

TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER 3

RETAIL SALES OF ALCOHOLIC BEVERAGES

8-317. Restrictions (1) Restrictions on number of local liquor retailer's licenses. There shall be a limit of five (5) retail liquor stores allowed in the Town of Smyrna.

(2) Restrictions as to location of retailers. A certificate issued under this chapter shall be valid only for the premises proposed in the application, and any change of location of the business shall be cause for immediate revocation of the certificate. No certificate of compliance shall be issued for the operation of a retail store, where such store would be a prohibited use under the town's zoning ordinance, or where the proposed place of business is located within 500 feet of:

(a) a private residence which is in a residential zoning district. A "private residence" as used herein is defined as a house or dwelling where not more than two families reside, and shall not include an apartment house having facilities for housing more than two families nor a boarding or rooming house where there are five or more boarders or roomers;

(b) any structure used as a church or other religious institution, school or college, hospital, daycare, park, public library, or other place of public gathering. "School" and "college" as used herein shall not include private colleges or schools wherein only specialized subjects, such as music, art, cosmetology, computer skills or vocational occupations are taught; or

(c) another retail liquor store.

(2) For purposes of this section, distances shall be measured in a straight line from the closest point of the applicant's building to the closest point of the building of the school, church, funeral home, hospital, licensed day care facility, retail liquor store, or other place of public gathering; provided, however that if the applicant leases space in a shopping center or strip mall, the distance shall be measured in a straight line from the closest point of the nearest interior wall of the applicant's leased space to the closest point of the building of the school, church, funeral home, hospital, licensed day care facility, retail liquor store, or other place of public gathering.

(3) The restrictions set forth herein as to locations apply to conditions existing as of the time of the application for a certificate is filed. With respect to the distance restriction from another retail liquor store, if an application has been filed for a certificate of compliance, no other application for a proposed retail liquor store within five hundred feet (500') of the site proposed in the pending application shall be considered by the Packaged Liquor Board or the Town Council, until the first

application has been denied, or if granted, has expired due to circumstances set out in Section 8-313 (3) and (5) or been revoked.

(4) Building, signage, and design review provisions.

(a) All liquor stores shall be a permanent type of construction in a material and design approved by the town council. All stores, including the entire building in which they are located within, shall strictly comply with or exceed the Design Review Guidelines as adopted and in place in the Town.

(b) No liquor stores shall be located in a manufactured or other moveable or prefabricated type of building.

(c) All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system, monitored by an outside, central station, on the inside of the premises.

(d) The minimum square footage of the liquor store display area shall be two thousand five hundred (2,500) square feet.

(e) Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. There shall be no signage permitted on store glass windows or doors or hanging from any object which would cause any obstruction of vision into the store from more than three feet from walking level to the ceiling of the store.

(f) Stores are permitted one sign of no more than twenty-five (25) square feet as wall signage. Such signage shall be on the front wall. Such signage shall be static, and it shall not blink, move, be animated, or otherwise contain changeable copy.

(g) In addition, free standing signage shall be limited to one ground-mounted sign, not more than seven feet tall, encompassing eighty (80) square feet total, and ground signage must be landscaped. Stores in a commercial shopping center shall only place a sign on the shopping center sign and shall not be permitted to have a separate free-standing sign.

(h) All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations, as adopted within the Smyrna Municipal Code, unless specifically stated otherwise herein. The strictest and most specific provisions shall apply. (Ord. #14-29, Sep. 2014 modified.)