

AN ORDINANCE

BY: COUNCILMEMBER KWANZA HALL

*[Handwritten signatures]*

**AN ORDINANCE IMPOSING INTERIM CONTROLS ON THE ACCEPTANCE OF APPLICATIONS FOR ALCOHOL PERMITS FOR PROPERTIES LOCATED IN THE CASTLEBERRY HILL LANDMARK DISTRICT, FOR A PERIOD NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the residents and patrons of the business establishments in the Castleberry Hill Landmark District have raised concerns regarding the clustering of eating and drinking establishments selling alcoholic beverages in the Landmark District and the increase in traffic, disorderly conduct and criminal activity which may associated with these type of locations; and

**WHEREAS**, legislation amending the Castleberry Hill Landmark District Regulations in the Zoning Code to provide for distance requirements between eating and drinking establishments serving alcoholic beverages by the drink has been or will be shortly introduced for consideration by the City Council; and

**WHEREAS**, legislation amending the Zoning Code usually requires a minimum of 120 days before the amendments can be considered by the City Council for a final vote; and

**WHEREAS**, the acceptance of applications for license to sell alcoholic beverages by the drink permits during the period between the introduction of the text amendments to the Castleberry Hill Landmark District Regulations and their adoption would undermine the intent of such amendments; and

**WHEREAS**, the clustering of eating and drinking establishments selling alcohol beverages by the drink may be detrimental to the stability and overall character of the Landmark District and the health, safety, and welfare of its residents and the patrons of the business establishments located therein;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** For a period not to exceed one hundred and eighty (180) days, from the date that this ordinance becomes effective, interim controls, as described herein, are imposed on the acceptance of applications by the License & Permits Unit of the Atlanta Police Department for any type of permits to sell alcoholic beverages either in package form or by the drink where the licensed premises are located in the Castleberry Hill Landmark District.

**Section 2.** The interim controls imposed by this ordinance will expire one hundred and eighty (180) days, from the date that this ordinance becomes

effective, provided however that if there is a final vote of the City Council on a text amendment to the Castleberry Hill Landmark District Regulations which proposes the implementation of distance requirements between eating and drinking establishments which serve alcoholic beverages before the expiration by the passage of time, the interim controls will expire on the date when the text amendment ordinance becomes effective or on the date when the City Council votes to deny approval of the text amendment.

**Section 3.** The License & Permits Unit of the Atlanta Police Department shall not be authorized to accept permits for any alcohol license for any premises located in the Castleberry Hill Landmark District until the interim controls imposed by this ordinance have expired or such application meets the exceptions set forth in this ordinance.

**Section 4.** An application for a permit for the sale of alcoholic beverages by the drink for premises located in the Castleberry Hill Landmark District may be accepted by the License & Permits Unit if all parts of the premises which are the subject of the license application are at least 250 feet from all parts of a premises that currently possesses any type of alcohol license and are at least 250 feet from all parts of a premises that has a pending application as a bottle house, package store or to sell alcoholic beverages by the drink. It shall be the responsibility of the applicant to research and verify the compliance with the distance requirements and to submit a sworn affidavit stating that the application meets such requirements. Any application which does not meet the distance requirements set forth herein may be denied and any permit issued pursuant to an application which did not meet the distance requirements set forth herein may be revoked after a hearing before the License Review Board prior to the expiration of the interim controls imposed by this ordinance.

**Section 5.** An application for a permit for the sale of alcoholic beverages by the drink for a premises located in the Castleberry Hill Landmark District may be accepted by the License & Permits Unit if the licensed premises is located within a mixed-use development greater than 10,000 square feet provided that all of the licensed establishments located in such mixed-use development constitute in the aggregate no more than twenty-five percent (25%) of the total square footage of nonresidential floor area in such mixed-use development. It shall be the responsibility of the applicant to research and verify the compliance with the size and use percentage requirements and to submit a sworn affidavit stating that the application meets such requirements. Any application which does not meet the requirements set forth herein may be denied and any permit issued pursuant to an application which did not meet the requirements set forth herein may be revoked after a hearing before the License Review Board prior to the expiration of the interim controls imposed by this ordinance.

**Section 6.** An application for a permit for the sale of alcoholic beverages by the drink for a premises located in the Castleberry Hill Landmark District may be accepted by the License and Permits Unit if such application is made by nonprofit

performing arts theaters, museums, zoological parks and botanical gardens for issuance of a license for sale for consumption on premises pursuant to Sec. 10-58 of the City Code.

**Section 7.** This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.