



Legend

- codgis2013 DBO StreetsDecatur
- 25 FOOT VFC
- VFC 200
- 25 FOOT SJEC
- SJEC_200 FT BUFFER
- 25 FOOT GSCOC
- GSCOC 200
- NGCC 25
- NGCC 200
- 25 FOOT FPC
- FPC 200
- 25 FOOT FBC
- FBC 200
- 25 FOOT FUMC
- FUMC 200

COMPARISON CHANGES TO CHAPTER 2.5

ITEMS HIGHLIGHTED IN YELLOW ARE NEW LANGUAGE

ITEMS HIGHLIGHTED IN GREEN HAVE MOVED OR BEEN REORGAINZED

SECTION	CURRENT	PROPOSED
<p>2.5-1 sub paragraph restaurant</p>	<p><i>Restaurant; definition for restaurant retail liquor licensing purposes:</i> A reputable place duly licensed as a restaurant, operated by a responsible person of good reputation, in which a diversified selection of food, refreshments and alcoholic beverages are offered for sale for consumption within the building in which the establishment is located, and which meets the following additional requirements:</p> <p>(1) Dining space. The dining space may include the bar area if it is contained entirely within the dining space and is operated under the same management. If the dining space has more than one (1) room, the additional rooms shall be connected by passages or doors ordinarily used by patrons who are customarily served from the same stock of alcoholic beverages. A life safety plan shall be submitted to and approved by the building official regardless of the size of the building or dining space. The life safety plan provided by the applicant's architect shall also be subject to approval by the Fire Marshall and shall show the number of seats, tables, chairs, exits, emergency lighting, means of egress, and fire extinguishing devices. All State of Alabama requirements for the issuance of a restaurant retail liquor license must be met.</p> <p>(2) A kitchen separate and apart from said dining space, but adjoining the same, in which food is prepared for consumption by the public and in which the food or meals served in said dining space are prepared. The kitchen may be</p>	<p>Restaurant; definition for restaurant retail liquor licensing purposes: A reputable place duly licensed as a restaurant, operated by a responsible person of good reputation, in which a diversified selection of food, refreshments and alcoholic beverages are offered for sale for consumption within the building in which the establishment is located. The licensee for such establishment shall maintain a cash receiving system which provides a distinct separation of receipts for food items and for liquor, malt or brewed beverages, wines or other alcoholic beverages. In addition, the licensee for such establishment shall maintain all invoices for the purchases of food and all types of alcoholic beverages and shall preserve such records for not less than three (3) years. For the purpose of this definition food shall be defined as any consumable item that does not qualify as an alcoholic beverage by Alabama Beverage Control that is sold to the public for consumption. All such records shall be available for inspection and audit at the licensee's premises within the city during regular business hours as the revenue department, or duly authorized representative, may request. There are two classifications of restaurants within this definition as follows:</p> <p>(1) Restaurant- The serving of food or meals shall constitute the principal business of such establishment, with the serving of liquor, malt or brewed beverages, wines or other alcoholic beverages being an incidental part of the business. During any ninety-day period, the gross receipts from the serving of meals and food</p>

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	<p>accessible to the dining space through the use of hallways.</p> <p>(3) At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods for redecorating.</p> <p>(4) Such place shall meet the minimum requirements for an Alabama Alcoholic Beverage Control Board on-premises license.</p> <p>(5) The serving of food or meals shall constitute the principal business of such establishment, with the serving of liquor, malt or brewed beverages, wines or other alcoholic beverages being only an incidental part of the business. During any ninety-day period, the gross receipts from the serving of meals and food shall constitute at least sixty (60) percent of the total gross receipts of the business. The licensee for such establishment shall maintain a cash receipting system which provides a distinct separation of receipts for food items and for liquor, malt or brewed beverages, wines or other alcoholic beverages. In addition, the licensee for such establishment shall maintain all invoices for the purchases of food and all types of alcoholic beverages and shall preserve such records for not less than three (3) years. All such records shall be available for inspection and audit at the licensee's premises within the city during regular business hours as the revenue department, or duly authorized representative, may request.</p>	<p>shall constitute at least fifty (50) percent of the total gross receipts of the business.</p> <p>(2) Class 1 Restaurant - The serving of food or meals shall constitute a part of the business of such establishment, with the serving of liquor, malt or brewed beverages, wines or other alcoholic beverages being an integral part of the business. During any ninety-day period, the gross receipts from the serving of meals and food shall constitute at least Thirty (30) percent of the total gross receipts of the business.</p> <p>Each classification of restaurant must meet the following additional requirements:</p> <p>(a) A Dining space. Said Dining space shall be equipped with tables and chairs accommodating a number of persons meeting with all the adopted building code occupancy requirements. The dining space may include the bar area if it is contained entirely within the dining space and is operated under the same management. If the dining space has more than one room, the additional rooms shall be connected by passages or doors ordinarily used by patrons who are customarily served from the same stock of alcoholic beverages. A life safety</p>

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		<p>plan shall be submitted to and approved by the building official regardless of the size of the building or dining space. The life safety plan provided by the applicant's architect shall also be subject to approval by the Fire Marshall and shall show the number of seats, tables, chairs, exits, emergency lighting, means of egress, and fire extinguishing devices. All State of Alabama requirements for the issuance of a restaurant retail liquor license must be met.</p> <p>(b) A kitchen separate and apart from said dining space, but adjoining the same, in which food is prepared for consumption by the public and in which the food or meals served in said dining space are prepared. The kitchen may be accessible to the dining space through the use of hallways.</p> <p>(c) At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods for redecorating.</p> <p>(d) Such place shall meet the minimum requirements for an Alabama Alcoholic Beverage Control Board on-premises license.</p>
Section 2.5-3 Location of premises	(Subject to exceptions herein contained, no facility or property shall be authorized for on-premises sale or off-	(a) Subject to exceptions herein contained, no facility or property shall be authorized for on-premises sale or off-

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<p>near church or school</p>	<p>premises sale of alcoholic beverages where any part of the building in which the premises is located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:</p> <ul style="list-style-type: none"> (1) Off-premises sale of beer and table wine; and (2) Except for premises located within a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply in the following enumerated cases: <ul style="list-style-type: none"> a. Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes; b. Where the licensed premises and the church or school front on different streets and do not have common exits or driveways providing access; c. Where the licensed premises and the church or school are separated by a permanent building, or topographical or man-made barrier, and the 	<p>premises sale of alcoholic beverages where any part of the building in which the premises is located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:</p> <ul style="list-style-type: none"> (1) Off-premises sale of beer and table wine; and (2) Except for Restaurants located within a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply in the following enumerated cases: <ul style="list-style-type: none"> a. Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes; b. Where the licensed premises and the church or school front on different streets and do not have common exits or driveways providing access; c. Where the licensed premises and the church or school are separated by a permanent building, or topographical or man-made barrier, and the council or its duly delegated agent finds that the separation adequately screens and insulates the premises

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	<p>council or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirement herein provided is substantially achieved; or</p> <p>(3) For premises located in a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than twenty five (25) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply. However, no alcoholic beverages can be served or consumed in the exterior part of the building adjacent to a church or school.</p> <p>(b) Where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply.</p> <p>(c) When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the</p>	<p>whereby the spirit of the separation requirement herein provided is substantially achieved; or</p> <p>(3) For premises located in a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class 1 restaurants and, class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than twenty five (25) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply. However, no alcoholic beverages can be served or consumed in the exterior part of the building adjacent to a church or school.</p> <p>Furthermore, where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply. When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee, otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question."</p>

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	<p>closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee, otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question.a) Subject to exceptions contained in this section, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where any part of the building in which the premises are located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:</p> <ol style="list-style-type: none"> <li data-bbox="456 995 886 1052">(1) Off-premises sale of beer and table wine; and <li data-bbox="456 1073 886 1612">(2) On-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply in the following enumerated cases: <ol style="list-style-type: none"> <li data-bbox="513 1633 886 1814">a. Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes; <li data-bbox="513 1835 886 1881">b. Where the licensed premises and the church 	

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	<p>or school front on different streets and do not have common exits or driveways providing access;</p> <p>c. Where the licensed premises and the church or school are separated by a permanent building, or topographical or man-made barrier, and the council or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirement herein provided is substantially achieved; or</p> <p>(b) Where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply.</p> <p>(c) When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee; otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question.</p>	



COMPARISON CHANGES TO CHAPTER 25 : YELLOW HIGHLIGHTING SHOWS THE ACTUALL CHANGE OR ADDITION BEING MADE.

SECTION	CURRENT	PROPOSED
25-2 Definitions Restaurant	Does not exist at this time	"(28A) Restaurant; definition for restaurant retail liquor licensing purposes. Definition is the same as contained in Section 2.5-1 of this Code
25 9.1	<p>Notwithstanding provisions to the contrary set forth in this chapter, subject to exceptions herein contained, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where any part of the building in which the premises is located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:</p> <ul style="list-style-type: none"> (1) Off-premises sale of beer and table wine; and (2) Except for premises located within a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply in the following enumerated cases: <ul style="list-style-type: none"> a. Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes; b. Where the licensed premises and the church or school front on different streets and do not have 	<p>Notwithstanding provisions to the contrary set forth in this chapter, subject to exceptions herein contained, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where any part of the building in which the premises is located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:</p> <ul style="list-style-type: none"> (1) Off-premises sale of beer and table wine; and (2) Except for Restaurants located within a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply in the following enumerated cases: <ul style="list-style-type: none"> a. Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes; b. Where the licensed premises and the church or school front on different streets and do not have common exits or driveways providing access;

Meal in state code is defined as a diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware, and which cannot be conveniently consumed while one is standing or walking about."

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	<p>common exits or driveways providing access;</p> <p>c. Where the licensed premises and the church or school are separated by a permanent building, or topographical or man-made barrier, and the council or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirement herein provided is substantially achieved; or</p> <p>(3) For premises located in a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class 1 lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than twenty-five (25) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply. However, no alcoholic beverages can be served or consumed in the exterior part of the building adjacent to a church or school located on the licensed premises.</p> <p>Furthermore, where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply. When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or</p>	<p>c. Where the licensed premises and the church or school are separated by a permanent building, or topographical or man-made barrier, and the council or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirement herein provided is substantially achieved; or</p> <p>(3) For premises located in a B-5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class 1 restaurants and, class 1 lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than twenty five (25) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply. However, no alcoholic beverages can be served or consumed in the exterior part of the building adjacent to a church or school.</p> <p>Furthermore, where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply. When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely</p>
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	<p>activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee, otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question.</p>	<p>by the licensee, otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question."</p>
<p>Sub section Uses Permitted on appeal of sub section knowns as B5 Central Business District</p>	<p><i>Uses permitted on appeal:</i> Restaurants; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments which have monthly gross receipts from the serving of meals and food that constitute more than sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a use permitted on appeal for a residential use; brewpubs as defined by Chapter 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that Chapter, as last amended; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted.</p>	<p><i>Uses permitted on appeal:</i> Restaurants; Class 1 Restaurants, with the intent that possible impacts on nearby citizens who live or have businesses should be addressed during the Board of Zoning Adjustment hearing process; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments other than any classification of restaurant which have monthly gross receipts from the serving of meals and food that constitute at least Sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a use permitted on appeal for a residential use; brewpubs as defined by Chapter 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that Chapter, as last amended; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted</p>

Meal in state code is defined as a diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware, and which cannot be conveniently consumed while one is standing or walking about."

