

City Council
Atlanta, Georgia

01-0-1715

**A SUBSTITUTE ORDINANCE
BY: COUNCILMEMBER LEE MORRIS**

**AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA, GEORGIA
AS AMENDED TO ALLOW ALCOHOLIC BEVERAGES
TO BE SERVED IN SIDEWALK CAFE OUTDOOR
DINING AREAS AS PART OF A MIXED-USE
DEVELOPMENT, AND FOR OTHER PURPOSES.**

WHEREAS, sidewalk cafes provide an interesting streetscape environment, encourage pedestrian activity, and increase pedestrian safety, and

WHEREAS, sidewalk cafes that serve alcoholic beverages must provide their outdoor customers with the same level of service as their indoor customers and the City's Alcohol Code currently prohibits the provision of alcoholic beverages to outdoor customers in a noncontiguous outdoor dining area, and

WHEREAS, the prohibition in the City's Alcohol Code discourages the inclusion of such sidewalk cafes in mixed-use developments and reduces the revitalization impact of mixed-use developments, and

WHEREAS, the City Council wishes to support the revitalization impact of mixed-use developments,

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

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

Outdoor dining area means a space in which a licensee serves food and beverages as part of the operation of the licensed premises as a sidewalk cafe. An outdoor dining area must be located directly in front of a licensed restaurant and may only be separated from the licensee's premises by a sidewalk. No part of a sidewalk café shall be located within a public right-of-way. The width of an outdoor dining area shall not exceed the width of the licensed premises. An outdoor dining area shall contain no more than 50 percent of the premises' total seating capacity. The space within an outdoor dining area shall be enclosed within a clearly delineated area, which is surrounded by a continuous physical barrier no less than 36 inches and no more than 40 inches in height. An outdoor dining area shall have a single point of ingress and egress that is controlled by the licensee. Music and/or live entertainment shall not be provided within an outdoor dining area.

Sidewalk café means an establishment that serves food during all hours of operation, has a seating capacity of at least 30 people, operates an outdoor dining area, and is located within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units. A sidewalk café shall not provide any outdoor seating or any other outdoor service unless it is within an outdoor dining area. When interpreting the hours of operation listed

in Section 10-209(c) and 10-209(d) of this code, sidewalk cafes shall be subject to the same limitations as restaurants. Sidewalk cafes must operate in compliance with the city's noise ordinance, found in chapter 74 of the City of Atlanta Code of Ordinances, and with Section 10-60(a)(4)(b)(3). [As provided for in section 10-109(a)(17) of this part]

Section 2. That the Code of Ordinances of the City of Atlanta be amended by adding the following language to the end of section 10-8(a):

A licensee may prepare and serve alcoholic beverages to be consumed within an outdoor dining area as part of the operation of a sidewalk café. Open containers of alcoholic beverages shall only be transported into or out of outdoor dining areas by the licensees' working employees as part of their work duties.

Section 3. That the Code of Ordinances of the City of Atlanta be amended by adding the following language to the end of section 10-59(a):

A licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve malt beverages or wine to patrons seated in an outdoor dining area as part of the operation of a sidewalk café. A licensee operating a sidewalk café shall not have the right to serve malt beverages or wine to any person who is not seated, at a table, in a chair provided by the licensee.

Section 4. That the Code of Ordinances of the City of Atlanta be amended by adding the following language to the end of section 10-59(b):

A licensee for the sale of distilled spirits by the drink shall have the right to allow the consumption of alcoholic beverages by patrons seated in an outdoor dining area as part of the operation of a sidewalk café. Bottles of beer and wine shall only be transported into outdoor dining areas and/or opened in outdoor dining areas by a licensee's working employees as part of their work duties. A licensee operating a sidewalk café shall not have the right to allow the consumption of alcoholic beverages by any person who is not seated, at a table, in a chair provided by the licensee.

Section 5. That the Code of Ordinances of the City of Atlanta be amended by deleting the language of Section 10-62 in its entirety and replacing it with the following language:

No license for the sale of distilled spirits by the drink or for the operation of a bottle house shall issue to any applicant who does not meet the requirements of a restaurant, hotel, private club, lounge, nightclub, convention center, nonprofit performing arts theater, nonprofit museum, nonprofit zoological park, nonprofit botanical garden, auditorium, sports coliseum, suite hotel, open air café, government center, tasting room or sidewalk café.

Section 6. That the Code of Ordinances of the City of Atlanta be amended by deleting the language of Section 10-88(e) in its entirety and replacing it with the following language:

The provisions of this section shall not apply to licenses issued hereunder to restaurants or sidewalk cafes, as defined in section 10-1, for the sale of alcoholic beverages or on-premises consumption; provided, however, that in order for a restaurant or sidewalk café

to come within this exemption it shall provide no entertainment, as defined in section 10-1, unless it is located within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units. Under no circumstances may music and/or live entertainment be provided in an outdoor dining area.

Section 7. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,


Municipal Clerk, CMC

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

NOV 19, 2001

NOV 28, 2001

RCS# 3304
11/19/01
5:32 PM

Atlanta City Council

Regular Session

01-O-1715

ADOPT

YEAS: 9
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

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

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(Do Not Write Above This Line)

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COUNCILMEMBER LEE MORRIS

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ADOPTED BY
NOV 19 2001
COUNCIL

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

Date Referred 10/15/01

Referred To: Public Safety

Date Referred 11/19/01

Referred To:

Date Referred

Referred To:

Committee Public Safety
 Date 10/30/01
 Chair C. Timms
 Referred to _____

Committee Public Safety
 Date 10/30/01
 Chair Chloe Morris
 Action: Hold
 Fav, Adv, Hold (see rev. side)
 Other:
 Members [Signature]
[Signature]

Refer To

Committee P.S.
 Date 11/19/01
 Chair
 Action: File
 Fav, Adv, Hold (see rev. side)
 Other:
 Members [Signature]

Refer To

Committee
 Date
 Chair
 Action:
 Fav, Adv, Hold (see rev. side)
 Other:
 Members
 Refer To

Committee
 Date
 Chair
 Action:
 Fav, Adv, Hold (see rev. side)
 Other:
 Members
 Refer To

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

CERTIFIED

C
 NOV 19 2001
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 NOV 19 2001

[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 28 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW