

ORDINANCE NO. 1007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING TITLE 17 (ZONING) OF THE LANCASTER MUNICIPAL CODE BY AMENDING SECTIONS 17.10.050.B (USES AND PERMIT REQUIREMENTS – MIXED USE – USES MATRIX), 17.12.080.D.11 (USES SUBJECT TO CONDITIONAL USE PERMITS – GENERAL COMMERCIAL ZONE), 17.16.070.A.5 (USES SUBJECT TO CONDITIONAL USE PERMITS – INDUSTRIAL ZONES) TO REQUIRE A CONDITIONAL USE PERMIT FOR NIGHTCLUBS WITHOUT ALCOHOL SALES, AND SECTION 17.42.020 (DEFINITIONS) RELATED TO PROVISIONS FOR CONVENIENCE STORES, SALES FLOOR AREA, AND INCIDENTAL SELLERS.

WHEREAS, the City Council of the City of Lancaster finds that there is a need to clarify definitions for certain provisions in the City’s alcohol ordinance; and

WHEREAS, the City Council further finds and declares that current regulations have not been effective in regulating the establishment of convenience markets with the sale of alcohol; and

WHEREAS, a staff evaluation of the actual sales floor area devoted to the sale of alcoholic beverages by incidental sellers is typically for less than what is currently permitted by the Lancaster Municipal Code; and

WHEREAS, the City Council of the City of Lancaster finds that there is a need to require a Conditional Use Permit for “Nightclubs” without alcohol sales in several zone classifications; and

WHEREAS, staff has performed the necessary investigations, prepared a written report, and recommended approval of the ordinance amendment;

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:

SECTION 1. Findings. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

SECTION 2. Section 17.42.020 (Definitions) of the Lancaster Municipal Code is hereby amended by adding the following definition:

"Sales floor area" means the calculation of area for the sale and display of specified products, including but not limited to alcoholic beverages, fresh meat and fresh produce. The calculation of sales floor area percentage shall be based on the gross floor area of the premises, including any warehousing or storage areas and shall include actual product display areas and reasonable public access aisles within or adjacent to said display area.

SECTION 3. Section 17.42.020 (Definitions) of the Lancaster Municipal Code is hereby amended to read as followings:

"Convenience market" means any business establishment of less than 10,000 square feet not connected with a petroleum products service-station, and which is characterized by retail sales of food products and household items, and which devote a minimum of 15% of overall sales floor area to display and sale of fresh meat and produce. Convenience markets shall be prohibited from selling spirits (ABC License Type 21).

SECTION 4. Section 17.42.020 (Definitions - Incidental off-sale beverage establishments) of the Lancaster Municipal Code is hereby amended to read as following:

Size of Outlets	Maximum square footage of sales floor area for the sale and display of alcoholic beverages
0 to 100,000 gross square feet of total sales floor area	<u>Up to 5% or 2,500 square feet, whichever is less</u>
Greater than 100,000 gross square feet of total sales floor area	<u>Up to 5% or 7,500 square feet, whichever is less</u>

SECTION 5. Sections 17.10.050.B (Uses and Permit Requirements – Mixed Use – Uses Matrix), 17.12.080.D.11 (Uses Subject to Conditional Use Permits – General Commercial Zone), and 17.16.070.A.5 (Uses Subject to Conditional Use Permits – Industrial Zone) of the Lancaster Municipal Code are hereby amended by adding the following:

Nightclub without alcohol (Section 17.10.050.B – Retail/Service)

Mini-marts and Nightclub without alcohol (Section 17.12.080.D.11 and 17.16.070.A.5)

SECTION 6. That the City Clerk shall certify to the passage of this Ordinance, and will see that it is published and posted in the manner required by law.

I, Britt Avrit, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 22nd day of September, 2015, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1007, for which the original is on file in my office.

WITNESS MY HAND AND SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)