

Sec. 411.04. - Licensing requirements.

(b) Notification requirements; consent of neighboring property:

(2) Consent of owners and occupants within three hundred [fifty] feet: The applicant shall present with his or her application for a Class B or Class C license a statement in writing with the signatures of as many of the owners and occupants of private residences, dwellings and apartment houses located within three hundred fifty (350) feet of such premises as he or she can obtain to the effect that they have no objection to the granting of the class of entertainment license sought or the operation of the business of conducting entertainment of the class of license sought at the location proposed.

If the applicant obtains the signatures of ninety (90) percent or more of such persons, the council may grant the license. If the applicant obtains the signatures of sixty (60) percent to ninety (90) percent of such persons, the council may grant the license upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community. Such findings shall be based on the following considerations if the license were to be granted:

- a. The effect on the surrounding community and institutions;
- b. Noise and likelihood of adverse effect on residential occupants;
- c. The possibility of increased traffic;
- d. The character of the neighborhood;
- e. Other like uses in the neighborhood.

If the applicant fails to obtain the signatures of sixty (60) percent of such persons, the license shall not in any case be granted, unless, in the case of Class B licenses only, the license applicant can illustrate to the city council that a good faith effort was made to fulfill all petition requirements, and that the results of such attempts showed a generally favorable disposition from the surrounding community toward the proposed licensed activity, and that the district council representing the area supports the request for the license by the applicant.