



CITY COUNCIL
ATLANTA, GEORGIA

01-O -0746

AN ORDINANCE

BY COUNCILMEMBERS DEBI STARNES AND LEE MORRIS

AN ORDINANCE TO AMEND PART II OF THE CODE OF ORDINANCES, CHAPTER 10, ARTICLE II, SECTION 10-88.1 SO AS TO EXEMPT CERTAIN LOCATIONS FROM THE 1500 FOOT DISTANCE REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in protecting the public safety and general welfare and is able to do so through the regulation of the sale of alcohol; and

WHEREAS, it is the stated purpose of the City's Alcohol Code that the City establish reasonable and ascertainable standards for the regulation and control of the licensing and sales of alcohol while preserving residential areas and promoting desirable living conditions and sustaining stability of neighborhoods and property values; and

WHEREAS, the City's Alcohol Code currently sets forth requirements regarding the distance between establishments licensed for the sale of beer and wine by the package; and

WHEREAS, the restrictions placed on such establishments may interfere with the ability of establishments which derive less than five (5) percent of their gross receipts from the sale of beer and wine by the package from locating within certain neighborhoods even when the neighborhoods desire that such establishments locate therein; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1. That § 10.88.1(a) be amended to delete paragraph which reads as follows:

(a) No package store, as defined in Section 10-1, shall be located within 1500 feet of any other package store. This distance shall be measured by the most direct route of travel on the ground, in accordance with O.C.G.A. § 3-4-49. An application for a renewal license to sell distilled spirits by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell distilled spirits by the package has been issued prior to July 1, 1997. An application for a renewal license to sell beer and wine by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell beer and wine by the package has been issued prior to July 1, 1997. Nor shall the restriction of this subsection apply to any location for which a new application to sell distilled spirits by the package has been filed with the police department if the sale of distilled spirits by the package was lawful any time during the 12 months immediately preceding such application. Nor shall the restriction of this subsection apply to any location for which a new application to sell beer and wine by the package has been filed with the police department if the sale of beer and wine by the package was lawful at such location at any time during the 12 months immediately preceding such application. This restriction shall not apply to any hotel licensed for the sale of alcoholic beverages.



And substitute in lieu thereof the following:

SECTION 10-88.1 PACKAGE STORES.

(a) No package store, as defined in Section 10-1, shall be located within 1,500 feet of any other package store. This distance shall be measured by the most direct route of travel on the ground, in accordance with O.C.G.A. Section 3-4-49. An application for a renewal license to sell distilled spirits by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell distilled spirits by the package has been issued prior to July 1, 1997. An application for a renewal license to sell beer and/or wine by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell beer and/or wine by the package has been issued prior to July 1, 1997. Nor shall the restriction of this subsection apply to any location for which a new application to sell distilled spirits by the package has been filed with the police department if the sale of distilled spirits by the package was lawful at any time during the twelve (12) months immediately preceding such application. Nor shall the restriction of this subsection apply to any location for which a new application to sell beer and/or wine by the package has been filed with the police department if the sale of beer and/or wine by the package was lawful at such location at any time during the twelve (12) months immediately preceding such application.

(1) This restriction shall not apply to:

- a. any hotel licensed for the sale of alcoholic beverages.
- b. a retail grocery supermarket or pharmacy:
 - i. which contains an interior floor area of 14,000 square feet or more; and
 - ii. in which not more than five percent (5%) of the interior floor area of such store is devoted to the display of beer and/or wine products for retail sale; and
 - iii. which derives less than five percent (5%) of its gross receipts from the sale of beer and/or wine.

(2) Any store which is construed to be a package store pursuant to this Chapter and which sells beer and/or wine, but not distilled spirits, shall not be required to meet the 1500 feet distance requirement between package stores, as set forth above, in regard to its distance between a retail grocery supermarket or pharmacy selling beer and/or wine, but not distilled spirits, which contains an interior floor area of 14,000 square feet or more and which is already in existence and is located in either a shopping center, which, for purposes of this section and notwithstanding the definition of a "shopping and retail entertainment center" as that phrase is defined in Section 10-1, is comprised of 45,000 square feet or more, which contains at least three or more commercial establishments planned, developed and managed as a unit, which provides common on-site parking facilities; or which is located in a mixed-use development (as that term is defined in Section 16-29.001 (24)) comprised of 45,000 square feet or more, if such package store will be located within such shopping center or mixed-use development as defined herein.



Any other package store seeking to obtain a license in a shopping center or mixed-use development, as defined above, in which a package store other than a retail grocery supermarket or pharmacy is located shall adhere to the 1500 feet distance requirement between package stores as set forth above. Distance requirements contained in this Chapter between all other package stores shall remain in effect.

Pursuant to this provision, any package store seeking to obtain a license to sell either beer, wine, and/or distilled spirits in either a shopping center or mixed use development, as such terms are defined above, in which is already located a retail grocery supermarket or pharmacy which is licensed to sell alcoholic beverages by the package, and also in which is already located any other store which is licensed to sell alcoholic beverages by the package shall be required to meet the 1500 feet distance requirement set forth above as to each of these existing stores. However, this provision shall not affect any locations within either an existing shopping center or mixed-use development for which a valid license to sell alcoholic beverages was in effect on the date this ordinance became effective.

Section 2: That Section 10-1 be amended to add the following terms and definitions:

Retail grocery supermarket means any retail market or supermarket selling a full range of food products including meat, dairy, vegetable, fruit, dry goods and beverages.

Pharmacy means any place of business of a pharmacist, which also sells cosmetics, stationary and other such products.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In the event that any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared invalid or unconstitutional were not originally a part thereof.

OMC – Amendment incorporated by tcp 6-12-01

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUN 04, 2001

JUN 13, 2001

RCS# 2925
6/04/01
4:40 PM

Atlanta City Council

Regular Session

01-0-0746

Amend Code to exempt certain locations
from 1,500 ft. distance requirements
ADOPT AS AMEND

YEAS: 10
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y McCarty	B Dorsey	N Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

CORRECTED COPY

01-0-0746

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(Do Not Write Above This Line)

AN ORDINANCE
COUNCILMEMBERS DEBI STARNES AND LEE MORRIS

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ADOPTED BY
JUN 0 4 2001
COUNCIL

As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 5/7/01

Referred To: Public Safety

Date Referred 5/21/01

Referred To: Legal Administration

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair C. T. Morris
 Referred to _____

Committee PSB
 Date 5/15/01
 Chair C. T. Morris
 Action: Fav, Adv, Hold (see rev. side)
 Other: Forwarded to FCC
 Members: [Signatures]
 Refer To _____

Committee P.B. & L.P.
 Date 5/29/01
 Chair C. T. Morris
 Action: Fav, Adv, Hold (see rev. side)
 Other: As Amended
 Members: [Signatures]
 Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 JUN 4 2001
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 JUN 0 4 2001
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 13 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW