

## **Section 222                      Alcoholic Liquors**

### **222.1    General distance requirements for consumption:**

- a. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors at retail for consumption either on or off the *premises* if any part of such *building* or *premises* is situated:
  1. Within five hundred (500) feet in a radius from any part of any *building* or *premises* used for the purpose of public schools, a duly authorized school other than a public school, *house of worship*<sup>1</sup>, charitable institution whether supported by public or private funds, hospital, library, public playground, municipal fire or police station or municipal town hall. The *warehouse* storage or bottling of alcoholic and spirituous liquors for wholesale distribution only and grocery store beer permits shall not be subject to these distance requirements.
- b. Distance requirement for off-site consumption:

No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors at retail for consumption off the *premises* if any part of such *building* or *premises* is situated:

  1. Within fifteen hundred (1,500) feet in a radius from any other *building* or *premises* having any type of liquor permit where spirituous or alcoholic liquors are sold at retail and consumed off the *premises* other than a *building* or *premises* having one (1) of the following permits: grocery store beer permits; package store beer permits; druggist permit for beer only.
- c. (Note: This section is repealed, effective March 3, 2021.) Distance requirement for on-site consumption.

### **222.2    Measurement of distance requirement for a shopping center/mall**

In applying the distance requirements of these regulations in the case of a proposed liquor permit located in a shopping center/mall defined herein, measurements shall be made from the main entrance to said permit *premises*.

### **222.3    Restaurants or catering halls serving alcoholic liquors**

- a. In those zoning districts where restaurants or catering halls serving alcoholic beverages are permitted, such use, whether occupying part of a *building* containing other uses or an entire *building structure* by itself, may be permitted by the Planning and Zoning Commission only by special permit use as specified in the Special Permit Use provision of Sections 207.2 through 207.8 of these regulations and shall also be subject to the following additional conditions:
  1. No *sign* advertising alcoholic beverages by any brand name, slogan, symbol, or other means shall be visible from outside the *building*;
  2. The principal purpose of the restaurant shall be the preparation and sale of food to be consumed on the *premises*. The principal purpose of the catering hall shall be the preparation and sale of food to be consumed either on or off premises. Such sale of alcoholic liquors shall be subordinate and incidental to the principal use of the *premises* as a restaurant or catering hall in which the patrons are primarily *persons* seated at tables where hot meals are served;

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<sup>1</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

3. The restaurant facility or catering hall shall not produce nuisance, noise, or disturbance to adversely affect the health, safety, or comfort of others or detract from adjacent property values; and
  4. The dining area shall have a floor area of at least one thousand (1,000) square feet exclusive of cocktail lounge and entertainment areas.
- b. (Note: This section is repealed, effective March 3, 2021.)
- c. In no way shall the approval by the Planning and Zoning Commission for a restaurant permit for beer only or for beer and wine only be construed to include any other spirituous or alcohol liquor uses. Any change in use from beer only or beer and wine only requires application to the Planning and Zoning Commission for a special use permit and shall be considered a new use.

#### **222.4 Discontinued Uses**

The provisions of this regulation shall not be deemed retroactive, provided, however, that in the case of any such *building* or *premises* used for the sale or exchange of alcoholic beverages specified in Section 222 that has been voluntarily discontinued or has been voluntarily inoperative for a period of thirty (30) days, such use shall not be resumed except in conformity with the provisions of Section 222.3. The provisions of these regulations shall not apply to existing picnic parks, so called.