

AN ORDINANCE BY COUNCILMEMBER AARON WATSON

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS IDENTIFIED IN SECTION 10-88.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR A PROPERTY LOCATED AT 1050 NORTH HIGHLAND AVENUE, 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 by the package; and

WHEREAS, Section 10-88.1 of the City of Atlanta Code of Ordinances sets forth the City's distance requirements between businesses seeking licenses to sell alcoholic beverages by the package from other package stores, residences, schools, parks, libraries, churches, hospitals and daycare facilities; 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 otherwise be reasonably located in existing retail shopping centers that are desirable to and compatible with the surrounding community; and

WHEREAS, the Virginia Highlands Civic Association after a duly called meeting and taking a vote of its qualified membership, supports an effort to create an exemption from the current distance requirements applicable to the issuance of a license for the sale of wine by the package for consumption off the premises in an existing shopping center located at 1050 North Highland Avenue, Atlanta, Georgia.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 be amended by adding the following:

(13) For one retail establishment and for only one applicant selling malt beverages by the package located on that parcel of land known as 1050 North Highland Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta.

SECTION 2: This ordinance shall become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

SECTION 3: Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.