

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, INITIATING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF FRESNO PURSUANT TO FMC SECTIONS 12-402 AND 15-5803 TO AMEND ZONING AND USE REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFFSITE CONSUMPTION WITHIN THE CITY OF FRESNO

WHEREAS, California law permits sale of alcoholic beverages for off-site consumption; and

WHEREAS, the sale of alcoholic beverages for off-site consumption is regulated by the California Department of Alcoholic Beverage Control pursuant to California Business and Professions Code Section 23000, *et seq*; and

WHEREAS, the sale of alcoholic beverages for off-site consumption creates unique challenges for the City of Fresno in maintaining the public health, safety, and welfare; and

WHEREAS, pursuant to California Government Code Section 65850, the Council of the City of Fresno has the authority to regulate the use of buildings, structures and land within the City; and

WHEREAS, the City Council desires to further refine the standards required of establishments that sell alcohol for off-site consumption so as to ensure continued public health, safety, and welfare of the City's residents; and

WHEREAS, Section 12-402-A of the Fresno Municipal Code provides for initiation of a text amendment to the City's Zoning Ordinance through a Council Resolution of Initiation; and

WHEREAS, on December 3, 2015, the Council of the City of Fresno voted to adopt Ordinance Bill No. B-43, adding Chapter 15 to the Fresno Municipal Code, which is a comprehensive update to the City's Zoning Ordinance and is referred to as the "Citywide Development Code"; and

WHEREAS, the Citywide Development Code will be effective on January 3, 2016; and

WHEREAS, the Citywide Development Code contains Section 15-5803 of the Fresno Municipal Code, relating to initiation of legislative matters; and

WHEREAS, Section 15-5803-A(1) also provides for initiation of a text amendment through a Council Resolution of Initiation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Pursuant to Fresno Municipal Code, Sections 12-402-A and 12-401-A-1, and Fresno Municipal Code Sections 15-5803-A-1, the Council initiates the necessary proceedings to amend the text of the City of Fresno's Zoning Ordinance so as to further refine Conditional Use Permit standards and miscellaneous additional requirements for the sale of alcohol for off-site consumption.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Talía Kolluri-Barbick [Date]
Senior Deputy City Attorney

TKB:jd [69901jd/tkb] 12-10-15