

13-O-_____

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 ONE (1) PACKAGE STORE LICENSED TO SELL MALT BEVERAGES BY THE PACKAGE LOCATED AT 1874 PIEDMONT AVENUE TO PROVIDE FOR A SUNSET OF SUCH EXEMPTION 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 Piedmont Heights 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 malt beverages by the package for consumption off the premises in an existing shopping center located at 1874 Piedmont Avenue;

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:

(12) For one retail establishment and for only one applicant selling malt beverages by the package located on that parcel of land known as 1874 Piedmont Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta and also being identified as All that tract or parcel of land lying and being in land lot 50 of the 17th district, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows: TO FIND THE POINT OF BEGINNING, commence at the intersection formed by the Northeasterly right of way line of Wimbledon Road (50 foot r/w) with the Northwesterly right of way line of Piedmont Road (variable r/w) and proceed in a Northeasterly direction along the Northwesterly right of way line of Piedmont Road (variable r/w) the following courses and distances: 1) North 26 degrees 17 minutes 21 seconds East a distance of 146.57 feet to an iron pin found (1/2 inch rebar); 2) thence North 26 degrees 05 minutes 6 seconds East 108.32 feet to an iron pin found (1 inch crimped top pipe); 3) thence North 26 degrees 08 minutes 25 seconds East for a distance of 89.90 feet to an iron pin found (1 inch crimped top pipe) and the POINT OF BEGINNING. From the POINT OF BEGINNING thus established, depart said right of way line of Piedmont Road (variable r/w) and proceed North 69 degrees 47 minutes 20 seconds West a distance of 200.00 feet to a nail placed; thence North 24 degrees 53 minutes 07 seconds East for a distance of 163.13 feet to an iron pin placed (1/2 inch rebar); thence South 64 degrees 00 minutes 30 seconds East for a distance of 12.16 feet to an iron pin found (1/2 inch rebar); thence North 25 degrees 57 minutes 15 seconds East for a distance of 57.93 feet to an iron pin found (1/2 inch rebar); thence South 64 degrees 02 minutes 15 seconds East for a distance of 190.11 feet to an iron pin found (1/2 inch rebar) on the Northwesterly right of way line of Piedmont Road (variable r/w); thence South 26 degrees 01 minutes 13 seconds West along said right of way line of Piedmont Road (variable r/w) for a distance of 200.98 feet to an iron pin found (1 inch crimped top pipe) and the POINT OF BEGINNING, said tract or parcel containing .95803 of an acre, or 41,732 square feet.

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

SECTION 3: This ordinance shall sunset on June 30, 2014.

SECTION 4: 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.