

**CITY COUNCIL  
ATLANTA, GEORGIA**

14-O-1135

**AN ORDINANCE BY COUNCILMEMBERS KWANZA HALL AND NATALYN ARCHIBONG 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 FOR STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE LISTED IN SECTION 10-88.1 OF THE ATLANTA CODE OF ORDINANCES AND SECTION 3-3-21(A) OF THE OFFICIAL CODE OF GEORGIA FOR A RETAIL STORE LOCATED AT 23 PEACHTREE STREET; AND FOR OTHER PURPOSES.**

**Workflow List:**

Atlanta City Council	Completed	03/05/2014 5:25 PM
Public Safety & Legal Administration Committee	Pending	
Mayor's Office	Pending	

**HISTORY:**

03/03/14	Atlanta City Council	REFERRED WITHOUT OBJECTION
----------	----------------------	----------------------------

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 3/11/2014 3:00 PM</b>
----------------	-----------------------------------	--------------------------------

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 3/11/2014 3:00 PM</b>
----------------	-----------------------------------	--------------------------------

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

CITY COUNCIL  
ATLANTA, GEORGIA

14-O-1135

SPONSOR SIGNATURES



Kwanza Hall, Councilmember, District 2



Natalyn Mosby Archibong, Councilmember, District 5

**AN ORDINANCE BY COUNCILMEMBERS KWANZA HALL AND NATALYN ARCHIBONG 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 FOR STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE LISTED IN SECTION 10-88.1 OF THE ATLANTA CODE OF ORDINANCES AND SECTION 3-3-21(A) OF THE OFFICIAL CODE OF GEORGIA FOR A RETAIL STORE LOCATED AT 23 PEACHTREE STREET; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has promulgated legislation which specifically provides that stores licensed to sell alcohol by the package must be at least 600 feet from the nearest residence, school, park, hospital, mental health facility, child care facility, and/or public library branch; and

WHEREAS, this minimum distance requirement applies to all stores that derive more than 5% of their gross receipts from the sale of alcoholic beverages; and

WHEREAS, the State of Georgia has promulgated legislation which specifically prohibits "grocery stores" (as that term is defined in O.C.G.A. § 3-3-21(a)(1)(B)) from selling wine and/or malt beverages by the package within 100 yards of any school building without local legislative authorization; and

WHEREAS, a retail grocery is proposed for property located at 23 Peachtree Street, which would sell wine and malt beverages by the package; and

WHEREAS, 23 Peachtree Street is located within 600 feet of all of the above-listed land uses, and within 100 yards of Georgia State University; and

WHEREAS, the demand for upscale, higher priced wines and malt beverages in retail grocery markets has increased, thereby making it more difficult for retail grocery markets to limit gross receipts from the sale of alcoholic beverages to less than 5% of their total gross receipts; and

WHEREAS, the establishment of a retail grocery market within walking distance of downtown residents, workers, visitors, and students would enhance the public's health, safety, and welfare by promoting pedestrian activity and providing valuable services that are currently unavailable in that area of the city.

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:

(11) For one retail grocery market located on that parcel of land known as 23 Peachtree Street, Atlanta, Georgia, under the numbering system of the City of Atlanta, provided that such retail grocery market contains an interior floor area of 14,000 square feet or more, and derives less than 15% of gross receipts from the sale of alcoholic beverages; such parcel of land being more particularly described as: All That tract or parcel of land lying and being in the City of Atlanta, in Land lot 77 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at a pk nail set at the intersection of the southerly right of way line of Edgewood Avenue and the eastern right of way line of Peachtree Street and thence run along said southerly right of way of Edgewood Avenue North

89 degrees 48 minutes 53 seconds East a distance of 166.30 feet to a pk nail found; Thence leaving said right of way and run South 32 degrees 51 minutes

18 seconds West a distance of 127.01 feet to a brass disk found on the northern right of way line of Decatur Street; Thence run along said northern right of way line North 56 degrees 59 minutes 10 seconds West a distance of

139.35 feet to a pk nail set at the intersection of said right of way with the

eastern right of way line of Peachtree Street; Thence run along Peachtree Street North 32 degrees 45 minutes 47 seconds East a distance of 35.95 feet to a pk nail set and the Point of Beginning.

SECTION 2: That, as provided in O.C.G.A. § 3-3-2l(a)(1)(B), the sale of wine and/or malt beverages is hereby authorized for one retail grocery market located at 23 Peachtree Street, Atlanta, Georgia, under the numbering system of the City of Atlanta, provided that such retail grocery market reserves at least 85% of its floor area for the sale of food and other nonalcoholic items, conducts all sales activities within its interior retail floor area, and complies with the City of Atlanta Code of Ordinances.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**AN ORDINANCE BY**

**COUNCIL MEMBERS KWANZA HALL AND NATALYN MOSBY ARCHIBONG**



**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 FOR STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE LISTED IN SECTION 10-88.1 OF THE ATLANTA CODE OF ORDINANCES AND SECTION 3-3-21(a) OF THE OFFICIAL CODE OF GEORGIA FOR A RETAIL STORE LOCATED AT 23 PEACHTREE STREET AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has promulgated legislation which specifically provides that stores licensed to sell alcohol by the package must be at least 600 feet from the nearest residence, school, park, hospital, mental health facility, child care facility, and/or public library branch; and

**WHEREAS**, this minimum distance requirement applies to all stores that derive more than 5% of their gross receipts from the sale of alcoholic beverages; and

**WHEREAS**, the State of Georgia has promulgated legislation which specifically prohibits "grocery stores" (as that term is defined in O.C.G.A. § 3-3-21(a)(1)(B)) from selling wine and/or malt beverages by the package within 100 yards of any school building without local legislative authorization; and

**WHEREAS**, a retail grocery is proposed for property located at 23 Peachtree Street, which would sell wine and malt beverages by the package; and

**WHEREAS**, 23 Peachtree Street is located within 600 feet of all of the above-listed land uses, and within 100 yards of Georgia State University; and

**WHEREAS**, the demand for upscale, higher priced wines and malt beverages in retail grocery markets has increased, thereby making it more difficult for retail grocery markets to limit gross receipts from the sale of alcoholic beverages to less than 5% of their total gross receipts; and

**WHEREAS**, the establishment of a retail grocery market within walking distance of downtown residents, workers, visitors, and students would enhance the public's health, safety, and welfare by promoting pedestrian activity and providing valuable services that are currently unavailable in that area of the city.

**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:

(11) For one retail grocery market located on that parcel of land known as 23 Peachtree Street, Atlanta, Georgia, under the numbering system of the City of Atlanta, provided that such retail grocery market contains an interior floor area of 14,000 square feet or more, and derives less than 15% of gross receipts from the sale of alcoholic beverages; such parcel of land being more particularly described as: All That tract or parcel of land lying and being in the City of Atlanta, in Land lot 77 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at a pk nail set at the intersection of the southerly right of way line of Edgewood Avenue and the eastern right of way line of Peachtree Street and thence run along said southerly right of way of Edgewood Avenue North 89 degrees 48 minutes 53 seconds East a distance of 166.30 feet to a pk nail found; Thence leaving said right of way and run South 32 degrees 51 minutes 18 seconds West a distance of 127.01 feet to a brass disk found on the northern right of way line of Decatur Street; Thence run along said northern right of way line North 56 degrees 59 minutes 10 seconds West a distance of 139.35 feet to a pk nail set at the intersection of said right of way with the eastern right of way line of Peachtree Street; Thence run along Peachtree Street North 32 degrees 45 minutes 47 seconds East a distance of 35.95 feet to a pk nail set and the Point of Beginning.

**SECTION 2:** That, as provided in O.C.G.A. § 3-3-21(a)(1)(B), the sale of wine and/or malt beverages is hereby authorized for one retail grocery market located at 23 Peachtree Street, Atlanta, Georgia, under the numbering system of the City of Atlanta, provided that such retail grocery market reserves at least 85% of its floor area for the sale of food and other nonalcoholic items, conducts all sales activities within its interior retail floor area, and complies with the City of Atlanta Code of Ordinances.

**SECTION 3:** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.