



CITY COUNCIL
ATLANTA, GEORGIA

SUBSTITUTE ORDINANCE BY

03-O-0112

COUNCILMEMBER DEBI STARNES

A SUBSTITUTE ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(b) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS FOR PACKAGE STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE LISTED IN SECTION 10-88.1 FOR AN ESTABLISHMENT LOCATED AT 1061 PONCE DE LEON AVENUE AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has promulgated legislation which specifically provides that there must be at least 600 feet between stores licensed to sell alcohol by the package and a church; and

WHEREAS, Market One, located at 1061 Ponce de Leon Avenue, is an establishment seeking a license to sell beer and wine by the package; and

WHEREAS, the establishment located at 1061 Ponce de Leon Avenue primary products are fresh and organic produce and prepared food, offered at reasonable prices; and

WHEREAS, 1061 Ponce de Leon Avenue lies within 600 feet of a church; and

WHEREAS, the community leaders and the community-at-large have demonstrated that they strongly support this exception, while acknowledging the importance of Section 10.88.1 as an overall protection to the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1:

That Chapter 10, Article II, Section 10-92(b), of the City of Atlanta Code of Ordinances be amended by adding the following:

- (iv) *That parcel of land known as 1061 Ponce de Leon Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta. This exemption shall be valid so long as an establishment located on said parcel of land derives less than fifteen percent (15%) of gross receipts from the sale of alcoholic beverages.*

SECTION 2:

That all ordinances or parts or ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 03, 2003
FEB 11, 2003

RCS# 4430
2/03/03
2:56 PM

Atlanta City Council

Regular Session

03-O-0112

Exemption from sale of alcohol distance
requirements for 1061 Ponce de Leon Ave.
ADOPT ON SUB

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

Y Smith	Y Archibong	N Moore	Y Mitchell
Y Starnes	Y Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	NV Muller	N Boazman	NV Woolard

03-O-0112

03-0-0112

(Do Not Write Above This Line)

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ADOPTED BY

- CONSENT REFER FEB 0 3 2003
- REGULAR REPORT REFER
- ADVERTISE & REFER **COUNCIL**
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 1/21/03

Referred To: Public Safety

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee

Date

Chair

Action (see rev. side)

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

1-28-03 Date
[Signature] Chair
[Signature] Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
[Signature]
[Signature]
 Refer To

Committee

Date

Chair

Action (see rev. side)

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action (see rev. side)

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote PRC Vote

CERTIFIED

CERTIFIED

FEB 3 2003

William P. Moore
 COUNCIL PRESIDENT PROTTEM

CERTIFIED

FEB 03 2003

Rosal Dunlap G. Thomas
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 11 2003

MAYOR