Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	RS2021-835	**Name:**	
Type:	Resolution	**Status:**	Passed
File created:	3/18/2021	**In control:**	Metropolitan Council
On agenda:	4/6/2021	**Final action:**	4/6/2021
Title:	A resolution exempting Babo, located at 1601 A Riverside Drive, from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.		
Sponsors:	Emily Benedict		
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
4/7/2021	1	Mayor	approved	
4/6/2021	1	Metropolitan Council	adopted	
4/6/2021	1	Public Safety, Beer, and Regulated Beverages Committee	approved	
3/30/2021	1	Metropolitan Council	filed	
3/12/2021	1	Metropolitan Council	advertised	

A resolution exempting Babo, located at 1601 A Riverside Drive, from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

WHEREAS, Section 7.08.090.E of the Metropolitan Code provides that any restaurant or retail food store as defined therein shall be exempt from the minimum distance requirements set forth in subsection 7.08.090.A upon the adoption of a resolution, after a public hearing, by the Metropolitan Council receiving twenty-one (21) affirmative votes approving the exemption of the restaurant or retail food store from said minimum distance requirements; and

WHEREAS, Ms. Beth Frasch has filed an application with the Metropolitan Beer Board for an on-sale beer permit for Babo, located at 1601 A Riverside Drive, and has requested a waiver of the minimum distance requirements pursuant to Section 7.08.090.E of the Metropolitan Code; and

WHEREAS, in accordance with Section 7.08.090.E of the Metropolitan Code, a public hearing was held at the April 6, 2021 meeting of the Metropolitan Council regarding the exemption of Babo from the minimum distance requirements to obtain a beer permit.

NOW, THEREFORE BE IT RESOLVED BY THE METROPOLITAN COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY THAT:

Section 1. Pursuant to Section 7.08.090.E of the Metropolitan Code, the Metropolitan Council hereby approves the exemption of Babo, located at 1601 A Riverside Drive, from the minimum distance requirements for obtaining a beer permit.

Section 2. The Metropolitan Clerk is directed to send a copy of this Resolution to the Executive Director of

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the Metropolitan Beer Board.

Section 3. This Resolution shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Babo, located at 1601 A Riverside Drive.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

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