

ORDINANCE NO. 797

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 6, "ALCOHOLIC BEVERAGES," AND FOR ALL OTHER LAWFUL PURPOSES**

WHEREAS, the City of Chamblee is charged with providing for the health, safety, and welfare of the citizens of the City; and

WHEREAS, the city regulates the sale of alcoholic beverages through Chapter 6 of the Chamblee Code; and

WHEREAS, several years ago the city adopted regulations concerning the consumption of alcoholic beverages in art shops and performing arts centers, which are defined in part as being located in certain zoning districts; and

WHEREAS, the city thereafter created a Planned Unit Development (PUD) district, which inadvertently constricted the definitions of art shops and performing arts centers in the alcohol ordinance; and

WHEREAS, the city desires to amend the alcohol ordinance to account for the creation of PUD districts, so that art shops and performing arts facilities will be defined to include establishments that are located in PUD districts; and

WHEREAS, the Mayor and City Council have determined that amending the City's alcoholic beverage ordinance is in the best interest of the public's health, safety, and welfare,

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA that the provisions of Chapter 6, "Alcoholic Beverages," shall be amended as follows:

**PART I**

The provisions of Section 6-1 shall be amended by amending the following definitions, to read as follows:

*Art shop* means a retail business located in the PUD, TOD, VC, or MU-BC zoning districts devoted exclusively to providing art education that is limited to instruction in painting, sculpture, and similar crafts; or to selling and displaying portraits, paintings, sculptures, and similar art work and crafts. An art shop may sell art supplies in addition to providing art education or to offering artwork for sale.

*Performing arts facility* means an establishment that:

- (1) Is located in the PUD, TOD, VC, or MU-BC zoning district;
- (2) Is a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances;


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- (3) Derives less than 33 percent of its total monthly sales from the sale of alcoholic beverages;
- (4) Limits the sale of alcoholic beverages on its premises to less than five hours per day; and
- (5) Does not remain open beyond 12:00 midnight.

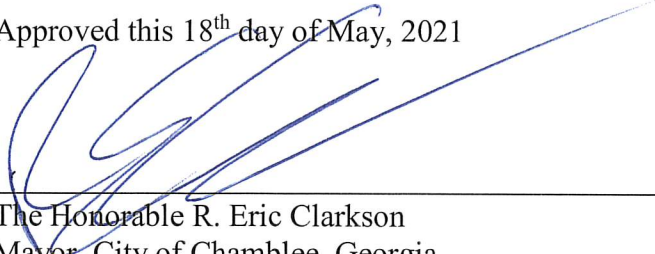
**PART II**

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

The foregoing was proposed by Council member Robson with a motion that the same be adopted. Said motion was seconded by Council member Mesa. Same was then put to a vote and 4 Council members voted in favor of the ordinance, and 0 Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this 18<sup>th</sup> day of May, 2021.

  
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Emmie Niethammer  
City Clerk, City of Chamblee, Georgia

Approved this 18<sup>th</sup> day of May, 2021

  
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The Honorable R. Eric Clarkson  
Mayor, City of Chamblee, Georgia

Approved as to form:   
\_\_\_\_\_  
Joe Fowler, City Attorney

First reading: April 20, 2021

Second reading: May 18, 2021