

CREATE NEW

Sec. 38.05(9)(0)6.C., M.G.O.

The ALRC may also recommend approval of a request to increase capacity for existing alcohol beverage licenses within the density plan area if not a hotel or bona fide restaurant if:

- i. Building code changes permit an increased capacity; or
- ii. If expansion into adjacent space permits increased capacity; or
- iii. If physical improvements (such as increased exiting, increased toilet facilities, construction of fire rated separation or other such physical features) permits increased capacity; or
- iv. The capacity originally established by the Common Council was intended to be temporary pending a review of the operation at a later date and the Common Council determines that the history of the temporary operation warrants a higher capacity.

Drafter's Note: The purpose of this new section is to define circumstances under which the City may exercise its discretion to increase capacities for alcohol beverage licensed premises which are not hotels or bona fide restaurants within the alcohol license density area.