



## Legislation Text

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**File #:** Ord 18-22, **Version:** 1

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Amending Chapter 409 of the Legislative Code to allow the City Council to waive the distance restriction for certain off-sale liquor establishments which existed prior to January 15, 2003.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Section 409.06 (i) of the Saint Paul Legislative Code is hereby amended to read as follows:

(i) *License location restrictions.* These restrictions shall not apply to off-sale/ brew pub license, off-sale brewery licenses, or off-sale microdistillery licenses.

(1) No off-sale license shall be issued for any place where nonintoxicating malt beverages shall be sold for consumption on the premises.

(2) No off-sale license shall be issued to any location within a half-mile radius of any existing off-sale establishment, subject to the following exceptions: except

a. In the downtown business district, where the distance restriction requirement shall be reduced to a radius of three hundred (300) feet.

b. For off-sale liquor establishments outside of the downtown business district that were licensed prior to January 15, 2003, the council may waive the half-mile distance restrictions provided that council finds by resolution that:

1. the off-sale liquor establishment is relocating to a location that is within 1/2 mile radius of its current location; and

2. the relocation of the off-sale liquor establishment is related to hardship or circumstances outside of the licensee's control; and

3. the new location of the off-sale liquor establishment meets the intent of the ordinance in preventing the over-concentration of off-sale liquor establishments; and

4. the new location of the off-sale liquor establishment is not inconsistent with the health, safety, morals

and general welfare of the adjoining neighbors or community. Factors which may be considered include, but are not limited to the following: the likelihood of increased noise, traffic, litter, loitering or unlawful behavior by patrons of the establishment, excessive artificial lighting, substantial decrease in adjoining property values, and the extent to which any of the potential problems can be addressed by conditions on the license.

(3) No license shall be issued for an off-sale location which is within three hundred (300) feet of residentially zoned property, a park or a licensed child-care center, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the off-sale liquor license to the property line of any residentially zoned property, park or child care center in the area for which the license is sought.

a. The council may waive the restrictions set forth in paragraph (3) above relating to distance if it makes findings that such a license is not inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community. Factors which may be considered include, but are not limited to the following: the likelihood of increased noise, traffic, litter, loitering or unlawful behavior by patrons of the establishment, excessive artificial lighting, substantial decrease in adjoining property values, and the extent to which any of the potential problems can be addressed by conditions on the license.

b. In order to waive the restrictions relating to distance the council must first receive a petition from seventy-five (75) percent of the owners and tenants of all private residences, dwellings and apartment houses located within three hundred (300) feet of the proposed off-sale location stating that they have no objection if the waiver relates to residentially zoned property or a written statement consenting to the waiver by the director and/or owner of the child care center if the waiver relates to a licensed child care center.

c. An establishment holding a valid license on the effective date of this amendment shall not be affected by this limitation, but shall be entitled to have such license renewed so long as they are in compliance with all other requirements of law and there exist no grounds for adverse action against such license.

## SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.