

# City of Jacksonville, Florida

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*Lenny Curry, Mayor*

City Hall at St. James  
117 W. Duval St.  
Jacksonville, FL 32202  
(904) 630-CITY  
www.coj.net

December 9, 2021

The Honorable Samuel Newby, President  
The Honorable Rory Diamond, LUZ Chair  
And Members of the City Council  
City Hall  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report  
Ordinance No.: 2021-798**

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairperson Diamond and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

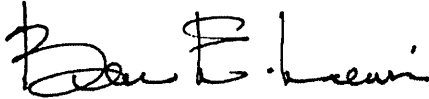
Planning Commission Recommendation: **Deny**

Planning Commission Commentary: There were no speakers in opposition. The Commissioners felt the ordinance adds an extra meeting and time, it does not streamline the process. There is no state law that requires the Planning Commission to hear alcohol applications. The Planning Commission is willing to forfeit review. The ordinance should include language that is more helpful to small business owners.

Planning Commission Vote:	6-0
David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Joshua Garrison	Aye
Dawn Motes	Absent
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis  
City Planner Supervisor – Current Planning Division  
City of Jacksonville - Planning and Development Department  
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Jacksonville, FL 32202  
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## **REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

### **ORDINANCE 2021-798**

**AN ORDINANCE AMENDING MULTIPLE PORTIONS OF CHAPTER 656 (ZONING CODE), ORDINANCE CODE, REGARDING THE REGULATION OF ALCOHOL; PROVIDING AN EFFECTIVE DATE.**

#### **I. GENERAL INFORMATION**

The bill amends Chapter 656 (Zoning Code), Ordinance Code, to update the regulation of alcohol.

#### **II. EVALUATION**

##### ***A. The need and justification for the change***

The Zoning Code regulations for alcohol have been essentially unchanged since 1991. This bill updates the Zoning Code by doing the following:

- Final decisions for zoning exceptions and waivers for alcohol are currently heard by the Planning Commission. Under this bill, the Planning Commission would review and make a recommendation, but the final decision would go to the City Council.
- Updates the criteria for granting a Waiver of Minimum Distance Requirements for Liquor License Locations.
- Adds small scale breweries as a permissible use by exception in CCG-1, CCG-2, and CCG-S.
- Establishes thresholds for liquor stores permitted by right in CCG-2. Otherwise, liquor stores are permissible by exception in CCG-2.
- Clarifies the definition of churches and schools as related to Part 8 Alcohol Regulations.

##### ***B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.***

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health,

safety and welfare of the people of the City of Jacksonville by promoting and sustaining the viability of existing and emerging commercial areas.

### **III. RECOMMENDATION**

The Planning and Development Department recommends that **Ordinance 2021-798 be approved.**

1 Introduced by Council Members Diamond and Gaffney:  
2  
3

4 **ORDINANCE 2021-798**

5 AN ORDINANCE AMENDING CHAPTER 656, (ZONING  
6 CODE), PART 1 (GENERAL PROVISIONS), SUBPART A  
7 (BASIC PROVISIONS), SECTION 656.101,  
8 (DEFINITIONS), *ORDINANCE CODE*, IN ORDER TO ADD  
9 CRITERIA TO THE DEFINITION OF EXCEPTION OF  
10 ALCOHOL RELATED USES; AMENDING CHAPTER 656  
11 (ZONING CODE), PART 1 (GENERAL PROVISIONS),  
12 SUBPART D (ZONING EXCEPTIONS, VARIANCES AND  
13 WAIVERS, AMENDMENTS TO FINAL ORDER, APPEALS OF  
14 WRITTEN INTERPRETATIONS OF THE DIRECTOR AND  
15 APPEALS OF FINAL ORDERS OF THE COMMISSION),  
16 SECTION 656.131 (ZONING EXCEPTION), SECTION  
17 656.133 (WAIVERS FOR MINIMUM DISTANCE  
18 REQUIREMENTS FOR LIQUOR LICENSE LOCATIONS;  
19 MINIMUM STREET FRONTAGE REQUIREMENTS; SIGNS;  
20 DOWNTOWN PROPERTIES), AND SECTION 656.138  
21 (CONCURRENT APPLICATIONS), *ORDINANCE CODE*, TO  
22 DESIGNATE THE CITY COUNCIL AS THE QUASI-JUDICIAL  
23 BODY THAT APPROVES, APPROVES WITH CONDITIONS OR  
24 DENIES ZONING EXCEPTIONS FOR ALCOHOL RELATED  
25 USES AND WAIVERS FOR MINIMUM DISTANCE  
26 REQUIREMENTS FOR LIQUOR LICENSE LOCATIONS AND  
27 ADDS CRITERIA FOR SAID DETERMINATION; AMENDING  
28 CHAPTER 656 (ZONING CODE), PART 3 (SCHEDULE OF  
29 DISTRICT REGULATIONS), SUBPART C (COMMERCIAL USE  
30 CATEGORIES AND ZONING DISTRICTS), SECTION  
31 656.313 (COMMUNITY/GENERAL COMMERCIAL

1 CATEGORY), *ORDINANCE CODE*, TO ALLOW MICRO-  
2 BREWERIES AS A USE BY ZONING EXCEPTION IN  
3 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1),  
4 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) AND  
5 COMMERCIAL COMMUNITY/GENERAL-SPRINGFIELD (CCG-  
6 S) DISTRICTS; AMENDING CHAPTER 656 (ZONING  
7 CODE), PART 3 (SCHEDULE OF DISTRICT  
8 REGULATIONS), SUBPART C (COMMERCIAL USE  
9 CATEGORIES AND ZONING DISTRICTS), SECTION  
10 656.313 (COMMUNITY/GENERAL COMMERCIAL  
11 CATEGORY), *ORDINANCE CODE*, TO PROVIDE THAT  
12 ESTABLISHMENTS OR FACILITIES WHICH INCLUDE THE  
13 RETAIL SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-  
14 PREMISES CONSUMPTION SHALL BE ALLOWED BY RIGHT  
15 ONLY ON PROPERTIES THAT MEET CERTAIN  
16 REQUIREMENTS AND ESTABLISHMENTS OR FACILITIES  
17 WHICH DO NOT MEET THESE REQUIREMENTS SHALL BE  
18 ALLOWED ONLY BY ZONING EXCEPTION; AMENDING  
19 CHAPTER 656 (ZONING CODE), PART 8 (ALCOHOLIC  
20 BEVERAGES), SECTION 656.802 (DEFINITIONS),  
21 SECTION 656.806 (MEASUREMENT OF DISTANCES),  
22 *ORDINANCE CODE*, TO AMEND AND CLARIFY THE  
23 DEFINITIONS OF "CHURCH" AND "SCHOOL", TO CLARIFY  
24 THE APPLICABILITY FOR THE DISTANCE LIMITATIONS  
25 FOR PARTICULAR ALCOHOL RELATED USES AND TO  
26 CLARIFY HOW DISTANCES ARE MEASURED FOR ALCOHOL  
27 RELATED USES; PROVIDING THAT ANY CURRENT,  
28 PERMITTED OR FILED USE NOT IN CONFORMANCE WITH  
29 THE AMENDMENTS PROVIDED HEREIN SHALL CONSTITUTE  
30 A LAWFULLY NON-CONFORMING USES; PROVIDING AN  
31 EFFECTIVE DATE.



1 \* \* \*

2 **Section 2. Amending Chapter Section 656.131 (Zoning**  
3 **Exceptions), Ordinance Code.** Section 656.131 (Zoning Exceptions),  
4 Section 656.133 (Waivers for Minimum Distance Requirements for Liquor  
5 License Locations; Minimum Street Frontage Requirements; Signs;  
6 Minimum Distance Requirements for Medical Marijuana Dispensing  
7 Facilities; Downtown Properties), Section 656.138. (Concurrent  
8 applications) Part 1 (General Provisions), Subpart D (Zoning  
9 Exceptions, Variances and Waivers, Amendments to Final Order, Appeals  
10 of Written Interpretations of the Director and Appeals of Final Orders  
11 of the Commission, Part 1 (General Provisions), Chapter 656 (Zoning  
12 Code), *Ordinance Code* is hereby amended to read as follows:

13 **CHAPTER 656 - ZONING CODE**

14 \* \* \*

15 **PART 1. GENERAL PROVISIONS**

16 \* \* \*

17 **SUBPART D. - ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS**  
18 **TO FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR**  
19 **AND APPEALS OF FINAL ORDERS OF THE COMMISSION**

20 \* \* \*

21 **Sec. 656.131 - Zoning Exceptions**

22 (a) A proposal for a zoning exception may be initiated only upon  
23 an application for zoning exception filed with the Department  
24 by the owner or his authorized agent. An application for a  
25 zoning exception under the Zoning Code shall be in writing  
26 and in the form prescribed by the Department ~~Commission~~.  
27 Information required on the application may include, for  
28 example, the name and address of the owner and the agent, the  
29 property address and location, and a legal description and  
30 real estate assessment number(s). Other information may  
31 include the current zoning of the property, the exception



1 being sought, a list of owners of property within 350 feet,  
2 identification of any previous zoning applications for the  
3 property during the preceding five years and statements  
4 indicating how the standards and criteria for exceptions  
5 which are set forth herein will be met. An application shall  
6 be accompanied by a site plan drawn to an appropriate scale  
7 showing the property as it is intended to be developed or  
8 modified pursuant to the application for exception. The site  
9 plan must show the following:

- 10 (i) Property dimensions;
- 11 (ii) Buildings and dimensions;
- 12 (iii) Parking spaces and dimensions, including handicapped and  
13 car pool spaces;
- 14 (iv) Loading and unloading area, if applicable, with turn  
15 around and dimensions;
- 16 (v) Landscaped areas and dimensions;
- 17 (vi) Ingress and egress (driveways, alleys and easements);
- 18 (vii) Adjacent streets and right-of-way;
- 19 (viii) North arrow and graphic scale;
- 20 (ix) Signage (if any);
- 21 (x) Buildings setbacks and buffer (including dimensions);
- 22 (xi) Adjacent current property uses;
- 23 (xii) Adjacent zoning districts;
- 24 (xiii) Total land area; and
- 25 (xiv) Total building coverage area.

26 Additional items may be required, to the extent applicable, as  
27 required by any site review guidelines which may be promulgated by  
28 the Department from time to time. The site plan, as approved, shall  
29 be binding upon the exception, if granted. Upon receipt of the  
30 application, the Zoning Administrator shall determine whether the  
31 application is complete within five (5) working days. If it is

1 determined that the application is not complete, written notice shall  
2 be provided to the applicant specifying the deficiencies. The Zoning  
3 Administrator shall take no further action on the application until  
4 the deficiencies are remedied. When the application is determined to  
5 be complete, all fees must be paid as specified in Section 656.147.

6 \* \* \*

7 (e) For purposes of this section, for alcohol-related zoning  
8 exceptions, all preceding references to "Commission" shall mean the  
9 Council. Alcohol-related zoning exception applications shall be  
10 considered by the Council which shall apply the criteria set forth  
11 in Section 656.131(c) and the definition of exception. Prior to  
12 Council's hearings on the application, the Commission shall hear the  
13 application at a publicly noticed meeting and make a recommendation  
14 of approval, denial or approval with conditions to the Council based  
15 upon the criteria set forth in Section 656.131(c) and the definition  
16 of exception. The Department shall be responsible for making an  
17 advisory recommendation with respect to each application for an  
18 alcohol-related zoning exception. Public hearings for alcohol-related  
19 zoning exceptions shall be noticed in the same manner as required for  
20 rezonings as set forth in Section 656.137.

21 \* \* \*

22 **Sec. 656.133 - Waivers for Minimum Distance Requirements for Liquor**  
23 **License Locations; Minimum Street Frontage Requirements; Signs;**  
24 **Minimum Distance Requirements for Medical Marijuana Dispensing**  
25 **Facilities; Downtown Properties.**

26 (a) *Waivers for minimum distance requirements for liquor license*  
27 *locations; waiver criteria. Applications for minimum distance*  
28 *requirements for liquor license locations shall be considered*  
29 *by the ~~Commission~~ Council pursuant to the criteria set forth*  
30 *in this subsection in accordance with the notice and public*  
31 *hearing requirements set forth in Section 656.137. Prior to*

1 Council's hearings on the application, the Commission shall  
2 hear the application at a publicly noticed meeting and make  
3 a recommendation of approval, denial or approval with  
4 conditions to the Council in the same manner as the Commission  
5 based upon the criteria set forth in this subsection ~~for~~  
6 ~~zoning exceptions set forth in Section 656.131.~~ Applications  
7 for waivers shall be in writing on the form prescribed by the  
8 ~~Commission~~ Department and filed with the Department together  
9 with the required number of copies and all required  
10 attachments. Upon receipt of the application, the Zoning  
11 Administrator shall determine whether the application is  
12 complete within five working days. If it is determined that  
13 the application is not complete, written notice shall be  
14 provided to the applicant specifying the deficiencies. The  
15 Zoning Administrator shall take no further action on the  
16 application until the deficiencies are remedied. When the  
17 application is determined to be complete, all fees must be  
18 paid as specified in Section 656.147.

19 The waiver for minimum distance requirements from a eChurch  
20 or sSchool for a liquor license location ~~may~~ shall be granted  
21 if there exist one or more circumstances which negate the  
22 necessity for compliance with the distance requirements,  
23 including, but not limited to the following:

- 24 (1) The commercial activity associated with the alcoholic  
25 beverage use is of a lesser intensity than the commercial  
26 activity associated with the alcoholic beverage use  
27 which previously existed on the same property or portion  
28 thereof; e.g., there has been a reduction in the number  
29 of seats or square footage or the type of license;
- 30 (2) ~~The alcoholic beverage use is designed to be an integral~~  
31 ~~part of a mixed planned unit development~~ The alcoholic

1 beverage use is supplemental and subordinate to the  
2 primary use of the property such as: a hotel, motel,  
3 golf course, grocery store, sports facility or other  
4 use;

5 (3) The alcoholic beverage use is located within a shopping  
6 center with an aggregate gross leasable area of 50,000  
7 square feet or more, inclusive of all outparcels and  
8 meets the definition of a "bona fide restaurant", as  
9 defined in Section 656.805(c);

10 (4) The building within which the alcoholic beverage use is  
11 proposed is not directly visible from the grounds  
12 actively used as part of the Church or School along the  
13 line of measurement defined in Section 656.806 and is  
14 physically separated from the church or school, thereby  
15 negating the distance requirement as a result of the  
16 extra travel time; or

17 (5) The Church within the applicable distance limitation is  
18 located within a zoning district or districts which  
19 allow, by right or exception, the same alcoholic  
20 beverage use that is sought by the applicant; or

21 (6) There are other existing liquor license locations of a  
22 similar nature in the immediate vicinity of the proposed  
23 location; provided, however, that no waiver shall be  
24 granted pursuant to this criterion if the proposed  
25 liquor license location is closer to the church or school  
26 than other existing locations.

27 \* \* \*

28 **Sec. 656.138. - Concurrent applications.**

29 Applications on the same property, except for those properties  
30 located in the Downtown Overlay Zone, which include one or more  
31 combinations for zoning exception(s) and/or variance(s) and/or

1 administrative deviation(s) and/or waiver(s) for minimum distance  
2 requirements for liquor license locations and no rezoning of land may  
3 be processed and approved or disapproved in a concurrent manner by  
4 the Planning Commission, except for those which require City Council  
5 approval, which shall be approved or disapproved in a concurrent  
6 manner by the City Council. For administrative deviations heard by  
7 the Planning Commission, pursuant to this section, the Planning  
8 Commission shall apply the criteria set forth in section 656.109,  
9 *Ordinance Code.* Appeals of Planning Commission decisions on  
10 administrative deviations, pursuant to this section, shall be  
11 processed consistent with sections 656.140, 656.141, 656.142,  
12 656.143, 655.144 and 656.145, *Ordinance Code.* Applications on the  
13 same property, except for those properties located in the Downtown  
14 Overlay Zone, which include a rezoning, waiver for the minimum street  
15 frontage requirement and/or sign waiver and one or more of the  
16 following: zoning exception(s) and/or variance(s) and/or  
17 administrative deviation(s) and/or waiver(s) for minimum distance  
18 requirements for liquor license locations may be processed and  
19 approved or disapproved in a concurrent manner by the City Council.  
20 For zoning exception(s), variance(s), administrative deviation(s)  
21 and/or waiver(s) for minimum distance requirements for liquor license  
22 locations heard by the City Council, pursuant to this section, the  
23 City Council shall apply the criteria set forth in sections 656.131,  
24 656.132, 656.109, and 656.133, *Ordinance Code,* respectively. City  
25 Council decisions on zoning exception(s), variance(s), administrative  
26 deviation(s) and/or waiver(s) for minimum distance requirements for  
27 liquor license locations, pursuant to this section shall be deemed  
28 the final action of the City.

29 \* \* \*

30 **Section 5. Amending Part 3 (Schedule of District**  
31 **Regulations), Chapter 656 (Zoning Code), Ordinance Code.** Part 3

1 (Schedule of District Regulations), Chapter 656 (Zoning Code),  
2 Ordinance Code:is hereby amended to read as follows:

3 **CHAPTER 656. ZONING CODE**

4 \* \* \*

5 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

6 \* \* \*

7 **SUBPART C. COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS**

8 \* \* \*

9 **Sec. 656.313. - Community/General Commercial Category**

10 \* \* \*

11 A. *Primary zoning districts.* The primary zoning districts shall  
12 include the following:

13 \* \* \*

14 **IV. Commercial Community/General-1 (CCG-1) District.**

15 \* \* \*

16 (a) *Permitted uses and structures*

17 \* \* \*

18 (11) An establishment or facility which includes the retail sale  
19 and service of beer or wine for off-premises consumption  
20 or an establishment or facility which includes the retail  
21 sale and service of all alcoholic beverages, including  
22 liquor, beer or wine, for on-premises consumption in  
23 conjunction with a restaurant.

24 \* \* \*

25 (c) *Permissible uses by exception*

26 \* \* \*

27 (23) A brewery which produces of up to ten thousand  
28 (10,000) barrels per year of beer, mead and cider  
29 (aggregate). Up to thirty (30) percent of total  
30 production may be distributed off-site to a licensed  
31 distributor. The brewery may include the retail or

1 wholesale sale and service of beer, cider, mead and/or  
2 wine for on-premises consumption and/or off-premises  
3 consumption not in conjunction with the service of  
4 food including permanent or restricted outside sale  
5 and service that meet the performance standards and  
6 development criteria set forth in Part 4 of the Zoning  
7 Code. The beer, cider, mead or wine sold or served  
8 may be produced on-site or off-site.

9 \* \* \*

10 V. Commercial Community/General-2 (CCG-2) District.

11 \* \* \*

12 (a) *Permitted uses and structures*

13 \* \* \*

14 (27) An establishment or facility which includes the  
15 retail sale of ~~all alcoholic beverages including~~  
16 liquor, ~~beer or wine~~ for off-premises consumption  
17 that is either: (i) located on property which is more  
18 than one-half (1/2) acre in area and for which the  
19 establishment or facility is larger than five  
20 thousand (5,000) square feet in size or (ii) is  
21 immediately adjacent to a grocery store or in the  
22 same shopping center as a grocery store and is owned  
23 by the same person or entity as the grocery store or  
24 a related corporate entity to the owner of the grocery  
25 store.

26 \* \* \*

27 (30) An establishment or facility which includes the  
28 retail sale of beer or wine for off-premises  
29 consumption or for on-premises consumption.

30 \* \* \*

1 (c) *Permissible uses by exception*

2 \* \* \*

3 (5) An establishment or facility, that is not a  
4 restaurant, which includes the retail sale and  
5 service of all alcoholic beverages including liquor,  
6 beer or wine for on-premises consumption.

7 \* \* \*

8 (16) A brewery which produces of up to ten thousand  
9 (10,000) barrels per year of beer, mead and cider  
10 (aggregate). Up to thirty (30) percent of total  
11 production may be distributed off-site to a licensed  
12 distributor. The brewery may include the retail or  
13 wholesale sale and service of beer, cider, mead and/or  
14 wine for on-premises consumption and/or off-premises  
15 consumption not in conjunction with the service of  
16 food including permanent or restricted outside sale  
17 and service that meet the performance standards and  
18 development criteria set forth in Part 4 of the Zoning  
19 Code. The beer, cider, mead or wine sold or served  
20 may be produced on-site or off-site.

21  
22 (17) An establishment or facility which includes the  
23 retail sale and service of liquor for off-premises  
24 consumption that does not meet the criteria set forth  
25 in Sec. 656.313(A) (V) (a) (27).

26 \* \* \*

27 **Section 6. Amending Subsection 656.368 (Springfield**  
28 **Historic Zoning Districts), Ordinance Code.** Subsections 656.368  
29 IV.(c) (Community/General Commercial Category), Subpart I  
30 (Springfield Zoning Overlay and Historic District Regulations) Part  
31 3 (Schedule of District Regulations), Chapter 656 (Zoning Code),



1 Ordinance Code is hereby amended to read as follows:

2 \* \* \*

3 CHAPTER 656. ZONING CODE

4 \* \* \*

5 PART 3. SCHEDULE OF DISTRICT REGULATIONS

6 \* \* \*

7 SUBPART I. SPRINGFIELD HISTORIC ZONING DISTRICTS

8 \* \* \*

9 Sec. 656.368. - Community/General Commercial Category

10 Springfield Historic Zoning Districts include the following:

11 \* \* \*

12 IV. Commercial Community/General-Springfield (CCG-S) District.

13 \* \* \*

14 (a) *Permitted uses and structures.*

15 \* \* \*

16 (15) An establishment or facility which includes the retail sale  
17 and service of beer or wine for off-premises consumption  
18 or the retail sale and service of all alcoholic beverages,  
19 including liquor, for on-premises consumption in  
20 conjunction with a restaurant ~~the service of food which is~~  
21 ~~ordered from a menu and prepared or served for pay for~~  
22 ~~consumption on premises.~~

23 \* \* \*

24 (c) *Permissible uses by exception.*

25 \* \* \*

26 (13) A brewery which produces of up to ten thousand (10,000)  
27 barrels per year of beer, mead and cider (aggregate). Up  
28 to thirty (30) percent of total production may be  
29 distributed off-site to a licensed distributor. The brewery  
30 may include the retail or wholesale sale and service of  
31 beer, cider, mead and/or wine for on-premises consumption

1 and/or off-premises consumption not in conjunction with  
2 the service of food including permanent or restricted  
3 outside sale and service that meets the performance  
4 standards and development criteria set forth in Part 4 of  
5 the Zoning Code. The beer, cider, mead or wine sold or  
6 served may be produced on-site or off-site.

7 \* \* \*

8 **Section 7. Amending Subsection 656.802 (Definitions),**  
9 **Ordinance Code.** Subsection 656.802 (Definitions), Part 8 (Alcoholic  
10 Beverages), Chapter 656 (Zoning Code), Ordinance Code is hereby  
11 amended to read as follows:

12 **CHAPTER 656. ZONING CODE**

13 \* \* \*

14 **PART 8. ALCOHOLIC BEVERAGES**

15 \* \* \*

16 **Sec. 656.802 - Definitions**

17 \* \* \*

18 (d) For purposes of Part 8 and Section 656.133, Church means a  
19 building used principally as a place wherein persons regularly  
20 assemble for religious worship, including sanctuaries, chapels  
21 and cathedrals and on-site buildings adjacent thereto, such as  
22 parsonages, friaries, convents, fellowship halls, Sunday schools  
23 and rectories, but not including ~~day care centers~~, community  
24 recreation facilities, and ~~private and/or secondary educational~~  
25 facilities. This definition does not include property owned by  
26 a religious organization wherein persons do not regularly  
27 assemble for religious worship or property which is not in  
28 compliance with the current version of the zoning code,  
29 ordinance code, building code, fire code or any other applicable  
30 regulations.

31 \* \* \*

1 (f) For purposes of Part 8 and Section 656.133, School means a  
2 private or public educational institution offering students an  
3 academic curriculum, including kindergartens, elementary  
4 schools, high schools, day care for children or after-school  
5 care for children colleges and universities.

6 \* \* \*

7 **Sec. 656.805. - Distance limitations.**

8 Except as provided in other Sections, the distance limitations  
9 for on- and off-premises consumption of alcohol, beer and/or wine  
10 shall be as follows:

- 11 (a) There shall be no distance limitations for the sale of beer  
12 or wine for the off-premises consumption of beer and wine.
- 13 (b) There shall be not less than 500 feet from an established  
14 sSchool, or eChurch or adult entertainment or service  
15 facility, a retail facility which sells liquor for off-  
16 premises consumption of alcoholic beverages, including  
17 beer and wine, and not less than 500 feet from an  
18 established adult entertainment or service facility.
- 19 (c) There shall be not less than 500 feet from an established  
20 sSchool or eChurch for a restaurant serving alcoholic  
21 beverages for on-premises consumption, that does not  
22 qualify as a nightclub pursuant to Section 656.1601,  
23 Ordinance Code.
- 24 (d) There shall be not less than 1,500 feet from a an  
25 established sSchool or eChurch a facility which serves  
26 alcoholic beverages for the on-premises consumption of  
27 alcoholic beverages, unless said facility is a restaurant  
28 not in conjunction with the service of food, except as  
29 specifically provided herein.
- 30 (e) These distance limitations shall not apply to a sSchool or  
31 eChurch located in a CN, CCG-1, or CCG-2 or CCG-S zoned

1 district if the church or school is on a parcel of land  
2 with an unrelated principal use.

3 \* \* \*

4 **Sec. 656.806. - Measurement of distances.**

5 With respect to the distance between a location for which a  
6 liquor license is proposed and an established eChurch, sSchool or  
7 adult entertainment facility the distance shall be measured by  
8 following a straight line from the nearest point of the building or  
9 portion of the building used as part of the proposed location to the  
10 nearest point of the grounds actively used as part of the eChurch,  
11 sSchool facilities, or adult entertainment facility.

12 \* \* \*

13 **Section 8. Non-conforming Uses.** Any current uses as of the  
14 date of this ordinance or uses for which permits and applications for  
15 said uses have been submitted prior to the date of this ordinance  
16 shall be considered legally non-conforming uses.

17 **Section 9. Effective Date.** This ordinance shall become  
18 effective upon signature by the Mayor or upon becoming effective  
19 without the Mayor's signature.

20  
21 Form Approved:

22  
23  
24 /s/ Paige H. Johnston

25 Office of General Counsel

26 Legislation Prepared By: Zach Miller

27 GC-#1462897-v2-Diamond\_Gaffney\_Alcohol\_Limitations.docx