

**AN ORDINANCE
BY COUNCILMEMBERS HOWARD SHOOK AND CLAIR MULLER
AS SUBSTITUTED BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

04-O-0044

AN ORDINANCE TO AMEND SECTION 10-1, ARTICLE I, AND SECTION 10-57, ARTICLE II TO CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO AMEND THE PARKING REQUIREMENTS FOR THOSE LICENSED TO SELL ALCOHOLIC BEVERAGES AS NIGHTCLUBS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages for the public health, safety and welfare;

WHEREAS, the City of Atlanta has been and continues to be a burgeoning international city and destination for visitors from throughout the region, nation and world; and

WHEREAS, because of this destination status, the City of Atlanta has developed a vibrant and successful nightlife culture; and

WHEREAS, this vibrant nightlife culture in the City of Atlanta is manifested and supported by a high concentration and number of nightclubs licensed to sell alcohol; and

WHEREAS, the regulation and enforcement of the city's alcohol licensing code requires substantial manpower and monetary resources; and

WHEREAS, the proliferation of nightclubs outside of special entertainment districts contribute to a myriad of problems, including, but not limited to, traffic congestion, lack of police visibility and enforcement, crowd control, and lack of adequate and safe parking; and

WHEREAS, by definition, a nightclub has a minimum capacity of 100 patrons which demands a large number of parking spaces and draws a high volume of automobiles to the neighborhood in which it is situated; and

WHEREAS, there exists a serious public safety concern associated with the concentration of nightclubs and their failure to adequately monitor and supervise the parking lots and areas utilized by their patrons, particularly after 10:00 p.m.; and

WHEREAS, the current parking requirements found in Chapter 10 of the Code of Ordinances, City of Atlanta, Georgia fails to address the issue of shared parking spots and parking on the right-of-way, creating an ordinance that cannot be enforced uniformly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

The provisions of this ordinance shall apply to all licenses issued by the city pursuant to Chapter 10 of the Code of Ordinances, City of Atlanta, Georgia for all or any part of the calendar year **2006** and beyond.

Section 2.

That the Code of Ordinances is hereby amended by deleting the definition of “adequate parking” found in Section 10-1, Chapter 10, Article I of the Code of Ordinances, City of Atlanta, Georgia.

Section 3.

That the Code of Ordinances is hereby amended by adding the following definition to the current list of definitions found in Section 10-1, Chapter 10, Article I of the Code of Ordinances, City of Atlanta, Georgia, as follows:

Adequate parking for a nightclub means one lawful parking space for each **75** square feet of floor area within the licensed premises. Such parking space shall be exclusively available to the nightclub’s patrons between the hours of 10:00 p.m. and 2:30 a.m. the following day on days on which alcoholic beverages may be lawfully sold for on premises consumption at a nightclub. Parking spaces on a street or within any part of the right-of-way shall not be included within this definition of *adequate parking for a nightclub*. **The term “floor area” as used in this definition means, in addition to those areas defined in section 16-29.001(13)(b) of the code, areas within the existing building footprint where the walls have been removed and a permanent roof remains.**

Section 4.

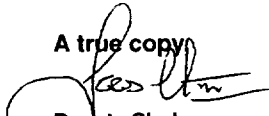
That the Code of Ordinances is hereby amended by deleting the current language found in Section 10-57(3), Chapter 10, Article II of the Code of Ordinances, City of Atlanta, Georgia, and inserting in lieu thereof the following language so that said provision of Section 10-57(3) reads as follows:

- (3) The applicant for a **license to sell alcoholic beverages at a nightclub**, other than those nightclubs located within a special entertainment district, does not furnish evidence of adequate parking **for a nightclub**, as defined by Section 10-1, available to the applicant’s patrons for the term of the license applied for and within 400 feet of the proposed licensed premises.



Section 5.

If it shall be found that any prior ordinance or parts of any prior ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

A true copy

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

NOV 15, 2004
NOV 19, 2004

RCS# 6243
11/15/04
2:41 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 4-20, EXCEPT: 04-O-2036

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	B Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		11-15-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 04-O-1887 2. 04-O-1872 3. 04-O-1936 4. 04-O-1946 5. 04-O-2030 6. 04-O-2031 7. 04-O-2038 8. 04-O-1417 9. 04-O-1879 10. 03-O-2222 11. 04-O-0044 12. 04-R-1982 13. 04-R-1983 14. 04-R-1984 15. 04-R-1985 16. 04-R-1988 17. 04-R-1977 18. 04-R-1979 19. 04-R-2041 20. 04-R-2042 21. 04-R-2092 22. 04-R-2093 23. 04-R-2094 24. 04-R-2095 25. 04-R-2096 26. 04-R-1875 27. 04-R-1876 28. 04-R-1877 29. 04-R-1950 30. 04-R-1951 31. 04-R-1953 32. 04-R-1954 33. 04-R-1957 34. 04-R-1959 35. 04-R-1960 36. 04-R-1961 37. 04-R-1962 38. 04-R-1963 39. 04-R-1964 40. 04-R-1965 41. 04-R-1966 42. 04-R-1967	43. 04-R-1968 44. 04-R-1969 45. 04-R-2024 46. 04-R-2029 47. 04-R-2033 48. 04-R-1752 49. 04-R-1974 50. 04-R-1975 51. 04-R-2025 52. 04-R-2085 53. 04-R-1980 54. 04-R-2026 55. 04-R-2040 56. 04-R-2048 57. 04-R-1999 58. 04-R-2000 59. 04-R-2001 60. 04-R-2002 61. 04-R-2015 62. 04-R-2016 63. 04-R-2017 64. 04-R-2018 65. 04-R-2019 66. 04-R-2020	67. 04-R-2003 68. 04-R-2004 69. 04-R-2005 70. 04-R-2006 71. 04-R-2007 72. 04-R-2008 73. 04-R-2009 74. 04-R-2010 75. 04-R-2011 76. 04-R-2012 77. 04-R-2013 78. 04-R-2014

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AN ORDINANCE BY:

COUNCILMEMBERS HOWARD SHOOK
AND CLAIR MULLER *Clair Muller*

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ARTICLE II TO CHAPTER 10 OF THE CODE
OF ORDINANCES, CITY OF ATLANTA,
GEORGIA, SO AS TO AMEND THE PARKING
REQUIREMENTS FOR THOSE LICENSED TO
SELL ALCOHOLIC BEVERAGES; AND FOR
OTHER PURPOSES.

ADOPTED BY

NOV 15 2004

COUNCIL

Substitute

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

Date Referred

01/05/04

Referred To:

Public Safety & Legal Affairs

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred 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

CERTIFIED

NOV 15 2004

John J. ...

CERTIFIED

MAYOR'S ACTION

Paul ...
NOV 19 2004
MAYOR