

**Sec. 6-118. - Distance from certain locations.**

(a) It is the policy of the city that, in keeping with the purposes of this article, any premises proposed for license for the sale of alcoholic beverages shall be at a suitable distance from a school, church, park, public building, library, and residence.

(b) A suitable distance shall be as follows:

(1) For a license for package distilled spirits, a suitable distance is 600 feet from a school, and 300 feet from a church, park, public building, library, or residence.

(2) For a license for pouring distilled spirits, a suitable distance is 600 feet from a school, and 200 feet from a church, park, public building, library or residence; provided, however, in no event shall the primary customer entrance of the proposed premises be located closer than 75 feet from the property line of the school, church, park, public building, library, or residence.

(3) For a license for package wine and malt beverages with or without the wine specialty shop add on, a suitable distance is 600 feet from a school, and 300 feet from a church, park, public building, or library; provided that the distance from a church, park, public building, or library shall be waived when the applicant is a grocery store.

(4) For a license for pouring wine and malt beverages, a suitable distance is 600 feet from a school, and 200 feet from a church, park, public building, library or residence; provided, however, in no event shall the primary customer entrance of the proposed premises be located closer than 75 feet from the property line of the school, church, park, public building, library, or residence.

(5) For a license for wholesale, or for a license for manufacture, a suitable distance is 600 feet from a school, and it is 600 feet from a church, park, public building, library, or residence.

(6) Within the area defined as Smyrna Central Downtown or within property zoned to a mixed use zoning category, a license for the pouring of distilled spirits or for pouring wine and malt beverages, it shall be 100 feet from a school, and 100 feet from a church, and no distance requirement from a residence, park, public building or library.

(7) Within the area defined as Smyrna Central Downtown or within property zoned to a mixed use zoning category, a license for package wine and malt beverages with or without the wine specialty shop add on, a suitable distance shall be 300 feet from a church, and no distance requirement from a residence, park, public building, or library.

(c) The measurement of suitable distance, unless otherwise specified in this chapter, shall be defined as:

(1) The measure in lineal feet of the most direct route of travel on the ground by a pedestrian from the center of the nearest door of customer entry of the proposed license premises to the nearest property line of the church, school, park, public building, library, or residence. Such travel shall be measured as a straight line from the customer door to the property line and is not required to follow a line running along the nearest sidewalk or street route; provided that, when a straight line of travel would not be a customary and reasonable line of travel because of obstacles to such travel, the line of travel shall be angled around such obstacles and the distance shall be the sum of the segments of the line.

(2) Except as otherwise specified herein, the measurement of suitable distance within the Smyrna Central Downtown or within property zoned to a mixed-use zoning category shall be defined as the measure in lineal feet from the center of the front door of customer entry of the proposed license premises to the front door of the church, school, public building, library and/or residence, and the nearest property line of a park. Such travel shall not be measured as a straight line from front door to front door and is required to follow a line running along the nearest sidewalk or street route.

(d) After issuance of any license, no change in the location of a customer entry shall be made which would affect compliance with any distance requirements of this article.

(e) An application for a new license on an existing licensed location, or on a previously licensed location for a period of one year from expiration of the previous license to the date of application, shall not be required to comply with the distance requirements from a school, church, park, public building, library, or residence. An application filed under this section shall meet and qualify under all other requirements of this article for the granting of a new license.

**State law reference—** Similar provisions, O.C.G.A. § 3-3-21.

(Ord. No. 95-03, § 3-2-18, 5-1-95; Ord. No. 2001-0917A, 9-17-01; Ord. No. 2001-0917B, 9-17-01; Ord. No. 2003-10, 2-17-03; Ord. No. 2004-27, 8-2-04; Ord. No. 2006-20, 9-8-06; Ord. No. 2009-10, 8-17-09; Ord. No. 2009-14, 10-19-09; Ord. No. 2010-4, 6-7-10)