

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL



AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92 (b) OF THE CITY OF ATLANTA CODE OF ORDINANCE SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS LISTED IN SECTION 10-88.1 FOR PACKAGE STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE FOR AN ESTABLISHMENT LOCATED AT 160 PONCE DE LEON AVENUE, ATLANTA, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare of the 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 for the public health, safety and welfare; and

WHEREAS, Chapter 10 of the City of Atlanta Code of Ordinances regulates the issuance of licenses for the consumption of alcoholic beverages on and off the premises; and

WHEREAS, Section 10-88.1 (a) of the City of Atlanta Code of Ordinances sets forth that no package store may be located within 1,500 feet of any other package store; and

WHEREAS, an area of Midtown Atlanta near the intersection of Ponce de Leon Avenue, NE and Piedmont Avenue, NE is being developed with several high-density residential uses that desire commercial uses that support their need for items of convenience and other supportive uses; and

WHEREAS, the current distance regulations would restrict the potential effectiveness of the development of this area; and

WHEREAS, it would be in the best interest of the City of Atlanta to create an exemption from the current distance requirements in order to promote the effective development of this immediate area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL O 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 is hereby amended to add a new subsection (10) which shall read as follows:

(10) For one (1) retail establishment located at 160 Ponce de Leon Avenue, NE, Atlanta GA and situated on all that tract or parcel of land lying in and being in land lot 85 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

[Legal Description Attached As Exhibit A]

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.