

ORDINANCE NO. 2023-0815-A

WHEREAS, Town Council finds that the location criteria for establishments licensed for the retail sale of alcoholic beverages be revised.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Rehobeth, Alabama, as follows;

ARTICLE I. IN GENERAL

Section 1. That a definition of "shopping center" be added to Sec. 6-1, Alcoholic Beverages, of the Town of Rehobeth Code of Ordinances as follows:

- (b) *Shopping Center.* For the purposes of this chapter, a shopping center is a group of commercial businesses, typically retail in nature but may also include office or institutional uses as defined in Sec. 114-117 (C.1) but excludes any industrial use identified in Sec. 114-131 of the Zoning Ordinance. Units within a shopping center do not have to be located in a common-wall structure but do share common elements to include but not limited to; on-site parking and maneuvering areas, signage, landscaping, and garbage/trash facilities with controlled access to a public street. Ownership may be by single entity, LLC, corporation or similar legal entity. To qualify for this exemption, a shopping center shall contain at least 25,000 sq. ft.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Section 2. That Sec. 6-33. Alcoholic Beverages, of the Town of Rehobeth Code of Ordinances is hereby deleted in entirety and replaced as follows:

Sec. 6-33. Location of Establishment for Retail Sale of Alcoholic Beverages

- (a) Alcoholic beverage sales licenses for beer, wine, liquor, or any other alcoholic beverage as defined by Sec. 28-3a-3 of the Alabama Code 1975 shall be subject to the following:
- (1) Licenses for the on-premises retail sale and consumption of any alcoholic beverages shall require a separation distance of 200 feet except as provided in subsection (a.3) below.
 - (2) Licenses for the retail sale of liquor, beer and wine for off-premises consumption except as provided in subsection (a.3) below shall require a separation distance of 200 feet.
 - (3) Licenses for the retail sale of liquor and other alcoholic beverages for on-premises consumption in an establishment that is habitually and principally used for providing meals to the public shall require a separation distance of 100 feet.
 - (4) Licenses for the retail sale of beer and table wine for off-premises consumption where the alcoholic beverage is not the principal commodity shall not require a separation distance.
- (b) Any separation distances required by Sec. 6-33 (a) shall be 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.
- (c) The minimum distance requirements provided herein shall not be applicable to the following:

- (1) Retail alcoholic beverage licensees for any location that is on any lot or lots in the Entertainment District, more particularly described in Section 6-102 of this Chapter;
 - (2) Retail alcoholic beverage licensed premises and any otherwise protected use listed in subsection (b) above, where both are located in the same shopping center as that term is defined in Sec. 6-1, Town of Rehobeth Code of Ordinances;
 - (3) The town, a municipal corporation, individuals or clubs applying for a special retail liquor license or a special events retail license, when renting the community center or a town owned recreation building;
- (d) The distance requirements provided herein shall not be applicable to those licensees already legally licensed and engaged in business at locations within the prohibited distance on the effective date of the ordinance from which this section is derived or to the transferee of any such license within 12 months from the effective date of the ordinance from which this section is derived. Any such license 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 town building permit, or such expansion is undertaken within 12 months from the effective date of the ordinance from which this ordinance is derived by the issuance of an authorized town building permit and unless such construction in either instance is completed within 12 months from the date of the building permit so issued;
 - (2) If damages or loss of the building presently existing at the location occurs, restoration must be made within 12 months thereof and to an extent not to exceed 75 percent of the appraised value thereof for ad valorem taxes immediately prior to such loss or damage.
- (di) If, after an establishment obtains an alcoholic beverage license under this chapter, a person establishes a use on a property that puts the establishment in violation of the distance requirements described in the above Subsection a, subject to the other provisions of this Code of Ordinances, that establishment, or another establishment with the same type of license as that establishment, may operate at the same location regardless of whether:
- (1) The establishment changes ownership; or
 - (2) The property on which the establishment is located changes ownership.
- (dii) In the event of a revocation of an alcoholic beverage license, no renewal or reissuance of the alcoholic beverage license shall be issued to permit the sale of alcoholic beverages by the same business enterprise, its employees, partners, or relatives until after the expiration of one year from the date any such license revocation becomes final and effective. No renewal or reissuance of an alcoholic beverage license at the same location shall be permitted to the same licensee once it is discontinued by the licensee.
- (diii) Nothing in this section prevents the commission 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.

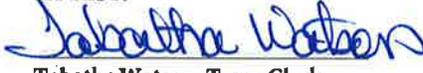
Section 3. That the Town Clerk of the Town of Rehobeth is hereby ordered and directed to cause this ordinance to be published.

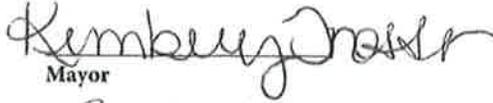
Section 4. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

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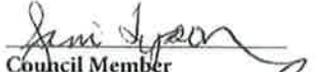
PASSED, ADOPTED, AND APPROVED ON Aug. 15th, 2023.

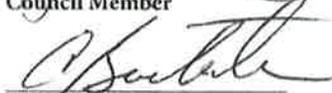
ATTEST:

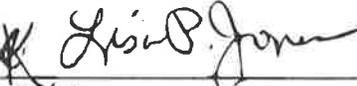

Tabatha Watson, Town Clerk

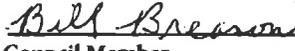

Mayor


Council Member


Council Member


Council Member


Council Member


Council Member

I hereby certify that the above ordinance was posted at the Town Hall and in 3 places within the Town Limits of Rehobeth, Alabama on August 16, 2023.


Tabatha Watson, Town Clerk

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