

ORDINANCE NO. 2019 - 5134

**AN ORDINANCE AMENDING AND REVISING THE
REGULATION OF ALCOHOL SERVICE RESTRICTIONS IN
THE CITY OF PELL CITY, ALABAMA**

WHEREAS, the City Council of the City of Pell City, Alabama, has the authority to regulate businesses that operate within the corporate limits of the City to protect the health, safety, and welfare of its citizens; and

WHEREAS, it is the desire of the City Council to promote the general welfare of the City, to protect the value of buildings, properties, and commercial enterprises in the City, to protect the image and character of the City, and to preserve and enhance property values in the City; and

WHEREAS, after appropriate public notice in accordance with Alabama law, the City's Planning and Zoning Commission has recommended certain revisions to Ordinance No. 79-516, as previously amended (the "City's Zoning Ordinance") pertaining to businesses that engage primarily in the sale of alcohol in certain Zoning Districts of the City; and,

WHEREAS, after appropriate public notice and a public hearing in accordance with Alabama law, the City Council has determined that it is wise, prudent, and in the best interests of the City to adopt the following revised and amended regulations for the businesses that engage primarily in the sale of alcohol in certain Zoning Districts of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:

Section A: That the City's Zoning Ordinance is hereby revised and amended as follows to provide for the regulation of businesses that engage primarily in the sale of alcohol in certain Zoning Districts of the City and any existing regulations to the contrary are hereby repealed:

Definitions

Section 202.118 Lounge – A licensed commercial establishment engaged in the preparation, sale or serving of alcohol and/or liquor for consumption on the premises. This shall include, but not be limited to, the following: taverns, bars, cocktail lounges, micro-breweries, nightclubs, and similar uses where alcohol and/or liquor consumption is the primary activity on the premises of the establishment. This shall not include restaurants where alcohol and/or liquor consumption is a secondary activity of the establishment; nor shall it include establishments that sell alcoholic beverages for off-premises consumption only; such as a package store, State Alcoholic Beverage store, supermarkets, convenience stores, etc. Such establishment shall not include Adult Entertainment as defined in this ordinance.

Special Use Regulations

Section 903.14 Lounges

No lounge shall be permitted within two hundred (200) feet from an educational institution, place of worship, or child development facility. The term educational institution shall apply to all accredited State, County, City, church, or private schools, as well as colleges. The distance shall be calculated from the primary entrance of the regulated property to the nearest property line of protected property or properties.

Use Provisions

Section 804.00 Uses Allowed

Revisions to Table VIII-1:

Commercial Uses	RA	RE	R1	R1-MH	R2	R3	R4	PR	R-MHP	O1	B1	B2	B3	M1	M2	FC
Lounge	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N

Section B: Severability. If any section or provision of this Ordinance shall hereafter be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other section or provision of this Ordinance.

Section C: Repeal of Conflicting Ordinances. Any provisions of existing ordinances in conflict with the provisions of this Ordinance shall be and are hereby repealed on the effective date of this Ordinance.

Section D: Effective Date. This Ordinance shall become effective upon approval, passage, and publication as required by law.

ADOPTED AND APPROVED this 8th day of July, 2019.

James McGowan - Council President

ATTEST:

Sheree Pruitt - Assistant City Clerk

APPROVED this 8th day of July, 2019.

William T. Pruitt, IV - Mayor

ATTEST:

Sheree Pruitt - Assistant City Clerk

CERTIFICATION

I, Sheree Pruitt, Assistant City Clerk of the City of Pell City, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City at a regular meeting held on the 8th day of July, 2019, and that same has been published in accordance with law in the *St. Clair News Aegis* on the _____ day of _____, 2019.

Assistant City Clerk