

COP in EC Standards and Procedures

Procedure	Inside Downtown	Outside Downtown	Basis of Recommendation
Existing Establishments (the 12 identified in the October COP Report)	Administrative Amendment	Administrative Amendment	Staff's objective in allowing existing establishments with some form of COP in EC by Administrative Approval is to provide easier process to bring those establishments into compliance with the Standard Conditions identified below. Those establishments that don't come into compliance through the Administrative Amendment process within 6 months after adoption of the ordinance would become existing non-conforming.
Establishment currently approved for COP adjacent to EC, but not approved for service and/or consumption in EC	Administrative Amendment	CPD Rezoning (Resorts Only)	Staff's objective in allowing existing establishments without prior approvals for COP in EC by Administrative Approval is to provide an easier process to bring those establishments into compliance with the Standard Conditions identified below. As identified in the COP in EC Report, this option would only be available to two establishments, Diamondhead and Top O' Mast in the Downtown.
New establishments	Special Exception	CPD Rezoning (Resorts Only)	Staff is recommending that any new establishments in the Downtown wanting approval for COP in EC, can only be done by Special Exception and be subject to the Standard Conditions. Staff is recommending that only new Resorts outside the Downtown be allowed to have COP in EC by CPD Rezoning. As identified in the COP in EC Report, Staff's recognizes that further expansion of COP in EC outside the Downtown has the potential to be disruptive to the character of surrounding neighborhoods.
Standard Conditions			
Area of expansion in EC is limited to 1/3 of the distance from the EC Zoning line or rear building/deck line (if the building extends over the EC Zoning line), seaward to the MWH or ECL (whichever is less)	X	X	Staff recognizes the importance the sunbathing beaches play in the sense of community character on the beaches. Further, Staff is sensitive to the need for public access for pedestrians along the shoreline and the need to protect the sun bathing beaches along the shoreline. Staff is sensitive to the natural functions of the beach, including beach erosion. Accordingly, Staff proposes that any expansion of COP in EC be limited to the first third of property adjacent to the landward EC Zoning line.
The area of extension of premises in EC must be enclosed on three sides by rope and post extending from the rear of the building or deck to the seaward allowed distance.	X	X	Staff recognizes the importance of establishing dominion and control of any expansion of licensed premises in the EC Zoning District. Further, we recognize the need to restrict the potential for migration of alcohol along the beaches. Accordingly, Staff recommends that the licensed premise in EC be confined within rope and post.
One 6' wide pedestrian access opening is allowed per 100' of the rope and post along the side parallel to the waterline. Each pedestrian access point shall contain 2' by 1' signs that indicate no alcohol is allowed beyond that point and refuse containers shall be provided at each access point to the beach.	X	X	Staff recommends to further limit the potential for migration of alcohol along the beaches by limiting the number of ingress/egress points to the area of expansion of licensed premise.
Parking requirement for area of expansion in EC surrounded by rope and post.	None	None	Staff recognizes that the areas of expansion are oriented to pedestrian traffic along the beach and much the same as not requiring parking based upon the square footage of beach area for sun bathing, additional parking should not be required for the areas of expansion in the EC Zoning District. For example, code does not require additional parking for establishments offering beach chair rentals. Further, we recognize that a healthy, historic and viable seasonal parking lot market has emerged on the beach, which effectively serve the needs for the more densely populated beachfaring areas.
All beverages served within the area of extended premise in EC, must be served in plastic bio-degradable cups, with the establishments name on the cup.	X	X	Staff acknowledges the environmental sensitivity that must be given to use of our beaches. Further, based upon our findings in the COP in EC Report, historically there have been no restrictions on the types of materials in which alcoholic beverages can be served. Accordingly, Staff recommends that service of beverages be limited to plastic bio-degradable cups, with the establishments name on the cup. This will also help prevent the migration of alcohol along the beach, while furthering the objective of

Hours of service and consumption in EC are limited to between the hours of 11:00 AM and 30 minutes after Sunset.	X	X	Staff recommends restricting the hours of service and consumption in EC to predominantly daylight hours, to prevent the migration of alcohol along the beach during evening hours and for basic safety of patrons.
The area of expansion in EC must be under the same ownership as the licensed premise and immediately adjacent to the upland licensed premise.	X	X	Staff recognizes that the potential for expansion of premises in the EC onto adjacent property presents numerous potential problems and should not be allowed.
Patrons may not bring their own alcohol into the area of expansion in EC.	X	X	State alcoholic beverage laws do not allow customers to bring their own alcohol into a licensed premise serving alcohol.
No entertainment shall be allowed in EC, except for by Special Exception or Special Event Permit, unless previously granted by Special Exception.	X	X	Staff believes that entertainment in EC should only be granted by Special Exception or Special Event Permit.
The area of expansion must be maintained free of litter and debris on a continuous basis.	X	X	Due to the potential for negative environmental impacts, associated with service and consumption in the EC Zoning District, staff recommends conditions that require establishment to maintain the area of expansion free of litter and debris.