

ORDINANCE NO. _____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 3 Alcoholic Beverages in the Code of Ordinances be amended by adding the following provisions and requirements for package stores:

SECTION 1: Definitions.

For the purposes of this ordinance, the following terms are defined hereinafter set forth, to wit:

Package Stores – Licensees for the retail sale of liquor for off-premises consumption.

SECTION 2:

(a) Package stores, as defined in section 1, above, shall be subject to the following:

(1) Licenses for the retail sale of liquor, beer and wine for off-premises consumption shall require a separation distance of 250 feet from any church grounds, school grounds, public park, youth club, group home, shelter home, halfway/transitional house or licensed daycare facility and measured in a straight line from the nearest property boundary of the licensed premises to the nearest property boundary of any use listed above.

(2) No two licenses for the retail sale of liquor, beer and wine for off-premises consumption shall be permitted to be located within 2,500 feet of each other.

(b) Any building in which one of the above-listed alcoholic beverage licensees is legally operating prior to the effective date of this ordinance shall be a lawful nonconforming use as that term is defined in Appendix C, Art. 1, Sec. 6, City of Montgomery Code of Ordinances. Such a lawful nonconforming use may continue in business at the location within the prohibited distance with the following limitations:

(1) No expansion of the building presently existing on the effective date of the ordinance from which this section is derived shall be permitted at the location unless such expansion is presently underway with an authorized city building permit and such construction is completed within 12 months from the date of the building permit so issued;

(2) If the building sustains damages or loss exceeding 60 percent of its current replacement value at the time of such damage, the lawful nonconforming status terminates. If the building sustains damages or loss of less than 60 percent of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within 12 months of the damage.

(3) If the nonconforming use is discontinued or abandoned for a continuous period of six months, it shall not be re-established, and any future use shall be in conformity with the provisions of this ordinance and all applicable zoning and licensing ordinances.

(4) If the nonconforming use is changed to a conforming use, it shall not be permitted to revert to the original nonconforming use.

(c) Meeting the minimum distance requirements set forth in this section does not guarantee that a liquor license will be granted. Nothing in this section prevents the council from considering the proximity of an educational, religious and recreational facility, or any other relevant factor in reaching a decision on a proposed location for a retail establishment engaged in the sale of alcoholic beverages.

This ordinance shall become effective upon passage, approval and publications or as otherwise provided by law.

ADOPTED this the _____ day of _____, 2020.

STEVEN L. REED, MAYOR

ATTEST:

BRENDA GALE BLALOCK, CITY CLERK