



DISTANCE REQUIREMENTS FOR CERTAIN LICENSED PREMISES

The law requires that there be a minimum distance between certain premises permitted to sell alcoholic beverages (Title 4, §543 of the Delaware Code.) An applicant is required to demonstrate that a proposed establishment meets these minimum distance requirements:

- **For on-premises sales and consumption in Taprooms, Taverns, and Beer Gardens**
The minimum distance between any of these premises is 1,200 feet in municipalities and incorporated areas. In rural and unincorporated areas, the minimum distance required between any of these premises is 0.9 miles (4,752 feet.)
- **For off-premises sales in Package Stores**
The minimum distance between premises is 0.5 miles (2,640 feet) in municipalities and incorporated areas. In rural and unincorporated areas, the minimum distance between premises is 3 miles.

Exceptions to these requirements include the transfer or renewal of an existing license, a licensee that wishes to move to a location within 500 feet accessible by public road, or a licensee located within a shopping center that wishes to move elsewhere in the same shopping center.

Enclosed are detailed instructions to assist in this phase of the licensing process. Included is an affidavit to be completed and submitted to the OABCC certifying that the proposed establishment meets the minimum distance requirements. Any license which is issued in accordance with an affidavit affirming that the proposed establishment complies with the distance requirements may be immediately revoked by the Commissioner if at any time it is determined that the location did not meet the distance requirements.



INSTRUCTIONS FOR MEASURING THE DISTANCE BETWEEN ESTABLISHMENTS

In all cases, the distance shall be computed in two directions: from the proposed establishment to the existing establishment(s), and from the existing establishment(s) to the proposed establishment. In computing the distance, pursuant to Title 4 Del. C., §543, between a proposed establishment and an existing establishment by accessible public road or street, the measurements shall be taken as follows:

- The measurements shall begin and end at that part of the individual establishment which is available to the public and closest to the other establishment. In general, one would start measuring at the front corner of both the existing and the proposed establishment nearest to the existing licensed establishment of the same type. In multiple purpose buildings, in which a liquor establishment is not the primary use, the measurement shall be made from the portion of the building used for the existing licensed establishment, and the measured distance shall include corridors, etc., when necessary to reach the nearest accessible public road or street.
- Straight lines shall then be drawn from these terminal points, and at right angles thereto, to the center of the adjoining means of ingress and egress.
- The lines shall then continue to follow the center lines of regular or established traffic patterns (pedestrian or vehicular) until a public road or street is reached at its center line. The lines shall be drawn to the center of the nearest regular or established traffic pattern for vehicular traffic.
- The lines shall continue onto the center lines of public roads or streets until they meet.
- Except where impracticable lines shall be drawn at right angles to each other and shall be straight.
- In all cases, the shortest distance shall be used as the distance between the two and said shortest distance shall be measured only by accessible public road or street and the Commissioner may consider motor vehicle traffic directions, patterns, and barriers as well as pedestrian traffic patterns.



DISTANCE CHECK COMPLIANCE FORM AND AFFIDAVIT

Applicant (business entity name): _____

Applicant trade name: _____

1. List by name and mailing address all existing churches within one (1) mile of the proposed location and indicate the distance to each from the proposed location to be licensed.
(Attach separate sheet if necessary)

2. List by name and mailing address, all existing schools and colleges within one (1) mile of the proposed location and indicate the distance to each from the proposed location to be licensed.
(Attach separate sheet if necessary)

3. **For ON-premises Taproom, Tavern, or Beer Garden license applicants only**
List by name and mailing address all existing establishments of any type within 0.9 miles of the proposed location and indicate the distance to each from the proposed location to be licensed. Within any incorporated city or town, the distance is 1,200 feet.
(Attach separate sheet if necessary)

4. **For OFF-premises Package Store license applicants only**
List by name and mailing address, all existing establishments of the same type within three (3) miles of the proposed location and indicate the distance to each from the proposed location to be licensed. Within any incorporated city or town, the distance is 0.5 miles.
(Attach separate sheet if necessary)

