

**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.

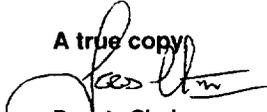
That the Code of Ordinances is hereby amended by deleting the current language found in Section 10-57(3), Chapter 10, Article II of the Code of Ordinances, City of Atlanta, Georgia, and inserting in lieu thereof the following language so that said provision of Section 10-57(3) reads as follows:

- (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 ADVERSED ON CONSENT
1. 04-O-1887	43. 04-R-1968	67. 04-R-2003
2. 04-O-1872	44. 04-R-1969	68. 04-R-2004
3. 04-O-1936	45. 04-R-2024	69. 04-R-2005
4. 04-O-1946	46. 04-R-2029	70. 04-R-2006
5. 04-O-2030	47. 04-R-2033	71. 04-R-2007
6. 04-O-2031	48. 04-R-1752	72. 04-R-2008
7. 04-O-2038	49. 04-R-1974	73. 04-R-2009
8. 04-O-1417	50. 04-R-1975	74. 04-R-2010
9. 04-O-1879	51. 04-R-2025	75. 04-R-2011
10. 03-O-2222	52. 04-R-2085	76. 04-R-2012
11. 04-O-0044	53. 04-R-1980	77. 04-R-2013
12. 04-R-1982	54. 04-R-2026	78. 04-R-2014
13. 04-R-1983	55. 04-R-2040	
14. 04-R-1984	56. 04-R-2048	
15. 04-R-1985	57. 04-R-1999	
16. 04-R-1988	58. 04-R-2000	
17. 04-R-1977	59. 04-R-2001	
18. 04-R-1979	60. 04-R-2002	
19. 04-R-2041	61. 04-R-2015	
20. 04-R-2042	62. 04-R-2016	
21. 04-R-2092	63. 04-R-2017	
22. 04-R-2093	64. 04-R-2018	
23. 04-R-2094	65. 04-R-2019	
24. 04-R-2095	66. 04-R-2020	
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		

04-0-0044

(Do Not Write Above This Line)

And Shaul
AN ORDINANCE BY:
COUNCILMEMBERS HOWARD SHOOK
AND CLAIR MULLER *Clair Muller*

AN ORDINANCE TO AMEND 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; 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:

Committee
Date
Chair
Referred to

PSA
Committee

1/13/04
Date

Chair

Action:
Fav. Adv. Hold (see rev. side)
Other:

Members

Refer To

PSLA
Committee

11/9/04
Date

Chair

Action:
Fav. Adv. Hold (see rev. side)
Other:
Substitute

Members

Refer To

First Reading

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
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
NOV 15 2004
John J. ...

...

MAYOR'S ACTION

...
NOV 15 2004
MAYOR