

**SOUTH OF FIFTH  
ALCOHOLIC BEVERAGE ESTABLISHMENT OPERATIONAL REGULATIONS**

**OPTION C  
(AS PROPOSED BY COMMISSIONER MICHAEL GRIECO)**

**Sec. 142-693. Permitted uses.**

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(i) *Additional regulations for alcoholic beverage establishments located south of 5th Street.*

- (1) The following additional regulations shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use, that are located south of 5th Street, except for alcoholic beverage establishments located on properties abutting 5th Street:

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- (vi) The provisions of this subsection (i)(1) shall not apply, to the extent the requirements of this subsection are more restrictive, to an alcoholic beverage establishment also licensed and operating as a restaurant containing a full kitchen of appropriate size to serve the occupancy load of the establishment, serving full meals at all times it is operating as an alcoholic beverage establishment, with a valid business tax receipt that is in application status or issued prior to June 28, 2016; or to such an establishment that has obtained approval for an alcoholic beverage establishment from a land use board, and which land use board order is active and has not expired prior to June 28, 2016. Any such alcoholic beverage establishment shall be deemed a "legal conforming use," for a period not to exceed ten (10) years beginning on June 28, 2016, and may, during that ten (10) year period, retain all and apply for new expansions of floor area (not to exceed 20% of the floor area approved for such use within the same or adjacent premises) and modifications to permitted, conditional, and/or accessory uses permitted as of June 28, 2016, and apply for building permits to add, improve, and/or expand existing structures, or construct new structures for permitted, conditional, and/or accessory uses permitted as of June 28, 2016; provided that, as of June 28, 2026, or such earlier time that such an alcoholic beverage establishment discontinues its "legal conforming use" authorized under the provisions of this subsection (i)(1)(vi), the requirements of chapter 118, article IX of this Code shall govern such use.

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