

**Sec. 10-56. - Issuance to persons with prior convictions.**

No original license for the sale of alcoholic beverages or the operation of a bottle house shall be issued to any person, partnership or corporation for pecuniary gain if any individual having an interest, either as owner, partner or principal stockholder, directly or indirectly beneficial or absolute, or the individual's spouse shall have been convicted or shall have taken a plea of nolo contendere, within ten years immediately prior to the filing of the application, for any felony or misdemeanor of any state or of the United States or any municipal ordinance, except traffic violations. The term "conviction" includes an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime; if the violation is for a misdemeanor, forfeiture of bond, municipal ordinance or if there is a plea of nolo contendere, the license review board may, after investigation, waive that disqualification.

*(Code 1977, § 14-2037)*

**Sec. 10-57. - Grounds for denial.**

In addition to all other grounds for denial, no application for any license under this division shall be granted if the application or the evidence on a hearing before the license review board shows:

- (1) The applicant is of bad moral character or has a bad reputation in the community or does not have sufficient mental capacity to conduct the business for which application is made.
- (2) The applicant has had any license issued under the police powers of the city previously suspended or revoked; provided, however, the license review board may waive this subsection if two years have passed since any prior revocation of any license held by the applicant.
- (3) The applicant for a license to sell alcoholic beverages at a nightclub, other than those nightclubs located within a special entertainment district, does not furnish evidence of adequate parking for a nightclub, as defined by section 10-1, available to the applicant's patrons for the term of the license applied for and within 400 feet of the proposed licensed premises.
- (4) The applicant, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to that business within a five-year period immediately preceding the date the application is heard by the license review board.
- (5) Any applicant for a retail license is related to any distributor or wholesaler of alcoholic beverages or related to any stockholder of a distributor or wholesaler of alcoholic beverages or related to any employee engaged in a management position by any distributor or wholesaler of alcoholic beverages within the first degree of consanguinity or affinity as computed according to the civil law.
- (6) The applicant has been found to have violated the human relations ordinance as set forth in chapter 94 of this Code.
- (7) That an applicant for renewal that is exempt from the certain distance requirements as provided in section 10-88.1, has failed to provide the police department with a statement from a certified public accountant evidencing that the package store derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages.
- (8) The application does not furnish evidence of adequate parking as defined in this chapter. This parking requirement is in addition to the requirement of subsection (3) of this section.

*(Code 1977, § 14-2045; Ord. No. 2001-94, § 2, 12-11-01; Ord. No. 2004-83, § 4, 11-19-04; Ord. No. 2005-40, § 2, 7-12-05)*

**Sec. 10-58. - Issuance to nonprofit performing arts theaters, museums, zoological parks, botanical gardens, and city park organizations for sale for consumption on premises.**

- (a) An applicant may be issued a license for the sale of alcoholic beverages for consumption on the premises of any nonprofit performing arts theater having a seating capacity of not less than 175, any nonprofit museum, any nonprofit zoological park, any nonprofit botanical garden, or any park facility, within the city upon meeting all of the following requirements and all other requirements of this chapter dealing with the sale of alcoholic beverages for consumption on the premises:
- (1) The applicant shall be a nonprofit corporation presenting legitimate indoor live performances or the applicant shall be a nonprofit museum, a nonprofit zoological park, a nonprofit botanical garden, or a city park organization.
  - (2) The performances of any such theater shall be held on a regular basis a minimum of three times per week for a period of 32 weeks per year.
  - (3) The applicant shall be the same group or corporation operating the nonprofit theater or nonprofit museum, nonprofit zoological park, nonprofit botanical garden, or park facility, and shall show that the profits from the sales under any license granted under this section shall be used for no purpose other than the sustaining and promotion of the theater, museum, zoological park, botanical garden, park facility, or the park in which the park facility is located.
  - (4) The applicant shall show by plat the physical delineation of the area in which alcoholic beverages are to be sold.
  - (5) The location of the applicant shall not be within or upon any public property, either federal, state, county or municipal, unless the applicant is a zoological park, botanical garden, or city park organization.
  - (6) The applicant shall be exempt from federal income taxes pursuant to section 501(c)(3) of the Internal Revenue Code, as amended.
- (b) The applicant shall pay an annual license fee of \$1,000.00, and the fee shall be subject to all other rules and regulations relating to license fees for alcoholic beverages set forth in this chapter.
- (c) *Fees.* The bureau of buildings and the department of fire shall each charge a fee of \$50.00 for the inspections made to report on the compliance status of structures where alcoholic beverage licenses are requested.
- (d) For the purpose of this section, and notwithstanding the definition of premises contained in section 10-1, the premises of a park facility shall mean any number of the definite closed or portioned-in building(s), including any area or patio immediately adjacent to said building(s), which are located within one city-owned park, and which are managed, operated, and/ or leased by one city park organization pursuant to one or more agreements or leases with the City of Atlanta, and wherein alcoholic beverages are sold or consumed,
- (1) The area or patio need not be covered, but must be completely enclosed, except for entrances and exits, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height.
  - (2) Where any city park organization has agreements with the City of Atlanta to manage, operate or lease buildings located in more than one city-owned park, the city park organization must hold a separate license for each park.

(Code 1977, §§ 14-2089, 14-2090(4), 19-14.007; Ord. No. 2002-35, § 6, 5-28-02; Ord. No. 2010-58(10-O-1419), § 2, 10-27-10)

**Sec. 10-59. - Right of licensee for sale by the drink; separate licenses required for package sales and sales for on-premises consumption.**

- (a) A licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve malt beverages or wine or allow the consumption of malt beverages or wine on the licensee's premises during the same hours as are permitted under this article for the serving of distilled spirits by the drink.

A licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve malt beverages or wine to patrons seated in an outdoor dining area as part of the operation of a sidewalk cafe. A licensee operating a sidewalk cafe shall not have the right to serve malt beverages or wine to any person who is not seated, at a table, in a chair provided by the licensee.

- (b) Licensees for the sale of distilled spirits by the drink, to allow the consumption of alcoholic beverages on the premises and for the sale of malt beverages by the drink, shall not permit the sale of distilled spirits by the bottle or package. These licensees shall have the right to sell wines, champagnes or malt beverages to the public by the bottle or package for consumption on the premises without the issuance of a separate retail license therefor.

A licensee for the sale of distilled spirits by the drink shall have the right to allow the consumption of alcoholic beverages by patrons seated in an outdoor dining area as part of the operation of a sidewalk cafe. Bottles of beer and wine shall only be transported into outdoor dining areas and/or opened in outdoor dining areas by a licensee's working employees as part of their work duties. A licensee operating a sidewalk cafe shall not have the right to allow the consumption of alcoholic beverages by any person who is not seated, at a table, in a chair provided by the licensee.

*(Code 1977, § 14-2133; Ord. No. 2001-88, §§ 3, 4, 11-28-01)*

**Sec. 10-60. - Annual license fee; refunds.**

- (a) The annual license fee for each classification of license under this division shall be as follows:

*Fees Effective Beginning in the Year 2010*

- (1) *Wine.*
- a. Manufacturer of wine .....\$2,250.00
  - b. Wholesaler, importer and/or broker of wine .....2,000.00
  - c. Retail dealer in wine to be consumed on or off the premises of the dealer, which shall be authorized to conduct wine tasting events at any time during the year .....2,500.00
  - d. Retail dealer in wine to be consumed off the premises of the dealer only .....2,500.00
  - e. Tasting room for retail dealer in wine and wine to be consumed on the premises .....2,500.00
  - f. Tasting room for retail dealer in wine and wine to be consumed on the premises which sells wine by the package on Sunday .....3,750.00
- (2) *Malt beverages.*
- a. Brewer or manufacturer of beer .....\$5,000.00
  - b. Wholesaler, importer, and/or broker of beer .....2,000.00
  - c. Retail dealer of beer to be consumed on or off the premises of the dealer .....2,500.00
  - d. Retail dealer in beer to be consumed off the premises of the dealer only .....2,500.00
- (3) *Distilled spirits.*
- a. Manufacturer .....\$5,000.00
  - b. Manufacturer that manufactures, distills or blends liquors made whole from products raised in the state .....5,000.00
  - c. Wholesaler .....5,000.00
  - d. Retail sale in package form .....4,500.00
- Plus an amount equal to one percent of the gross sales of the previous year in excess of \$200,000.00, not to exceed a maximum license fee of \$5,000.00 per annum.
1. In determining the license fee to be paid by any dealer in distilled spirits, each individual store or retail outlet shall be considered singly, and the license fee fixed shall be determined by sales made at each individual store.
  2. Annual sales for the purpose of determining the license fee to be paid shall be the sales made by the store or outlet the previous 12 months, except that all new stores or licenses shall, for the first year, pay \$3,000.00 per annum.
- (4) *Consumption on the premises of distilled spirits, wine and malt beverages.*
- a. Initial license .....\$5,000.00
  - b. Additional facility licenses, each .....5,000.00
    1. Additional licenses shall be required for all additional facilities such as lounges, restaurants, nightclubs, patios or other areas located within the same building.
    2. All restaurant patios and outdoor or open air eating areas which are immediately adjacent to restaurants shall be exempt from the additional facility license fee.
    3. The licensee shall not provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas in which the licensed premises are within 500 feet of any area zoned for single-family residences. Notwithstanding the foregoing, no licensee shall provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas after 12:00 midnight.
    4. All such licensees shall be required to comply with the requirements as to limitations on noise levels established by ordinance.
  - c. Bottle house .....2,000.00
- (5) *Retail of beer or wine off premise.*
- a. Initial license .....\$2,500.00
  - b. Leased locations as additional facilities, each license \$2,250.00 Additional licenses shall be required for each leased location located within a licensed premise, such as the Sweet Auburn Curb Market located at 209 Edgewood Avenue. In no event, however, shall there be no more than four additional

facilities licenses at any location licensed for off premises consumption. Provided further, however, that the entire licensed location shall derive less than five percent of its gross receipts from the sale of alcoholic beverages.

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- (b) If the licensee is denied a license by the state, upon the proof of that refusal, the licensee shall be entitled to a refund of the license fee paid to the city, less a charge of \$25.00 to cover clerical cost of granting the license. If for any reason, the application for a city license is not approved, the applicant shall be entitled to a refund of the license fee pre-paid with the submission of the application, without interest. The refund may be made by the chief financial officer without the necessity of any action by the council.
- (c) No license shall be issued for less than a calendar year, and if a license is revoked or surrendered before the expiration of a calendar year, the holder thereof shall not be entitled to receive any refund.
- (d) A licensee may be entitled to a refund of the license fee paid to the city if the licensed business cannot continue to be operated due to (i) destruction by fire or an act of God, (ii) death of the licensee, or (iii) any action taken by a governmental entity beyond the licensee's control. A refund shall not be granted if the license is revoked or suspended by resolution, approve or deny such refund. If a refund is approved by the council, the refund shall be calculated as follows:
  - (1) Three-fourths of the license fee if the licensee goes out of business during the first quarter of the calendar year.
  - (2) One-half of the license fee if the licensee goes out of business during the second quarter of the calendar year.
  - (3) One-fourth of the license fee if the licensee goes out of business during the third quarter of the calendar year.
  - (4) No refund if the licensee goes out of business during the fourth quarter of the calendar year.
- (e) If for any reason, the issuance of a license is delayed so as to entitle the applicant to pay a prorated portion of the license fee for the year when the applicant has already pre-paid with submission of the application the full year's license fee; the City shall refund any overpayment of license fees to the licensee within 30 days after the license is issued.

*(Code 1977, §§ 14-2051, 19-14.006; Ord. No. 1998-94, § 1, 11-20-98; Ord. No. 1999-48, § 3, 6-15-99; Ord. No. 1999-49, § 1, 6-15-99; Ord. No. 2000-3, § 1, 1-11-00; Ord. No. 2000-43, § 1, 7-6-00; Ord. No. 2002-12, § 1, 3-5-02; Ord. No. 2002-89, § 2, 12-10-02; Ord. No. 2004-61, § 4, 9-28-04; Ord. No. 2007-61(07-O-1900), § 2, 10-22-07; Ord. No. 2010-31(10-O-0900), § 1, 6-30-10, eff. 7-1-10; Ord. No. 2010-50(10-O-1407), § 1, 9-16-10)*

**State law reference**— Restrictions on license fees, O.C.G.A. §§ 3-4-50, 3-5-43.

**Sec. 10-61. - Date for payment of license fees; prorated fees.**

All annual license fees under this division shall be paid in advance by money order, certified check or cashier's check with submission of the renewal application on or before January 1 of each year. Any person granted a new license under this division during a calendar year shall pay the full license fee without proration by money order, certified check or cashier's check with submission of the application for a new license, except that the fee for a new license granted after June 30 in any calendar year shall be 50 percent of the annual license fees for the remainder of that calendar year.

*(Code 1977, § 14-2055; Ord. No. 2004-61, § 2, 9-28-04)*

**Sec. 10-62. - Supplemental requirements for sale of distilled spirits by the drink or for bottle house liquors for on-premises consumption.**

No license for the sale of distilled spirits by the drink or for the operation of a bottle house shall issue to any applicant who does not meet the requirements of a restaurant, hotel, private club, lounge, nightclub, convention center, bar, brewpub, nonprofit performing arts theater, nonprofit museum, nonprofit zoological park, nonprofit botanical garden, auditorium, sports coliseum, suite hotel, open air cafe, government center, tasting room, sidewalk cafe, or continuing education center.

*(Code 1977, § 14-2056; Ord. No. 2001-88, § 5, 11-28-01; Ord. No. 2005-56, § 2, 9-27-05; Ord. No. 2010-27(10-O-0780), § 3, 6-16-10)*

**Sec. 10-63. - Wholesale licensees prohibited from interest in other licenses.**

No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license under this chapter.

*(Code 1977, § 14-2131)*

**Sec. 10-64. - Limitation on number of licenses within family.**

- (a) *Sale of distilled spirits in package at retail.*
- (1) No application for a license to sell distilled spirits in the package at retail shall be granted when the person applying for the license and all members of that person's family already hold two interests in a license to sell distilled spirits by the package at retail.
  - (2) No person or member of the person's family shall own, hold or control any interest in more than two licenses to engage in the business of selling distilled spirits by the package at retail.
- (b) *Interest in license.*
- (1) As used in this section, an interest in a license shall be deemed to exist if the person involved is the outright owner of the license; a co-owner of the license; a partner in a partnership which owns all or any part of a license; a stockholder in any corporation organized for pecuniary gain which owns all or any part of a license; an owner or a lessor, sublessor or stockholder in any corporation organized for pecuniary gain owning or leasing any real estate which is occupied by a retail liquor store or shares in any of the income or corpus of any trust fund or estate having any interest in a retail liquor store. However, a stockholder shall not be deemed to have an interest in a retail liquor store where the stockholder owns stock in a motel or hotel having 200 or more rooms with a retail liquor store located on the premises of that motel or hotel and owned by that motel or hotel. Notwithstanding any of the other part of this section, no one person shall be deemed to have more than one interest in any one license.
  - (2) An interest in a license shall be deemed to exist in the settlor or grantor in any trust instrument where all or any part of the corpus of the trust is the land on which located or the business of any retail package liquor store and where any beneficiary, either direct or indirect, is related in any manner to the settlor. This subsection shall not apply to any trust in existence at the time of passage of the ordinance from which this subsection derives.
- (c) *Statements on license application.* All applications for licenses, both original and renewal, must be accompanied by a full and complete statement under oath of information relative to any and all interests as defined in subsection (b) of this section in retail liquor stores. This shall include the following:
- (1) The names and addresses of all persons interested in the ownership of the business of selling at retail packaged liquor, together with any interest each person or any member of such person's immediate family has in any other retail liquor store;
  - (2) The ownership of the land and building where that retail business is operated;
  - (3) The amount of rental paid for the land and building and the manner in which determined and to whom and at what intervals it is paid;
  - (4) The names and addresses, by affidavit from the owner, lessor or sublessor of that land and building, of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the retail liquor store is located; and
  - (5) Any other information called for by the license review board.
- (d) *Change in relationship.* Any change in any relationship must be filed when made with the department of police, and failure to so file within 30 days after that change is made shall be grounds for cancellation by the council.
- (Code 1977, § 14-2047)

**Sec. 10-65. - Interest in license by employee of department of police.**

It shall be unlawful for any full-time employee of the department of police or the employee's spouse or minor children to have any whole, partial or beneficial interest, as defined in section 10-64, in any license to sell alcoholic beverages or any license to operate a bottle house in the city.

*(Code 1977, § 14-2048)*

**Sec. 10-66. - Public hearing on application; approval by mayor.**

- (a) All applications for licenses under this division shall be acted upon by the license review board, after a public hearing, after advertisement as required in this division. The recommendation of the license review board shall be reported to the mayor for action thereby. No license shall be issued until it has been approved by the mayor.
- (b) With the exception of those applications made in accordance with sections 10-126 and 10-127 of this chapter, the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 60 calendar days of receipt of a recommendation from the license review board as well as each of the following: 1) a letter issued by the Atlanta Department of Fire Rescue confirming that the proposed licensed premises meets the requirements of the City of Atlanta Fire Prevention Code, according to plans which were submitted to and approved by the City of Atlanta Fire Marshall; 2) a notice issued by the Board of Health or Health Department of the county in which the proposed licensed premises is located signifying the compliance of the proposed licensed premises with the rules of the Georgia Department of Human Resources; and 3) a letter issued by the City of Atlanta Department of Community Development, Bureau of Buildings setting forth that the proposed licensed premises has been approved to operate its proposed business. With the exception of those applications made in accordance with sections 10-126 and 10-127 of this chapter, if the Mayor does not receive the documentation described in sections (1), (2), and (3) of this subsection within six months of the Mayor's receipt of the recommendation from the license review board, the alcoholic beverage license application shall expire without the necessity of any further action of the license review board, and no refund of any application fees shall be made to the applicant. Upon review of the license review board's recommendation and/or the record created during the license review board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the license review board for further hearing. In remanding the application back to the license review board, the mayor shall provide written instructions to the license review board and the license and permit unit of the city's police department identifying specific issues and/or matters the mayor requires the license review board to conduct further hearing upon. An alcoholic beverage license applicant shall be provided with a five-day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All applications remanded to the license review board shall be scheduled for further hearing before the license review board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an application within the 60 calendar days provided, and does not choose to remand the application to the license review board, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.
- (c) For those applications made in accordance with sections 10-126 and 10-127 of this chapter, the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 14 calendar days of receipt of a recommendation from the license review board as well as the documentation described in 10-66(b) (1)—(3). Upon review of the license review board's recommendation and/or the record created during the license review board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the license review board for further hearing. In remanding the application back to the license review board, the mayor shall provide written instructions to the license review board and the license and permit unit of the city's police department identifying specific issues and/or matters the mayor requires the license review board to conduct further hearing upon. An alcoholic beverage license applicant shall be provided with a five-day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All applications remanded to the license review board shall be scheduled for further hearing before the license review board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an application within the 14 calendar days provided, and does not choose to remand the application to the license review board, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.
- (d) The license and permits unit of the Atlanta Police Department shall make the final agendas for all license review board hearings regarding annual licenses to sell alcohol available for public notice by the close of business on the day that is one week prior to the date of each hearing. Such agendas shall be made available to the public at the reception area of the offices of the license and permits unit of the Atlanta Police Department and shall be on file with the municipal clerk's office.

(Code 1977, § 14-2049; Ord. No. 1999-82, § 1, 10-12-99; Ord. No. 2002-1, §§ 1, 2, 1-29-02; Ord. No. 2008-80(08-O-1676), §§ 1—3, 11-6-08)

**Sec. 10-67. - Time limit for obtaining license after approval of application.**

Once a license application has been approved by the mayor, the license shall be issued within 30 days.

*(Code 1977, § 14-2050; Ord. No. 2004-61, § 3, 9-28-04)*

**Sec. 10-68. - Completion of proposed licensed premises.**

If a building in which a retailer of alcoholic beverages or a bottle house operator intends to operate under this article is, at the time of the application for a license, not in existence or not yet completed, a license may be issued for the location, provided the plans for the proposed building show clearly a compliance with the other sections of this article. No sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with all the other sections of this article.

*(Code 1977, § 14-2052)*

**Sec. 10-69. - Time limit for commencement of business in licensed establishment; forfeiture for nonuse.**

- (a) All holders of licenses under this division must, within nine months after the issuance of the license, open for business the establishment referred to in the license. Failure to open the licensed establishment within the nine-month period shall serve as automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder.
- (b) Any holder of a license under this division who shall begin the operation of the business as authorized in the license but who shall for a period of nine consecutive months thereafter cease to operate the business as authorized in the license shall, upon completion of the nine months, automatically forfeit the license, which license shall, by virtue of the failure to operate, be canceled without the necessity of any further action of the license review board or the council.

*(Code 1977, § 14-2054)*

**Sec. 10-70. - License prohibited for package sales in connection with designated establishments.**

No retail license for the sale of distilled spirits by the package shall be allowed in or in connection with any restaurant, cafe or eating place or in the same room where a bar is maintained for the dispensing and sale of malt beverages and wine by the drink.

*(Code 1977, § 14-2058)*

**Sec. 10-71. - Display of name of licensee and license number.**

Each licensee for the sale of alcoholic beverages by the package at retail under this division shall have printed on the front window of the licensed premises the name of the licensee, together with the inscription, "City Retail License No. \_\_\_\_\_," in uniform letters not less than four inches in height. However, if a licensee so desires, the licensee may have the licensee's name displayed on the inside of the window in neon or other electric lights. The sign shall be parallel with the window and shall not extend more than six inches from the window. A neon sign may also be constructed along the borderline or edge of the front window inside the glass.

*(Code 1977, § 14-2138)*

**Sec. 10-72. - Clear view of entrance and interior of licensed premises; lighting; sale to public by private clubs.**

- (a) No licensee for the sale of alcoholic beverages by the package shall operate unless the front entrance to the licensed premises is clearly visible from the public street; provided however, this shall not apply where the licensee is a hotel, motel, private club or is located in a shopping center or multiple-story business building.
- (b) No screen, blind, curtain, partition, article or thing preventing a clear view into the interior shall be permitted in the window or upon the doors of any retail store for the sale of alcoholic beverages by the package, and no booth, screen, partition or other obstruction shall be permitted within the interior of the store. Each store shall be so lighted that the interior of the store is visible day and night.
- (c) Private clubs which have been granted licenses under this division to sell distilled spirits at retail by the package shall not have an outside or street entrance for the retail outlet to sell to the general public and shall not make any sales to any member of the general public who is not a member of the private club.

*(Code 1977, § 14-2129)*

**Sec. 10-73. - Revocation of other licenses.**

Whenever the city shall revoke a licensee's license to sell alcoholic beverages or to operate a bottle house, all other city licenses issued to such licensee to sell alcoholic beverages or to operate a bottle house shall thereupon be subject to revocation. Said licensee shall thereupon be entitled to the same hearing procedures as set forth in section 10-109(c). The license review board shall conduct the hearings and report its conclusions and recommendations to the mayor. The mayor, upon receiving the report, may revoke the licenses.

*(Ord. No. 2001-60, § 2, 8-13-01)*

**Sec. 10-74. - Size limitations on the sales of malt beverages by the package.**

- (a) It shall be unlawful for a licensee under this chapter to sell on the licensed premises less than 14 ounces of malt beverage within a single transaction, unless they have a malt beverage license for consumption on the premises, or unless such sale is in conjunction with the package sale of additional malt beverage alcohol totaling not less than 14 ounces.
- (b) A violation of this section shall be considered due cause to deny, suspend, revoke, or refuse to renew any license issued by the city pursuant to this chapter.

*(Ord. No. 2001-79, § 1, 11-13-01)*

*Editor's note—*

Section 10-74 shall apply to all new licenses issued pursuant to chapter 10 by the city after the enactment of this section, as well as to all licenses that are renewed for the calendar year 2002 and subsequent years pursuant to chapter 10.

**Sec. 10-75. - Applications after change in ownership; temporary license authorized; conditions of issuance.**

- (1) Persons making alcoholic beverage license applications pursuant to Chapter 10 because of a change in ownership of the retail licensed establishment, after properly filing all required documents, may be authorized by the chief of police to operate pursuant to a temporary license. Before any such temporary license may be issued, the applicant must have filed with the licenses and permits unit of the police department the following documents and materials under the conditions indicated:
  - (a) All documents required by the police department and pursuant to the Code for obtaining a license appropriate to the type business for which application is made, including payment by certified check, money order or cashier's check of the license fee at the time of submission of the license application.
  - (b) A written request, on forms to be provided by the licenses and permits unit of the police department, by the applicant for a temporary license to the chief of police. Said forms shall be submitted by the applicant to the licenses and permits unit of the police department who will in turn forward it to the chief of police.
  - (c) The applicant, licensee and agent for the temporary license must be identical to the applicant, licensee and agent indicated on the related annual alcoholic beverage license application.
  - (d) A written, notarized statement, on forms to be provided by the licenses and permits unit of the police department, indicating that the applicant, temporary licensee and agent waive any and all rights available to them to appeal the decision by the chief of police to deny their application for a temporary license or to revoke a temporary license that has been issued to them, and that the applicant, temporary licensee and agent agree to all conditions set forth in this section. As used in this section, "rights to appeal" shall include, but not be limited to, injunctive relief, writ of certiorari, writ of mandamus, writ of prohibition, or any court action which relates in any way to said decision(s).
  - (e) When preliminary records checks have been completed, determined and judgments made, and the chief of police is satisfied that the location for the proposed license substantially complies with the provisions of the code authorizing such license in the city, a temporary license may be issued if deemed appropriate by the chief of police.
  - (f) The duration of any temporary license issued shall not exceed (120) days.
  - (g) A temporary license shall not be issued to any entity, real or artificial, who owes the city any monies at the time a temporary license is sought.
  - (h) There shall be assessed and paid by cashiers check, money order or certified check a non-refundable temporary license fee of \$750.00. This fee shall be in addition to all other fees required by the Code.
  - (i) The issuance and duration of any temporary license pursuant to the conditions stated in this section is within the sole discretion of the chief of police and such temporary license may be revoked by the chief of police at any time without notice, cause, hearing or refund of any portion of the temporary license fee.
  - (j) The issuance of the temporary license pursuant to the above conditions does not eliminate or alter in any way the requirement that the applicant must otherwise follow the application process provided in section 10-48 of this Code.
- (2) There shall be no vested right to, or protectable property interest in, the issuance of a temporary license as provided for in this section, or to the issuance of any license issued pursuant to this chapter.
- (3) The grant, denial or revocation of a temporary license under the provisions of this section shall not affect or have any bearing upon the grant or denial of an annual license.
- (4) During any one calendar year, there shall be not more than one temporary license granted for any single retail licensed establishment, as such temporary licenses are provided for in this section.
- (5) No temporary license shall be granted to any retail licensed establishment that is exempt from the distance requirements contained in sections 10-88, 10-88.1 and 1-113 of the Code.
- (6) The commander of the licenses and permits unit, or his designee, shall notify the commissioner of the DPDNC, or his designee, of the receipt of an application of a temporary license within three days. Within three days after the commissioner of the DPDNC, or his designee, receives such information, he shall notify the appropriate city councilmembers (district and at-large) and the chairperson and vice chairperson of the NPU. Such notification shall also include the name of the applicant and the address of the proposed retail license establishment to receive the temporary license provided for in the section.

(Ord. No. 2004-77, § 1, 10-22-04)

**Secs. 10-76—10-85. - Reserved.**

**Sec. 10-86. - Issuance of license limited to designated areas.**

- (a) *Manufacturer's license.* No manufacturer's license shall be issued to a manufacturer engaged in distilling or blending alcoholic beverages except where that business is to be located in the area of the city zoned for industrial uses. This provision shall not apply to those locations, which operate as "brewpubs" as defined in City Code section 10-1 as long as such locations are in compliance with all requirements set forth in the City of Atlanta Zoning Code regarding eating and drinking establishments and any other applicable provisions of the City Code.
- (b) *Wholesaler's license.* No license shall be issued to a wholesaler of alcoholic beverages except where the wholesale business is to be located in the area of the city which is zoned for business purposes.
- (c) *Packaged malt or vinous liquors.* No license to engage in the retail sale of malt or vinous liquors in package form shall be issued to any person for the operation of that business except on premises upon which the retail sale of such beverages is permitted under the provisions of sections 10-88 and 10-88.1 of the 1982 City of Atlanta Zoning Ordinance as amended.
- (d) *On premises consumption.* No license for the sale of alcoholic beverages by the drink or the operation of a bottle house shall be issued unless the location has been zoned commercial, industrial, or residential apartment as long as such location is in compliance with the City of Atlanta Zoning Code, or the location is in use as a business under a special use permit, provided that:
- (1) This subsection shall not apply to private clubs.
  - (2) Licenses for the sale of malt beverages or wine by the drink may be issued to restaurants within 100 yards of a public park which is within a National Register historic district, if such restaurants are located in areas which have been rezoned from commercial uses within the 24 months immediately preceding application.
  - (3) Subject to approval of the license review board, nonprofit charitable organizations may sell alcoholic beverages at locations zoned residential during fundraising events that do not exceed three consecutive days in length.
- (e) *Packaged spirituous liquors.* No license to engage in the retail sale of spirituous liquors in package form shall be issued to any person for the operation of that business except on premises upon which the retail sale of such beverages is permitted under the provisions of sections 10-88 and 10-88.1 of the 1982 City of Atlanta Zoning Ordinance as amended.
- (f) *Exemption.* Those licensed locations, for sale of packaged malt or vinous liquors or sale of alcohol for on-premises consumption existing on the date of passage of the ordinance from which this subsection derives that are respectively identified in subsections (c) and (d) of this section shall, on the date of the passage of such ordinance, be exempted from compliance therewith; provided, however, that such exemptions shall not be construed to apply to adult entertainment establishments as defined by part 16.

(Code 1977, § 14-2035; Ord. No. 1995-43, §§ 2, 3, 8-28-95; Ord. No. 1998-75, § 1, 10-27-98; Ord. No. 1999-6, §§ 2, 3, 1-27-99)

**Sec. 10-87. - Reserved.**

**Sec. 10-88. - Distances of establishments from residences, schools, churches, library, hospitals and other public places.**

- (a) No license hereunder shall be issued for any location where alcoholic beverages are sold whose proposed boundary line is within 300 feet of any private residence. The distance for the purpose of this section, notwithstanding the definition of distance contained in section 10-1, shall be measured by straight line from the closest point of the property line of the proposed site where alcoholic beverages are sold to the nearest point of any residential building, provided, however, that when the applicant is located within a shopping center containing a minimum of 80,000 square feet the distance from any private residence shall be reduced to 150 feet.
- (b) No license shall be issued hereunder where the applicant's place of business where alcoholic beverages are to be sold is located within 300 feet of a branch of the Atlanta Public Library or within 500 feet of any church, or public park or within 300 feet of any private hospital, or mental health care facility, or public hospital which is owned and operated by any government agency or authority and used for hospitalization, or within 600 feet of a school ground or college campus, or any youth serving organization or any recreational facility that primarily serves schoolchildren under 18 years of age, except that the restrictions of this section shall not apply to hotels of 50 rooms or more which have been in continuous operation for a period of at least five years immediately prior to April 5, 1938, or to the operator of a restaurant applying for a license for the sale and consumption by the drink of spirituous liquors where the operator held a license authorizing the sale and consumption by the drink of either malt beverages or vinous liquors at that restaurant on October 3, 1966, and has maintained the license in good standing from that time until the time of the application hereunder; provided further, that alcoholic beverage establishments which are located within a shopping center having 30,000 square feet or more and in which a branch of the Atlanta Public Library is also located shall not be required to comply with the above-described distance requirement for a branch of the Atlanta Public Library; provided further with regard to applications for licenses to sell alcoholic beverage for consumption on the premises, no distance requirements as to churches shall apply to churches which are located in commercial buildings or that move into existing commercial buildings in areas zoned for commercial purpose, and when such churches are within 300 feet of an existing establishment with a license to sell alcoholic beverages on the premises.
- (c) The wholesaler's license for the sale of alcoholic beverages may be issued for a location within the above-prescribed distances of a private residence or residences, if the residence or residences are situated on property which is zoned for commercial or industrial use under the zoning ordinance of the city.
- (d) The distance requirements and exemptions set forth in this section shall no longer apply to package stores which must meet the distance requirements set forth in section 10-88.1; provided, however, that the provisions of this section shall not apply to locations licensed prior to the effective date of this section or to renewals thereof. The distance requirements and exemptions set forth in this section shall not apply to wine specialty shops which must meet the distance requirements set forth in subsection 10-88.1(e); city food markets which must meet the distance requirements set forth in subsection 10-88.1(f); or specialty food shops which must meet the distance requirements set forth in subsection 10-88.1(g).
- (e) The provisions of this section shall not apply to licenses issued hereunder to continuing education centers, restaurants or sidewalk cafes, as defined in section 10-1, for the sale of alcoholic beverages for on-premises consumption; provided, however, that in order for a restaurant or sidewalk cafe to come within this exemption it shall provide no entertainment, as defined in section 10-1, unless it is located either:
- (i) Within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units or
- (ii) Within a multi-building complex, which, for purposes of this code section, shall mean a group of buildings planned, developed and managed as a unit which is comprised of at least 50,000 square feet of retail shopping and/or restaurant space, at least 50,000 square feet of institutional office space; at least 100,000 square feet of space used for research and education, and at least 100,000 square feet of conference center space, as long as such multi-building complex is located on a college campus.
- Under no circumstances may music and/or live entertainment be provided in an outdoor dining area.
- (iii) Or within a mixed-use development (as that term is defined in section 16-29.001(24)), comprised of not less than 99,000 total square feet, that has zoning approval for at least 2,000 square feet of retail space, 3,000 square feet of office space and at least 70 residential units, which is located within the jurisdictional boundaries of the City of Atlanta Downtown Development Authority and is also located within an Urban Enterprise Zone created by the city.

(Code 1977, § 14-2038; Ord. No. 1995-43, § 4, 8-28-95; Ord. No. 2001-88, § 6, 11-28-01; Ord. No. 2004-42, § 1, 7-14-04; Ord. No. 2004-46, § 5, 7-22-04; Ord. No. 2005-08, § 1, 2-14-05; Ord. No. 2005-56, § 3, 9-27-05; Ord. No. 2005-82, § 1, 11-22-05; Ord. No. 2006-87, § 5, 12-13-06; Ord. No. 2009-12 (08-O-0843), § 2, 3-25-09)

**Sec. 10-88.1. - Package stores.**

- (a) No package store, as defined in section 10-1, shall be located within 1,500 feet of any other package store. This distance shall be measured by the most direct route of travel on the ground, in accordance with O.C.G.A. § 3-4-49. An application for a renewal license to sell distilled spirits by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell distilled spirits by the package has been issued prior to July 1, 1997. An application for a renewal license to sell beer and/or wine by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell beer and/or wine by the package has been issued prior to July 1, 1997. Nor shall the restriction of this subsection apply to any location for which a new application to sell distilled spirits by the package has been filed with the police department if the sale of distilled spirits by the package was lawful at any time during the 12 months immediately preceding such application. Nor shall the restriction of this subsection apply to any location for which a new application to sell beer and/or wine by the package has been filed with the police department if the sale of beer and/or wine by the package was lawful at such location at any time during the 12 months immediately preceding such application.
- (1) This restriction shall not apply to:
- a. Any hotel licensed for the sale of alcoholic beverages.
  - b. A retail grocery supermarket or pharmacy:
    - i. Which contains an interior floor area of 14,000 square feet or more; and
    - ii. In which not more than five percent of the interior floor area of such store is devoted to the display of beer and/or wine products for retail sale; and
    - iii. Which derives less than eight percent of its gross receipts from the sale of beer and/or wine.
- (2) Any store which is construed to be a package store pursuant to this chapter and which sells beer and/or wine, but not distilled spirits, shall not be required to meet the 1,500 feet distance requirement between package stores, as set forth above, in regard to its distance between a retail grocery supermarket or pharmacy selling beer and/or wine, but not distilled spirits, which contains an interior floor area of 14,000 square feet or more and which is already in existence and is located in either a shopping center, which, for purposes of this section and notwithstanding the definition of a "shopping and retail entertainment center" as that phrase is defined in section 10-1, is comprised of 45,000 square feet or more, which contains at least three or more commercial establishments planned, developed and managed as a unit, which provides common on-site parking facilities; or which is located in a mixed-use development (as that term is defined in section 16-29.001(24)) comprised of 45,000 square feet or more, if such package store will be located within such shopping center or mixed-use development as defined herein.
- Any other package store seeking to obtain a license in a shopping center or mixed-use development, as defined above, in which a package store other than a retail grocery supermarket or pharmacy is located shall adhere to the 1,500 feet distance requirement between package stores as set forth above. Distance requirements contained in this chapter between all other package stores shall remain in effect.
- Pursuant to this provision, any package store seeking to obtain a license to sell either beer, wine, and/or distilled spirits in either a shopping center or mixed use development, as such terms are defined above, in which is already located a retail grocery supermarket or pharmacy which is licensed to sell alcoholic beverages by the package, and also in which is already located any other store which is licensed to sell alcoholic beverages by the package shall be required to meet the 1,500 feet distance requirement set forth above as to each of these existing stores. However, this provision shall not affect any locations within either an existing shopping center or mixed-use development for which a valid license to sell alcoholic beverages was in effect on the date this section became effective.
- (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.
  - (2) From any public or private school, 600 feet.
  - (3) From any public or private park or recreation facility, 600 feet.
  - (4) From any public library branch, 600 feet.
  - (5) From any church or similar place of religious worship, 250 feet.
  - (6) From any public or private hospital or mental health care facility, 600 feet.
  - (7) From any child care or day care facility, 600 feet.
- The distance in subsection (b)(1)—(7), notwithstanding the definition of distance contained in section 10-1, shall be measured in a straight line from the closest point of the property line of the site proposed to be

occupied by the package store to the closest property line of any use identified above.

Package stores that derive less than five percent of their gross receipts from the sale of alcoholic beverages shall be exempt from the distance requirements set forth in subsection (b)(1)—(7) above.

In order to be exempt from the distance requirements set forth in subsection (b)(1)—(7) above, an applicant for a license to sell alcoholic beverages by the package which is not a wine specialty shop or a City Food Market, is required to file with the police department a sworn statement stating that it is the applicant's belief that the subject package store will derive less than five percent of the package store's gross receipts from the sale of alcoholic beverages. This statement shall accompany the original application for a license to sell alcoholic beverages by the package.

In order to obtain exempt status when renewing a license to sell alcoholic beverages by the package, the applicant for renewal must provide the police department with a statement from a certified public accountant that proves that during the preceding year, the package store did in fact derive less than five percent of its gross receipts from the sale of alcoholic beverages. For the purposes of this section, revenue derived from the sale of lottery tickets or related games of chance shall not be calculated when determining gross receipts.

The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that the package store derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license.

- (c) Except as otherwise provided in section 10-113, a location licensed for the retail sale of packaged alcoholic beverages on or before May 6, 1997 shall not be required to comply with the distance requirements set forth in subsection (b)(1)—(7) above provided that such location is not expanded or enlarged.
- (d) Applicants for a package store license shall include with their application, a plat of survey prepared and sealed by a surveyor registered in the state certifying that all of the locational requirements listed above in subsection (a) have been met. Such applications shall be reviewed by the bureau of buildings for compliance with all distance requirements.
- (e) No wine specialty shop, as defined in section 10-1, shall be located within the following distances of the specified other uses:
  - (1) From any other wine specialty shop, 600 feet as measured by the most direct route of travel on the ground, in accordance with O.C.G.A. § 3-4-49.
  - (2) From any public or private school, 600 feet.
  - (3) From any public or private park or recreation facility, 600 feet.
  - (4) From any public library branch, 600 feet.
  - (5) From any church or similar place of religious worship, 250 feet.
  - (6) From any public or private hospital or mental health care facility, 600 feet.
  - (7) From any child care or day care facility, 600 feet.

The distance in subsection (e)(2)—(7), notwithstanding the definition of distance contained in section 10-1, shall be measured in a straight line from the closest point of the property line of the site proposed to be occupied by the wine specialty shop package store to the closest property line of any use identified above.
- (f) No city food market, as defined in section 10-1, shall be located within the following distance, as defined in section 10-1, of the following specified other uses:
  - (1) From any other city food market, 600 feet.
  - (2) From any public or private school, 300 feet.
  - (3) From any public or private park or recreation facility, 300 feet.
  - (4) From any public library branch, 300 feet.
  - (5) From any church or similar place of religious worship, 300 feet.
  - (6) From any public or private hospital or mental health care facility, 300 feet.
  - (7) From any child care or day care facility, 300 feet.
- (g) No specialty food shop, as defined in section 10-1, shall be located within the following distances, as defined in section 10-1, of the following specified other uses:
  - (1) From any other specialty food shop, 600 feet.
  - (2) From any public or private school, 300 feet.
  - (3) From any public library branch, 300 feet.
  - (4) From any public or private park or recreation facility, 300 feet.
  - (5) From any church or similar place of religious worship, 250 feet.
  - (6) From any public or private hospital or mental health care facility, 300 feet.
  - (7) From any child care or day care facility, 300 feet.

(Ord. No. 1995-43, § 5, 8-28-95; Ord. No. 1997-25, §§ 1, 2, 5-8-97; Ord. No. 1998-77, §§ 1—3, 10-27-98; Ord. No. 1999-64, § 3,

9-16-99; Ord. No. 2001-43, § 1, 6-13-01; Ord. No. 2001-90, § 1, 11-27-01; Ord. No. 2001-94, § 1, 12-11-01; Ord. No. 2004-46, §§ 3, 4, 7-22-04; Ord. No. 2005-82, §§ 2, 3, 11-22-05; Ord. No. 2006-87, §§ 3, 4, 12-13-06; Ord. No. 2007-37(07-O-1240), § 1, 6-26-07; Ord. No. 2009-12 (08-O-0843), § 3, 3-25-09)

*Editor's note—*

Sections 4 and 5 of Ord. No. 1998-77, approved on October 27, 1998, read as follows: "All renewal licenses to sell alcoholic beverages by the package for the year 1998 shall be subject to the usual annual license fees set forth in the Code of Ordinances. All licenses to sell alcoholic beverages by the package issued by the City for the year 1998 shall expire on December 31, 1998 and shall be subject to existing renewal requirements."

**Sec. 10-89. - Additional distance requirements for adult entertainment establishments.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Adult entertainment establishment* means establishment as defined in [section 16-29.001\(3\)\(e\)](#) and also includes any establishment which has nude or seminude dancing or striptease performances, whether these occur regularly or occasionally.

*Distance*, notwithstanding the definition contained in [section 10-1](#), shall be measured by straight line from the property line of the adult establishment premises to the nearest property line of the property which is used as a private residence or other uses listed in this section.

*Private residence*, in addition to the language contained in [section 10-1](#), also includes apartment or condominium buildings housing more than four families.

- (b) *Minimum distances from certain uses.* No license under this division shall be issued for any adult entertainment establishment which is within 2,000 feet of any private residence, boys' club, girls' club, public park, MARTA station, church or synagogue or any other place of worship, YMCA, YWCA, youth-oriented organization; day care center, child center, library, school ground or college campus, day labor center or hospital. The license issued to such an establishment shall state on its face "adult entertainment permitted." The performance of any adult entertainment without this express permission shall constitute grounds for revocation of an alcoholic beverage license.
- (c) *Exemptions.* The distance requirements in this section shall not apply to locations approved by the bureau of buildings in 1987 for adult entertainment for the purposes of zoning.

(Code 1977, § 14-2039.1)

**Sec. 10-90. - Exemption of hotels, motels or motor inns from distance requirements in certain areas.**

- (a) Any hotel, motel or motor inn having 150 or more rooms applying for a license for the sale of alcoholic beverages for consumption on the premises located within the following areas shall not be required to comply with the distance requirements set forth in [section 10-88](#)
1. Beginning at the intersection of Piedmont Avenue and North Avenue; running thence westerly along North Avenue to its intersection with Spring Street; running thence in a southerly and southwesterly direction along Spring Street to its intersection with Trinity Avenue; running thence in an easterly and southeasterly direction along Trinity Avenue to its intersection with Pryor Street; running thence in a southwesterly and southerly direction along Pryor Street to its intersection with Georgia Avenue; running thence in an eastwardly direction along Georgia Avenue to its intersection with Fraser Street; running thence in a northerly direction along Fraser Street to its intersection with Memorial Drive; running thence in a westerly direction along Memorial Drive to its intersection with Washington Street; running thence in a northeasterly direction along Washington Street to its intersection with Martin Luther King, Jr. Drive; running thence in a southeasterly direction along Martin Luther King, Jr. Drive to its intersection with Piedmont Avenue; running thence in a northeasterly and northerly direction along Piedmont Avenue to its intersection with North Avenue, the point of beginning.
  2. All that tract or parcel of land lying and being in part of Land Lot 80 of the 14<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:  
  
Beginning at an iron pin found located at the intersection of the southern right-of-way line of 5<sup>th</sup> Street (60 foot right-of-way) and the western right-of-way line of Spring Street (60 foot right-of-way); thence leaving in the southern right-of-way of 5<sup>th</sup> Street, run along the western right-of-way of Spring Street South 00° 43' 29" West a distance of 293.42 feet to an iron pin set; thence leaving the western right-of-way line of Spring Street, run the following six (6) courses and distances: (1) North 88° 47' 33" West a distance of 243.71 feet to an iron pin set; (2) North 01° 12' 27" East a distance of 139.83 feet to an iron pin set; (3) North 77° 24' 54" East a distance of 57.57 feet to an iron pin set; (4) North 01° 12' 27" East a distance of 35.41 feet to an iron pin set; (5) North 88° 47' 33" West a distance of 69.32 feet to an iron pin set; and (6) North 01° 12' 27" East a distance of 95.67 feet to a point located on the southern right-of-way line of 5<sup>th</sup> Street; thence along the southern right-of-way line of 5<sup>th</sup> Street, run the following two (2) courses and distances: (1) South 88 degrees 21 minutes 54 seconds East a distance of 164.63 feet to an iron pin found; and (2) South 88° 47' 33" East a distance of 90.11 feet to an iron pin found located on the western right-of-way line of Spring Street, said iron pin found being the point of beginning.
- (b) However, this section shall not apply to adult entertainment establishments.  
(Code 1977, § 14-2040; Ord. No. 2003-73, § 1, 6-2-03)

**Sec. 10-91. - Exemption for certain malt beverage or wine licenses.**

- (a) *On-premises consumption of malt beverages.* Any applicant for a malt beverage license for consumption on the premises located within the following area shall not be required to comply with any distance requirement as to public libraries:
- Beginning at the intersection of Piedmont Avenue and Baker Street; running thence westerly along Baker Street to its intersection with Spring Street; running thence in a southerly and southwesterly direction along Spring Street to its intersection with Hunter Street; running thence in a southeasterly direction along Hunter Street to Piedmont Avenue; running thence in a northeasterly and northerly direction along Piedmont Avenue to its intersection with Baker Street.
- (b) *Nonapplicability of section.* This section shall not apply to adult entertainment establishments.  
(Code 1977, § 14-2041; Ord. No. 1995-43, § 6, 8-28-95)

**Sec. 10-92. - Exemption for consumption on the premises and package sale of malt beverages or wine in certain area.**

- (a) Any applicant for a license for the sale of alcoholic beverages for consumption on the premises located within the following area shall not be required to comply with the distance requirements set forth in [section 10-88](#) Beginning at a point on the west right-of-way line of the Louisville and Nashville Railroad at a point where the railroad right-of-way line intersects the northernmost line of land lot 144, 14th district, Fulton County, thence running easterly along the north line of land lots 144, 113, 112, 81, 80, 49 and the 17th district of Fulton County to the intersection of the north line of land lot 17 with the east right-of-way line of Southern Railway; running thence generally south along the east right-of-way line of the Southern Railway to its intersection with the south line of the Georgia Railroad right-of-way; running thence generally west along the south line of the Georgia Railroad right-of-way to its intersection with the east line of Boulevard, S.E.; running thence generally south along the east line of Boulevard, S.E., to the intersection of Boulevard, S.E. and the centerline of Interstate 20 (east expressway); running thence west along the centerline of I-20, to its intersection with the east line of Fraser Street projected over I-20; running thence south along the east line of Fraser Street to its intersection with the south line of Georgia Avenue; running thence west along the south line of Georgia Avenue to its intersection with the west line of Pryor Street; thence running north along the west line of Pryor Street to its intersection with the centerline of I-20; running thence generally west along the centerline of I-20 to its intersection with the west right-of-way line of the Louisville and Nashville Railroad; running thence northerly along the west right-of-way line of the Louisville and Nashville Railroad back to the point of beginning.
- (b) Any applicant for a license for the package sale of malt beverages and/or wine within the following areas shall not be required to comply with the distance requirements set forth in [section 10-88.1](#)
- (1) That parcel of land known as 2371 Glenwood Avenue, SE, Atlanta, Georgia under the numbering system of the City of Atlanta, more particularly described as follows: Beginning at the southern end of the miter of the intersection of the eastern right-of-way line of Second Avenue and the southern right-of-way line of Glenwood Avenue, said point being the point of beginning; run thence along the mitered right-of-way line in a northeastern direction a distance of approximately 30 feet to a point located on the southern right-of-way line of Glenwood Avenue; run thence along the southern right-of-way line of Glenwood Avenue in an eastern direction approximately 109 feet to a point; run thence in a southern direction approximately 189 feet to a point; run thence in a western direction approximately 129 feet to a point along the eastern right-of-way line of Second Avenue; run thence in a northern direction along the eastern right-of-way line of Second Avenue approximately 165 feet to the point of beginning.
  - (2) That parcel of land lying and being in the City of Atlanta, in Land Lot 53 of the 14th District of Fulton County, Georgia known as 244 Hill Street, Atlanta, Georgia 30312 under the numbering system of the City of Atlanta, more particularly described as follows: Beginning at the northwest corner of Clarke Street and Hill Street, and running thence north 89 degrees 31 minutes west, along the north side of Clarke Street, 97 feet to a point; running thence north 00 degrees 17 minutes east, 71.37 feet to a point; running thence north 88 degrees 15 minutes west, 50 feet to a point; running thence north 00 degrees 01 minutes west, 125.81 feet to a point; running thence north 89 degrees 49 minutes east, 146.84 feet to a point on the west side of Hill Street; running thence south along the west side of Hill Street 200 feet to the north side of Clarke Street and the point of beginning.
  - (3) That parcel of land known as 209 Edgewood Avenue, S.E., Atlanta, Georgia under the numbering system of the City of Atlanta.
  - (4) That parcel of land known as 1061 Ponce de Leon Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta. This exemption shall be valid so long as an establishment located on said parcel of land derives less than 15 percent of gross receipts from the sale of alcoholic beverages.
  - (5) That parcel of land known as 1192 B Pryor Street, Atlanta, Georgia, under the numbering system of the City of Atlanta. This exemption shall be conditioned on the requirement that no vending be permitted on said parcel of land.
  - (6) For one retail grocery supermarket located on that parcel of land known as 650 Ponce de Leon Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta provided that such retail grocery supermarket contains an interior floor area of 14,000 square feet or more and that the retail grocery supermarket 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 Land Lot 17 of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows: BEGINNING AT a hole in concrete found on the eastern right-of-way of Lakeview Avenue (50 foot r/w), said hole being located North 00 degrees 05 minutes 19 seconds East, 82.91 feet from the intersection of the northern right-of-way of Ponce de Leon Avenue (90 foot r/w) and the eastern right-of-way of Lakeview

Avenue if said right-of-ways were extended to meet at an angle instead of a curve; thence along the eastern right-of-way of Lakeview Avenue, run North 00 degrees 05 minutes 19 seconds East, 633.16 feet to a point at the northerly terminus of Lakeview Avenue; thence North 89 degrees 51 minutes 18 seconds West, 50.18 feet to an open top pipe found on the northerly right-of-way of St. Charles Avenue (50 foot r-o-w); thence continuing along said right-of-way, run North 89 degrees 51 minutes 18 seconds West, 101.83 feet to a point on the eastern line of Proposed Right-of-Way Dedication Tract; thence leaving said right-of-way, and with the eastern line of said Proposed Tract, run North 00 degrees 40 minutes 31 seconds East, 455.36 feet to a point at the intersection of said Proposed Tract with the southern right-of-way of Greenwood Avenue (60 foot r/w); thence crossing Greenwood Avenue, North 00 degrees 33 minutes 28 seconds East, 60.02 feet to a point on the northern right-of-way of Greenwood Avenue; thence along the northern right-of-way of Greenwood Avenue, South 89 degrees 45 minutes 00 seconds West, 49.99 feet to a 1" open top pipe set; thence leaving said right-of-way, North 00 degrees 39 minutes 09 seconds East, 389.72 feet to a ½" rebar found; thence South 88 degrees 54 minutes 38 seconds East, 498.09 feet to a ½" rebar found on the western right of Southern Railway System (100 foot r/w); thence along said right-of-way, run the following three (3) courses and distances: along a curve to the right, an arc distance of 312.30 feet, said curve having a radius of 2570.74 feet and being subtended by a chord of 312.11 feet, at South 14 degrees 47 minutes 28 seconds East, to a hole in concrete found; South 10 degrees 21 minutes 16 seconds East, 309.44 feet to a point; South 11 degrees 20 minutes 11 seconds East, 719.86 feet to a 1" open top pipe set at the northeast corner of property now or formerly owned by Ronald J. Lazarus and Scott G. Ardolino, Deed Book 13490, Page 268; thence leaving said right-of-way, and with the line of Lazarus and Ardolino, North 86 degrees 52 minutes 35 seconds West, 57.32 feet to a PK nail set; thence South 75 degrees 53 minutes 08 seconds West, 76.59 feet to a PK nail set; thence South 01 degrees 28 minutes 07 seconds West, 233.66 feet to a ½" rebar found; thence along a curve to the left, an arc distance of 59.05 feet, said curve having a radius of 101.33 feet and being subtended by a chord of 58.21 feet, at South 17 degrees 11 minutes 14 seconds East, to a ½" rebar found; Thence North 89 degrees 28 minutes 16 seconds West, 10.77 feet to a point; Thence South 89 degrees 09 minutes 39 seconds West, 35.41 feet to a point; Thence North 78 degrees 49 minutes 43 seconds West, 4.58 feet to a point; Thence North 00 degrees 31 minutes 44 seconds East, 14.15 feet to a point; Thence North 89 degrees 28 minutes 16 seconds West, 42.19 feet to a point; Thence South 05 degrees 04 minutes 16 seconds West, 26.18 feet to a point; Thence North 84 degrees 55 minutes 44 seconds West, 21.90 feet to a point; thence South 05 degrees 04 minutes 16 seconds West, 9.99 feet to a point on the northern right-of-way of Ponce De Leon Avenue (90 foot r/w); thence along said right-of-way run the following three (3) courses and distances: North 84 degrees 55 minutes 23 seconds West, 194.34 feet to a point; North 87 degrees 26 minutes 09 seconds West, 90.80 feet to a hole in concrete found; thence run along a curve to the right, an arc distance of 40.29 feet, said curve having a radius of 38.99 feet and being subtended by a chord of 38.52 feet, at North 57 degrees 39 minutes 10 seconds West, to a ½" rebar found on a curve joining the intersection of said northern right-of-way and the eastern right-of-way of Lakeview Avenue; thence run North 28 05 minutes 27 seconds West, 52.07 feet to a ½" rebar found on the eastern right-of-way of Lakeview Avenue; thence with said right-of-way, along a curve to the right, an arc distance of 19.93 feet, said curve having a radius of 40.40 feet and being subtended by a chord of 19.73 feet; at North 14 degrees 01 minutes 26 seconds West, to a hole in concrete found and the POINT OF BEGINNING.

- (7) For one retail establishment selling wine by the package located at 2625 Piedmont Road, Suite 51, Atlanta, Georgia, and situated on that parcel of land lying and being in Land Lot 47 and Land Lot 48 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point marked by an iron pin set located on the northerly right-of-way line of Sidney Marcus Boulevard (formerly known as Marion Road, having a variable right-of-way width), said point being located at the southeastern most and of miter which forms the intersection of the northerly right-of-way line of Sidney Marcus Boulevard with the easterly right-of-way line of Piedmont Road (having a variable right-of-way width), said miter being delineated by a line running from the easterly right-of-way line of Piedmont Road South 27°26'41" East a distance of 39.30 feet to a point on the northerly right-of-way line of Sidney Marcus Boulevard:

RUNNING THENCE North 89°42'18" East along the northerly right-of-way line of Sidney Marcus Boulevard a distance of 135.24 feet to a point marked by an iron pin set:

RUNNING THENCE South 06°16'58" West a distance of 8.90 feet to a point marked by a right-of-way monument on the aforesaid right-of-way line of Sidney Marcus Boulevard:

RUNNING THENCE North 89°42'03" East a distance of 143.37 feet to a point marked by an iron pin set on the aforesaid right-of-way:

RUNNING THENCE North 03°30'37" East for a distance of 10.48 feet to a point marked by a nail on the aforesaid right-of-way line of Sidney Marcus Boulevard:

RUNNING THENCE South 86°29'23" East for a distance of 59.51 feet to a point marked by a nail set on the aforesaid right-of-way:

RUNNING THENCE North 89°42'03" East of distance of 403.10 feet to a point marked by an iron pin found on the aforesaid right-of-way:

RUNNING THENCE North 00°00'00" East (or due North) a distance of 809.49 feet to a point marked by an iron pin found:

RUNNING THENCE North 30°39' 15" West for a distance of 140.75 feet to a point marked by an iron pin found:

RUNNING THENCE 89°29'42" West for a distance of 123.06 feet to a point marked by an iron pin found:

RUNNING THENCE North 39°36'30" West for a distance of 38.70 feet to a point marked by an iron pin set located on the southerly right-of-way line of Miami Circle (50-foot right-of-way):

RUNNING THENCE along a curve to the right formed by the southerly right-of-way line of Miami Circle a distance of 73.36 feet to a point marked by an iron set (said curve having a chord line running south 79°23' 17" West a distance of 73.13 feet and having a radius of 197.07 feet):

RUNNING THENCE North 80°55'08" West for a distance of 282.69 feet to a point marked by an iron pin set on the aforesaid right-of-way:

RUNNING THENCE along a curve to the left formed by said right-of-way line a distance of 69.91 feet to a point marked by an iron pin found on the (said curve having a chord line running south 68°32'44" West a distance of 68.28 and having a radius of 93.00 feet):

RUNNING THENCE South of 47°00'35" West for a distance of 122.66 feet to a point marked by a nail set on aforesaid right-of-way, said point also being on the easterly right-of-way line of Piedmont Road:

RUNNING THENCE South 02°14'41" West for a distance of 367.88 feet to a point marked by an iron pin found on aforesaid right-of-way line of Piedmont Road:

RUNNING THENCE South 5°57'42" East for a distance of 95.98 feet to a point marked by a nail set on aforesaid right-of-way:

RUNNING THENCE South 02°14'41" West for a distance of 175.00 feet to a point marked by an iron pin on aforesaid right-of-way:

RUNNING THENCE South 15°19'05" West for a distance of 60.57 feet to a point marked by a nail set on aforesaid right-of-way:

RUNNING THENCE South 02°14'41" West for a distance of 108.00 feet to a point marked by a concrete monument found on aforesaid right-of-way:

RUNNING THENCE South 27°26'41" East for a distance of 39.30 feet to the POINT OF BEGINNING

- (8) For one (1) retail establishment selling beer/wine located at 4485 Campbellton Road, SW; and situated on that parcel of land lying and being in Land Lot 47 and Land Lot 43 of the 14th F.F. District of Fulton County, Georgia and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, SITUATED, LYING AND BEING IN THE CITY OF ATLANTA, LAND LOT 43 of the 14th District of Fulton County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, Commence at a reference nail set at the intersection of a line located 30 feet easterly of the centerline of County Line Road (said right of way being 60 feet in width) and a line located 40 feet northerly of the centerline of Campbellton Road (said right of way being 80 feet in width), run thence north 00 degrees 03 minutes, 54 seconds west a distance of 30.42 feet to a point located on the easterly right of way of County Line Road, and the true point of beginning.

FROM THE TRUE POINT OF BEGINNING, as thus established, run thence along the easterly right of way of County Line Road north 00 degrees 03 minutes, 54 seconds west a distance of 126.70 feet to an iron pin placed; thence departing said right of way run north 81 degrees 27 minutes, 27 seconds east a distance of 170.07 feet to an iron pin placed, run thence south 00 degrees 13 minutes 19 seconds west a distance of 150.07 feet to a nail set on the northerly right of way of Campbellton road; run thence in a westerly direction along said right of way and following an arc to the left a distance of 41.03 feet to a point (said arc having a radius of 919.23 feet and being subtended by a chord bearing south 80 degrees 02 minutes 49 seconds west a distance of 41.02 feet); continue thence along said right of way south 78 degrees, 46 minutes, 06 seconds west a distance of 99.08 feet to a point; continue thence along said right of way and following an arc to the right a distance of 44.14 feet to a point (said arc having a radius of 25.00 feet and being subtended by a chord bearing north 50 degrees 38 minutes 54 seconds west a distance of 38.63 feet) and the true point of BEGINNING.

SAID PROPERTY containing 0.5852 acres and being designated as Tract "B" and shown on that certain plat of survey entitled, "Boundary Survey for Lansky Partnership and First Georgia Community Bank," dated April 30, 2001 (Revised March 28, 2003, and last revised April 11, 2003), prepared by P.J.K. Engineers and Surveyors, Inc., and recorded in Plat Book 240, Page 107, Fulton County, Georgia records, said Plat and its descriptive data are incorporated herein by reference to same.

- (c) This section shall not apply to applicants for licenses for adult entertainment establishments.

(Code 1977, § 14-2042; Ord. No. 1995-43, § 7, 8-28-95; Ord. No. 2001-3, §§ 1, 2, 1-8-01; Ord. No. 2002-49, § 1, 6-12-02; Ord.

*No. 2002-90, § 1, 12-10-02; Ord. No. 2003-10, § 1, 2-11-03; Ord. No. 2004-14, § 1, 4-28-04; Ord. No. 2004-17, § 1, 5-12-04;  
Ord. No. 2004-71, § 1, 10-8-04; Ord. No. 2004-85, § 1, 11-19-04)*