

**RESOLUTION NO. \_\_\_ OF 2016**

**A RESOLUTION SUSPENDING THE EFFECTS OF CHAPTER 106 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO 3142 NORTH MARKET AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

**BY: COUNCILMAN WILLIE BRADFORD**

**WHEREAS**, information contained in City of Shreveport records indicate that restaurants at 3142 North Market have previously been approved for the sale of alcoholic beverages; and

**WHEREAS**, applications for permits for restaurants to sell alcoholic beverages at this location have been approved by the City of Shreveport through its police department on many occasions; and

**WHEREAS**, in March 1990, Shreveport City Council adopted Ordinance No. 52 of 1990, which, among other things, provided that "...any use engaged in the sale and/or dispensing of beverages of high or low-alcoholic content, other than a manufacturer or wholesale dealer, is a Special Exception Use requiring the approval of the Zoning Board of Appeals..." The ordinance has been codified in the City of Shreveport Code of Ordinances as Section 106-1127; and

**WHEREAS**, the latest permit to sell alcoholic beverages at 3142 North Market expired after the operator did not apply for a new license timely. He assumed that he could apply for his city license when he applied for his state license, and he was therefore more than 30 days late when he appealed for the city liquor license; and

**WHEREAS**, Section 106-1127(2) of the Code provides that an alcoholic beverage use that is discontinued shall not be re-established without approval by the Board of Appeals unless the owner files a written notice of discontinuance with the Zoning Administrator within 30 days of the closure of the use; and

**WHEREAS**, the owner of the building at 3142 North Market did not file said notice; and

**WHEREAS**, 3142 North Market is not located near a protected use, such as school or library; and

**WHEREAS**, the proposed Shreveport/Caddo Unified Development Code provides for the sale of alcoholic beverages as a use by right in restaurants. Land use issues will be detected in the approval process for a certificate of occupancy, and Chapter 10 issues will be detected when the liquor permit is applied for. This streamlined procedure will save time and expense; and

**WHEREAS**, the adoption of this resolution will allow the restaurant at 3142 North Market to apply for a Certificate of Occupancy and to sell alcoholic beverages before the Special Exception Use is considered, and to continue to operate as a restaurant with alcoholic beverage sales, only if the Special Exception Use is approved.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Shreveport in due, legal and regular session convened that Chapter 106 of the Code of Ordinances is hereby suspended relative to the sale of alcoholic beverages at 3142 North Market during the pendency of the process for review and approval of an application for a Special Exception Use.

**BE IT FURTHER RESOLVED** that all other provisions of Chapter 106 of the Code of Ordinances having no application on the sale of alcoholic beverages at this location shall remain in full force and effect. The intent of this legislation is to allow the Certificate of Occupancy to be issued allowing for the sale of alcoholic beverages at this location, provided all other requirements are met.

**BE IT FURTHER RESOLVED** that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this resolution are hereby declared severable.

**BE IT FURTHER RESOLVED** that all resolutions or parts thereof in conflict herewith are hereby repealed.

**APPROVED AS TO LEGAL FORM:**

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**City Attorney's Office**