

#10

169

13-0-0637

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

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

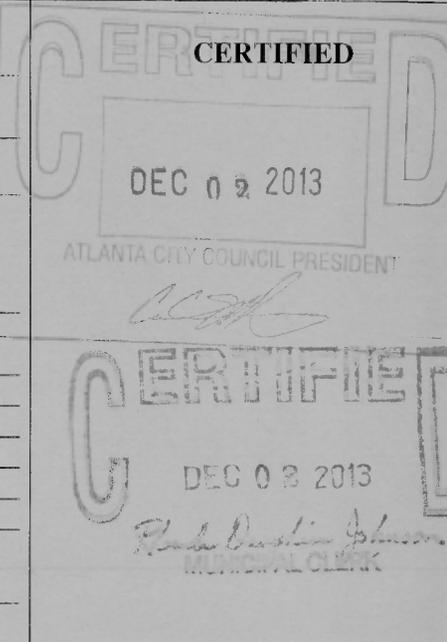
AN ORDINANCE
BY COUNCIL MEMBER HOWARD SHOOK

Hand Shook

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88.1(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM DISTANCE REQUIREMENTS FOR CERTAIN ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND WINE LOCATED IN LARGE RETAIL SHOPPING CENTERS WITH ADDRESSES ON PEACHTREE ROAD AND PEACHTREE STREET NORTH OF INTERSTATE 85 AND FOR OTHER PURPOSES.

PSLA
Committee
Date
4/30/13
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



FILED
DEC 02 2013

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

MAYOR'S ACTION

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: *4/15/13*
Referred To: *Public Safety*
Date Referred:
Referred To:
Date Referred:
Referred To:

RCS# 3195
12/02/13
4:28 PM

Atlanta City Council

13-O-0637

AMEND SECTION 10-88
PROVIDE DISTANCE REQUIREMENTS
FILE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

13-O-0637

ORDINANCE 13-O-___

AN ORDINANCE
BY COUNCIL MEMBER HOWARD SHOOK



AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88.1(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM DISTANCE REQUIREMENTS FOR CERTAIN ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND WINE LOCATED IN LARGE RETAIL SHOPPING CENTERS WITH ADDRESSES ON PEACHTREE ROAD AND PEACHTREE STREET NORTH OF INTERSTATE 85 AND FOR OTHER PURPOSES.

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

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, the City of Atlanta is authorized to regulate the locations of establishments which are licensed to sell alcoholic beverages including malt beverages and wine by the package; and

WHEREAS, certain large retail shopping centers in the Buckhead community of the City of Atlanta are being re-developed and leased to take advantage of the opportunity to establish an environment of in-town living which includes certain types of specialized retail trade for the convenience of the residents and businesses therein; and

WHEREAS, the City of Atlanta recognizes that this type of specialized in-town development presents many advantages, including safe, pleasant, and convenient pedestrian circulation, minimal conflict between pedestrians and vehicles, and the opportunity for more dense and unique uses and activities; and

WHEREAS, the City of Atlanta desires to encourage opportunities for economic development, both residential and commercial; and

WHEREAS, some of the existing distance requirements found in the City of Atlanta Code of Ordinances prohibit the existence of certain types of retail businesses which could be reasonably located in these large retail shopping centers that are desirable to and compatible with the surrounding community; and

WHEREAS, the City of Atlanta desires to allow the sale of packaged malt beverages and wine in establishments located within these large retail commercial shopping centers provided that the establishments meet certain requirements; and

WHEREAS, Section 10-88.1 of the City of Atlanta Code of Ordinances provides that certain types of establishments seeking a license from the City of Atlanta to sell alcoholic beverages must comply with certain specified distance requirements; and

WHEREAS, Section 10-88.1 (b) (1) of the City of Atlanta Code of Ordinances provides that no package store shall be located within 600 feet of structures in residential use; and

WHEREAS, the regulations regarding distance requirements to sell alcoholic beverages may prohibit the sale of malt beverages and/or wine by the package in large retail shopping centers in the Buckhead community with addresses on Peachtree Road and Peachtree Street north of Interstate 85 notwithstanding the desire to create livable, walkable, shopping experiences to these commercial uses; and

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

Section 1. The provisions of Chapter 10, Article II, Division 2, Subdivision II, Section 10-88.1 (b) (1) of the City of Atlanta Code of Ordinances, are amended to insert new language so that Section 10-88.1 (b) (1) shall read in its entirety as follows:

(b) No package store, as defined in section 10-1, shall be located within the following distances of the specified other uses:

- (1) From any structures in residential use, 600 feet, **provided however, that a package store selling malt beverages and/or wine but not distilled spirits may be located within 600 feet of structures in residential use if the package store is located within a shopping center that contains a minimum of 75,000 square feet of gross leasable area and which has an address on Peachtree Road or Peachtree Street and which is located north of Interstate 85.**

Section 2. Should any provision of the City of Atlanta Code of Ordinances or part thereof be found to conflict with this ordinance or the provisions thereof, then those provisions contained herein shall be deemed controlling.