

## Sec. 3-7. - Same—Distance restrictions established for consumption on or off-premises.

(a) *[Minimum requirements.]* Establishments located in the zoning districts outlined in [section 3-6](#) shall meet the minimum distance requirements identified in table 1.

(b) *Table 1.*

		Distance in Feet		
	Consume	Church	School	Other Licensed Establishment
Restaurant	On-Premises	1,600	1,600	1,600
Bar/Lounge	On-Premises	1,600	1,600	1,600
Nightclub	On-Premises	1,600	1,600	1,600
Liquor Store	Off-Premises	500	500	N/A
Grocery Store	Off-Premises	500	500	N/A

(c) *[Exceptions.]* Hotels or motels with one hundred (100) rooms or more and restaurants with a minimum seating capacity of two hundred (200) and containing a minimum of four thousand (4,000) square feet shall not be subject to distant restrictions.

(d) *Distance restrictions established for consumption on- or off-premises.* Distance restrictions as established in this chapter for consumption on- or off-premises shall not apply to properties identified in the Downtown Business and Entertainment Overlay District, as identified in subsection [22-16\(b\)](#).

(Code 1960, § 3-3; Ord. No. J-49, § 1, 9-7-93; Ord. No. L-216, § 5, 7-5-11)

## Sec. 3-8. - Same—Measurement of distance restrictions.

(a) The manner of measurement of the distance referred to in [section 3-7](#) above shall be as follows: Begin at the main entrance of the church or school building or licensed premises, regardless of which zoning they are in, thence run to the centerline of the street right-of-way in front of such entrance, thence along the centerline of such street right-of-way to a point immediately opposite the main entrance of the proposed licensed premises, thence to the center of the main entrance of the building of the proposed licensed premises.

(b) If there is more than one public entrance to an establishment, the main entrance shall be construed to mean the principal or leading entrance to the premises involved and to which the traffic route, whether vehicular or pedestrian, of those going to and from said premises chiefly directs itself.

(Code 1960, § 3-4)

## Sec. 3-15. - Minimum standards for review for waiver of distance.

The city commission shall determine if the health, safety, or general welfare has been provided with any waiver request and may impose any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.

(1) The actual location and distance of the proposed establishment with respect to other places of business licensed to sell intoxicating beverages, whether on or off the premises, as well as churches and schools;

(2) The type and size of the establishment, including any bar floor space and seating capacity, and whether, in view of such type or size, the proposed establishment is likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about outside the building.

(3) Whether adequate parking and landscaping for the facility is provided so as to meet the requirements set forth in sections [22-59](#) through [22-61](#);

(4) Whether the facility is physically separated or well buffered from all adjacent residentially zoned areas;

(5) Whether traffic generated by patrons or pickup/delivery vehicles will pass through low or moderate density residentially zoned neighborhood;

(6) Whether, if the facility is located within sixteen hundred (1600) feet of a church or school, it will generate traffic which may adversely affect the safety of persons attending such church or school.

(7) Before any action is taken upon any application as provided in this section, either by the planning board or the city commission, the applicant shall deposit with the city a fee established by the city commission by resolution to cover the approximate cost of the procedure and such sum is not refundable in any event.

(Ord. No. L-216, § 8, 7-5-11)