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**AN ORDINANCE  
BY COUNCILMEMBER ANTONIO BROWN**

**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 LISTED IN SECTION 10-88.1 FOR PACKAGE STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE FOR A RETAIL ESTABLISHMENT LOCATED AT 630 TENTH STREET, NW, ATLANTA, GEORGIA 30318; AND FOR OTHER PURPOSES.**

**WHEREAS**, the city of Atlanta has an interest in maintaining the public health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages for the public health, safety, and welfare; and

**WHEREAS**, Chapter 10 of the City of Atlanta of Ordinances, regulates the issuances of licenses for the sale of alcoholic beverages within the City of Atlanta, and

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

**WHEREAS**, the area of the City of Atlanta near the intersection of Tenth Street and Northside Drive is a heavy traffic area that can thrive, in part, by a multiplicity of eating, drinking and shopping options. As such, the interests served in providing an additional option to purchase beer and wine by the package in proximity to this area caters to the convenience and character of the residents and businesses therein; and

**WHEREAS**, it is the opinion of the neighborhood and the Atlanta City Council that the interests served in providing an additional option to purchase beer and/or wine by the package in proximity to this area caters to the convenience and character of the residents and businesses therein; and

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

**WHEREAS**, it would be in the best interest of the City of Atlanta to create an exemption from the current distance requirements in order to further promote the live, work and play area where this property is located.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1:** That the establishment/property located at 630 Tenth Street, NW, is hereby exempted from all distance requirements, regulations and restrictions pertaining to package stores, imposed pursuant to Section 10-88.1 of the Code of Ordinances of the City of Atlanta, Georgia.





**SECTION 2:** That Chapter 10, Article II, Section 10-92(b) of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended to add a new subsection (XX) which shall provide as follows:

(XX) For the convenience store and gas pumps establishment/property located, or to be located, at 630 Tenth Street, NW, and situated on all that tract or parcel of land lying in and being in the City of Atlanta, Land Lots 149 and 50 of the 17<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:

A PARCEL OF LAND SITUATED IN LAND LOTS 149 and 150, 17th District, Fulton County Georgia, City of Atlanta and being more particularly described as follows:

Begin at a found Railroad Spike marking the intersection of the Easterly Right of Way of Fielder Avenue NW (40' R/W) and the Southerly Right of Way of 10th Street NW (60' R/W); thence run South 89 degrees 17 minutes 21 seconds East along said Southerly Right of Way of 10th Street for a distance of 195.76 to a found Drill Hole marking the intersection of the Southerly Right of Way for 10th Street NW (60' Right of Way) and the Westerly Right of Way of Northside Drive NW (100' Right of Way); thence run South 00 degrees 22 minutes 37 seconds West for along the aforementioned Westerly Right of Way of Northside Drive NW for a distance of 298.91 feet to a found 1/2 inch rebar; thence leaving said Right of Way run North 88 degrees 40 minutes 46 seconds West for a distance of 90.24 feet to a set 5/8 inch capped rebar; thence run South 01 degrees 58 minutes 09 seconds West for a distance of 0.75 feet to a point, said point lying on the Northerly Right of Way of Unimproved 9th Street NW (40' Right of Way); thence run North 89 degrees 17 minutes 16 seconds West along said Right of Way for a distance of 107.70 feet to a set 5/8 inch capped rebar, said point marking the intersection of said Northerly Right of Way of 9th Street NW and the Easterly Right of Way of the aforementioned Fielder Ave. NW (40' Right of Way); thence run North 00 degrees 47 minutes 51 seconds East along said Easterly Right of Way for a distance of 298.70 feet to the POINT OF BEGINNING. Said parcel contains 58,775 Square Feet or 1.349 Acres.

**SECTION 3:** This ordinance shall become effective immediately upon approval.

**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.

A true copy,

Foris Webb III  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED per City Charter Section 2-403

OCT 21, 2019  
OCT 30, 2019