

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: Mayor and Council

From: Russell Martin, AICP, Senior Planner

Date: May 29, 2019

CC: Tammi Saddler-Jones – City Administrator

**RE: Proposed Code Amendments – Alcohol Beverage Ordinance**

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The Community Development Department has received a request from the developers of The Eddy at Riverview Landing to remove the required fencing around the outdoor seating area of licensed pouring establishments. The immediate area around The Eddy and along the Chattahoochee River has been designated as a restaurant district by the City. Under the City's Alcoholic Beverage Ordinance, a restaurant district is defined as a specifically authorized and pedestrian oriented area of the city as established by resolution of Mayor and City Council that allows for the outside consumption of alcoholic beverages. The request is to amend the Alcoholic Beverage Ordinance to remove the requirement for fencing around the outdoor seating areas of pouring establishments within restaurant districts.

The Eddy is the 310-unit multi-family housing development with 3,000 sq. ft. of commercial retail space that is part of the greater Riverview Landing mixed use development. Grand Champion Barbeque, Reformation Brewery and The Chattahoochee Coffee Company will be the commercial tenants within the development. The developer is requesting the amendment to allow for the free flow of people between the businesses and the park area along the river in accordance with parameters set forth in the restaurant districts. The Alcoholic Beverage Ordinance as written today, requires outdoor seating areas to be enclosed by a fence, wall, hedge or other approved devices and for all patrons to enter through the main premises, which is generally in conflict with the intent of the restaurant districts.

The Community Development Department and the City Attorney has since reviewed the Alcoholic Beverage Ordinance. During this review, Community Development has developed a code amendment to exempt businesses with a pouring license located within a restaurant district from the requirement for an enclosure around the outdoor seating area.

**The following is the proposed code amendment to Alcoholic Beverage Ordinance as proposed by Community Development in legislative draft format (all changes are highlighted):**

**Sec. 6-2. - Definitions.**

Code Amendment - Alcohol Beverage Ordinance

October 19, 2009

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*Premises* means the definite closed or partitioned-in locality, whether room, shop, or building wherein alcoholic beverages are sold, and may include an attached patio or deck when:

(1) It is separated from the general public by a permanent wall, fence, hedge or similar approved device, and access to the patio or deck is limited only through the main premises;

(2) If the premises is located within a designated restaurant district, as described in Section 6-46, the premises shall be exempted from the separation and access requirements for attached patios or decks described above;

~~(2)~~ (3) The location of the patio or deck does not encroach upon any sidewalk, right-of-way, or other common area customarily used for ingress, egress, pedestrian or vehicular traffic; and

~~(3)~~ (4) The location and plans shall first have been approved by the city building inspector and fire marshal.

Use of a patio or deck as a part of the premises shall be suspended or revoked when its use interferes with other uses in the vicinity, or becomes in any way a public nuisance.

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## STAFF RECOMMENDATION

The City Attorney has reviewed the proposed code amendment. Community Development recommends **approval** of the proposed code amendment to the Alcoholic Beverage Ordinance as described above.