



ORDINANCE BY COUNCILMEMBERS H. LAMAR WILLIS AND DEBI STARNES AS
SUBSTITUTED AND AMENDED BY CITY COUNCIL

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-211 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ALLOW FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN KENNEY'S ALLEY AND ON CERTAIN DESIGNATED PORTIONS OF UPPER ALABAMA STREET WITHIN UNDERGROUND ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating the sale of alcoholic beverages within its city limits;

WHEREAS, the City of Atlanta currently has in place certain regulations which prohibit the removal of alcoholic beverages beyond a selling establishment's licensed premises; and

WHEREAS, the City of Atlanta currently has in place regulations which prohibit the consumption of alcoholic beverages in the areas within Underground Atlanta known as the "mall facilities," including the area within Underground Atlanta commonly known as "Kenney's Alley" and on the street within Underground Atlanta commonly known as "Upper Alabama Street;" and

WHEREAS, Underground Atlanta has been designated a "special entertainment district" pursuant to state law; and

WHEREAS, state law defines a "special entertainment district" as "contiguous properties upon which is located a festival marketplace and entertainment project which is financed in whole or in part by public funds and which contains a minimum of 200,000 square feet of gross leasable space for retail sales and entertainment purposes and which is located in the central business district; provided however, that more than 50 percent of such contiguous properties must be owned or controlled by the city or some other governmental or quasi governmental entity;"

WHEREAS, the City of Atlanta recognizes that Underground Atlanta is going through the process of revitalization and desires to attract a variety of restaurant and nightclub tenants and to attract a larger number of visitors to Underground Atlanta; and

WHEREAS, the general prohibition regarding the consumption of alcoholic beverages within controlled and secure areas such as Kenney's Alley and certain portions of Upper Alabama Street within Underground Atlanta has hindered Underground Atlanta's ability to attract a variety of restaurant and nightclub tenants; and

WHEREAS, the City of Atlanta desires for Underground Atlanta to be an appealing venue for visitors to the down town area of Atlanta and for potential tenants of Underground