor store located within the areas zoned C-3 Central Business District or within the Downtown Core and Urban Form-Based Code Context Areas must comply with the following:
 - (i) Each calendar year (by no later than February 15 of each year), the liquor store must file with the Land Development Office, or its successor, a sales report for the preceding year stating the liquor store's total gross sales and the liquor store's gross sales of distilled beverages. The report shall be certified by a Tennessee Certified Public Accountant.
 - (ii) Should the gross sales of distilled beverages exceed thirty-three (33%) percent of the total gross sales of the liquor store for a calendar year, the liquor store's right to sell distilled beverages shall be suspended for one (1) year.
 - (iii) Should a liquor store fail to file the report required in Subsection (i) by February 15, the liquor store's right to sell distilled beverages shall be immediately suspended and the right to sell distilled beverages will not resume until the liquor store has complied with Subsection (i) and demonstrated that the gross sales of distilled beverages did not exceed thirty-three (33%) percent of the total gross sales of the liquor store for the preceding calendar year.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately after its passage.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

KJR/mem/r1