

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES BY RELAXING CERTAIN RESIDENTIAL DISTANCE
REQUIREMENTS**

WHEREAS, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Alcohol Beverages, as set forth in Chapter 4 of the Code of the City of Dunwoody (the “Code”); and

WHEREAS, the provisions of Chapter 4 currently prohibit any package licensed dealers from locating within 200 of a private single-family and two-family dwellings; and

WHEREAS, the Mayor and City Council have determined that in order to provide for economic development in the City, it may be prudent to allow certain exceptions to this distance requirement for package wine and malt beverage dealers.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code, Article IV (Location of Sales), Section 4-99(c), is hereby amended to read as follows:

ADDITIONS = UNDERLINE
DELETIONS = ~~STRIKETHROUGH~~

Sec. 4-99. Distance from Churches, Schools, Etc.

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...

(c) No ~~distilled spirits~~ package license shall be issued for any place of business which is located within 200 yards of a private single-family or two-family dwelling in a zoning district that permits single- and/or two-family dwellings; provided, however, this prohibition shall not apply with respect to a private dwelling located in a zoning district in which alcoholic beverage outlets are authorized and which dwelling is on the same street as the premises for which a package ~~distilled spirits~~ license is applied. A wine and malt beverage package license may be issued for any place of business which is located within 200 yards of a private single-family or two-family dwelling so long as said place of business can show that at least 50% of its annual gross revenue is derived from the sale of food.

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Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this _____ day of _____, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

Brian Anderson, City Attorney