

MEMORANDUM

To: Mayor and Council
From: Paul Leonhardt, Planning & Zoning Manager
Date: June 14, 2021
Subject: Text Amendment
Chapter 4— Entertainment Districts

ITEM DESCRIPTION

This item is a request to incorporate two new entertainment districts to allow open container alcohol consumption. The Ashford Lane Entertainment District covers a current shopping center that is in the process of renovating and repositioning itself as a more contemporary town-center style district. The High Street Entertainment District covers a proposed development of a mixed-use residential/office/retail district.

DISCUSSION

In 2020, the City adopted regulations for the Dunwoody Village Entertainment District, which was subsequently implemented. These regulations allow restaurants within the district to sell alcoholic beverages for consumption in the public realm within the district's boundaries. After the rollout, the City has received inquiries from representatives of the Ashford Lane and High Street developments to create additional entertainment districts.

The proposed amendments provide location descriptions and maps for the proposed districts. The High Street Entertainment District would open in three phases, based on the construction process and opening of the development. Additional proposed regulations clarify that parking garages and construction areas are excluded from the entertainment districts and remove the requirement for open containers to have stickers.

After the May 24 meeting, the staff has continued to work with property owners and businesses on adjusting the boundaries and regulations for the two new entertainment districts. The proposed Ashford Lane Entertainment District boundaries now also incorporate the adjacent AC Hotel and the mixed-use building on Perimeter Center West that includes the Tin Lizzy's restaurant.

For the High Street Entertainment District, the updated ordinance language eliminates one future phase and simplifies the approval process for the future phase.

The proposed language now also continues to include the sticker for outside cups. The staff has implemented outreach measures to increase awareness and compliance amongst participating businesses.

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

ATTACHMENTS

Chapter 4, Sec. 4-142 through Sec. 4-146 - current.
Chapter 4, Sec. 4-142 through Sec. 4-147 - proposed.

AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CITY OF DUNWOODY CODE OF ORDINANCES TO AMEND REGULATIONS FOR ENTERTAINMENT DISTRICTS AND TO DEFINE ADDITIONAL ENTERTAINMENT DISTRICTS

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's Alcohol Beverages Ordinance, Chapter 4, allows for off-premise alcoholic beverage consumption in designated entertainment districts; and

WHEREAS, in order to encourage a more business-friendly environment in the City's entertainment district and foster a more pedestrian-friendly atmosphere, the Mayor and City Council desire to relax the City's restrictions on outdoor consumption of alcohol purchased from a licensed consumption-on-the-premises dealer in the entertainment district; and

WHEREAS, the Mayor and City Council find that, under certain conditions, removing that restriction will foster the welfare of the citizens and be a vibrant addition to licensed establishments in the entertainment district.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter 4 is amended as follows:

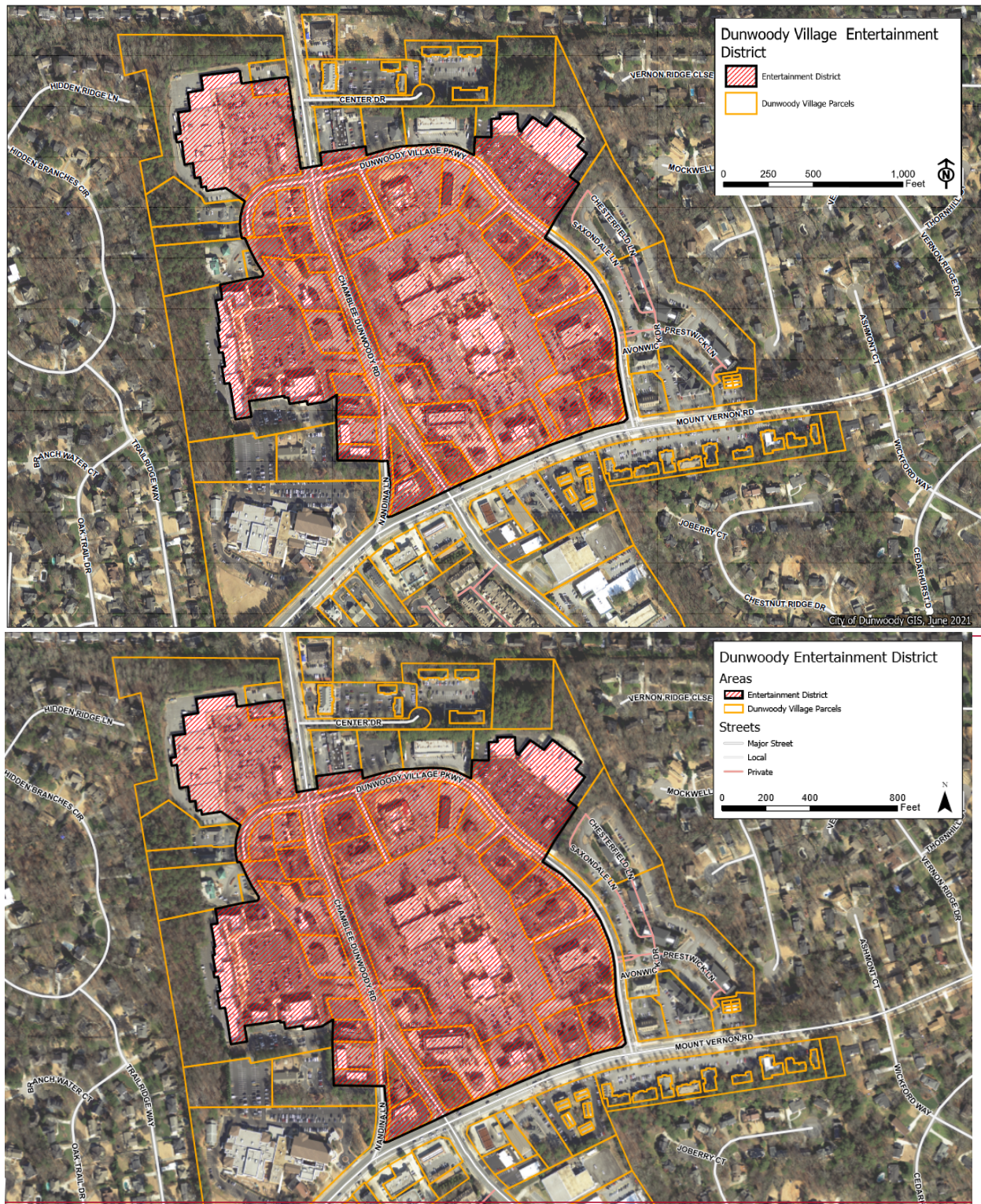
Section I: That Chapter 4 of the City Code is further amended by amending Code Section 4-142, to be entitled "Definition of the entertainment containment districts," to read as follows:

Sec. 4-142. – Definition of ~~thean~~ entertainment ~~containment~~ districts.

For the purposes of this section only, the City's entertainment districts ~~are~~ defined as follows:

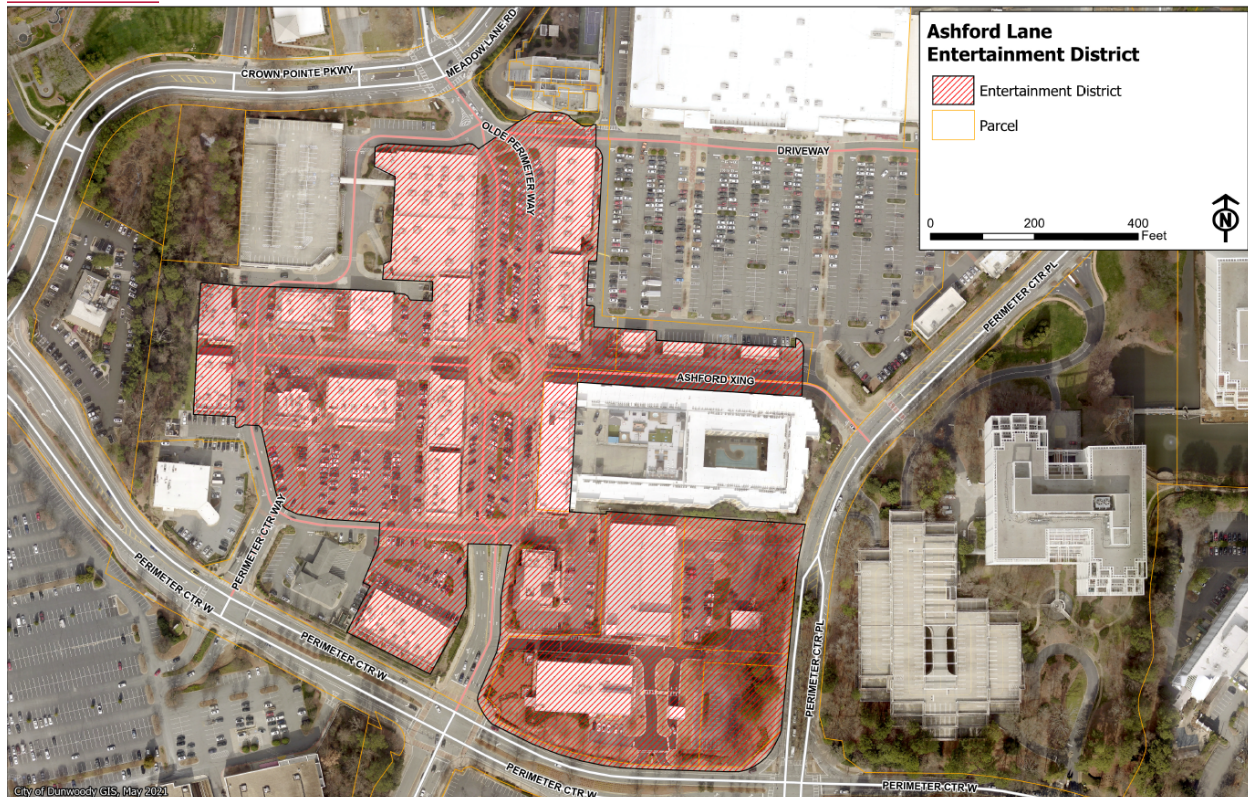
(a) Dunwoody ~~Village~~ Entertainment District:

The area generally bounded by the store frontage of Dunwoody Hall shopping center and The Shops at Dunwoody to the west; Dunwoody Village Parkway to the north and east, and Mount Vernon Road to the south. The district shall also include the parking lots to the east and west of Chamblee Dunwoody Road and any and all public plazas and sidewalks within the boundary. Also, for purposes of this definition, any licensed establishment fronting a street within the described entertainment containment district shall be considered to be located within the defined area.



(b) Ashford Lane Entertainment District

Parts of the area that is the Ashford Lane shopping center. The entertainment district is generally bounded by the rear of the retail buildings along Olde Perimeter Way and Ashford Crossing. On its southwestern side, the entertainment district is bounded by the centerline of the driveway connecting Ashford Crossing and Olde Perimeter Way and the parking area associated with the southern retail building. On its southeastern side, the entertainment district is bounded by the curb line of Olde Perimeter Way, Perimeter Center West, Perimeter Center Place, inclusive of the sidewalks.

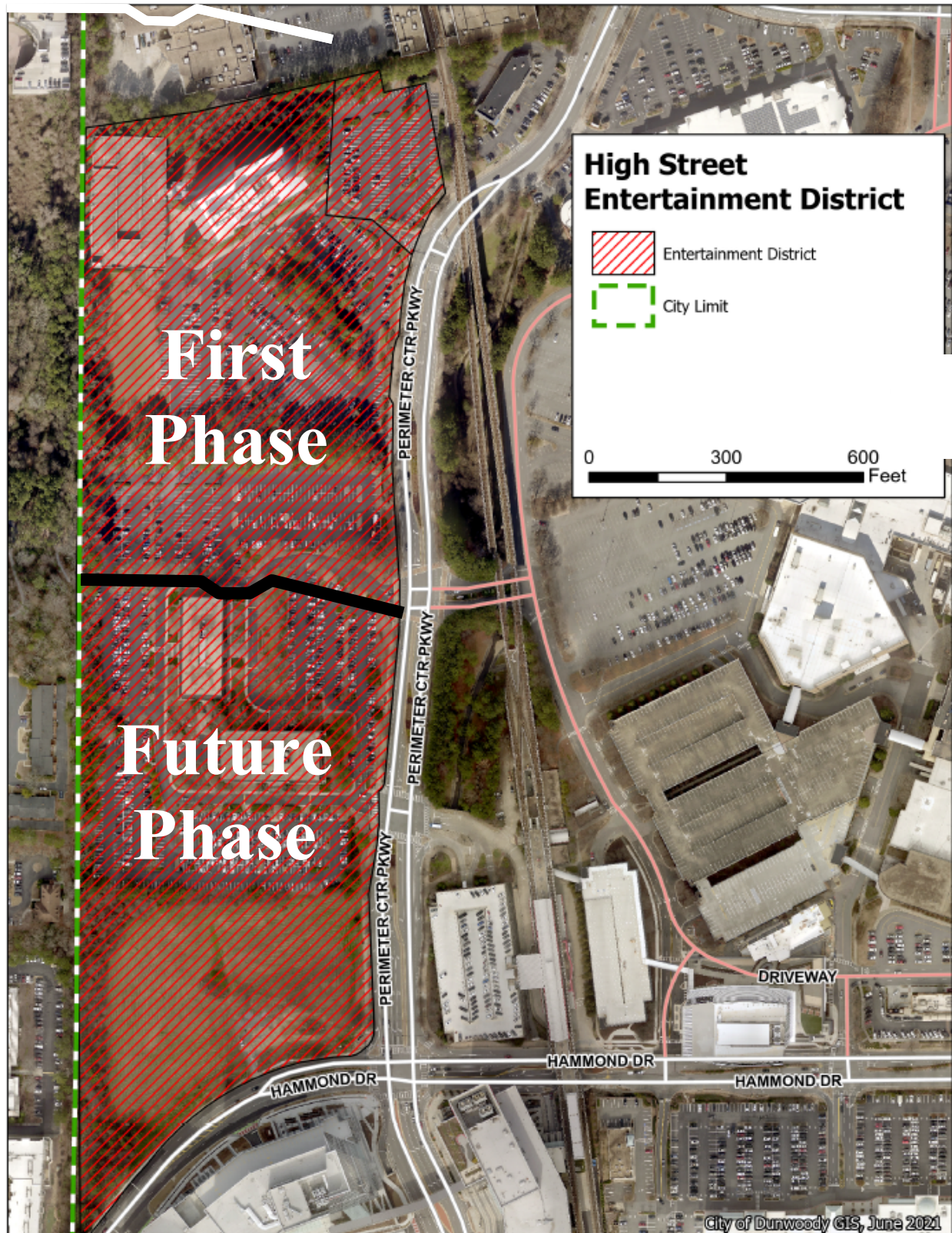


(c) High Street Entertainment District

(1) Area: The High Street Entertainment District includes the proposed High Street development and is bounded by its northernmost property line, the exterior of the right-of-way of Perimeter Center Parkway on the east, the exterior of the right-of-way on Hammond Drive on the south, and the county line on the west.

(1) Activation: The High Street Entertainment District shall remain inactive until the following events occur (see map):

- i. The first phase shall be activated when the central green/event plaza is opened to the public and a certificate of occupancy is issued for a new building on the site.
- ii. The future phase shall be activated when a certificate of occupancy is issued for a new building on the site or a new green space/plaza that is adjacent to the first phase is opened to the public, whichever occurs first.



Section II: That Chapter 4 of the City Code is further amended by adding a new Code Section 4-143, to be entitled "Exceptions to Entertainment Districts" to read as follows:

Sec. 4-143:. – Exceptions to Entertainment Districts

Within an Entertainment District, the regulations in Sec. 4-144 shall not be applicable to:

- (a) Active construction sites
- (b) Parking garages, whether above or below ground

Section III: That Chapter 4 of the City Code is further amended by amending the current code sections Sec. 4-143, Sec. 4-144, Sec. 4-145, and Sec. 4-146 to read as follows:

Sec 4-~~143~~144. – Outside consumption of alcoholic beverages permitted in a duly authorized Entertainment District.

- (a) Container. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the ~~public~~ streets and sidewalks, plazas, in parks and/or any other public place within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic cup for removal from the premises. The clear plastic cup shall be affixed with a sticker or similar as prescribed by the City of Dunwoody designating that it is authorized for outside consumption in the Entertainment District.
- (b) *One (1) drink per person on-street limit.* Within an entertainment district, any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises and/or any manufacturer (excluding distilleries) is authorized to dispense an alcoholic beverage in a ~~paper or plastic cup, or other container that is not a can, bottle, or glass~~ clear plastic cup, for removal from the premises; provided, however, that no person shall remove more than one (1) such alcoholic beverage per person from the licensed premises at a time.
- (c) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from an un/open can, bottle, or glass or to possess ~~any alcoholic beverage~~ in an open can, bottle, or glass on the ~~public~~ streets, sidewalks, plazas, rights-of-way, and parking lots, whether public or private.

- (d) Purchase from licensed premises within the entertainment district. Alcoholic beverages consumed pursuant to this provision must be purchased from licensed premises within the entertainment district.
- (e) Consumption limited to certain areas in entertainment district. No alcoholic beverage purchased pursuant to this provision may be consumed outside the entertainment district or upon any private property within the entertainment district without the consent of the property owner.
- (f) Regulated hours. After midnight, consumption on premises licensees shall discontinue the sale of alcoholic beverages within clear plastic cups and shall not allow alcoholic beverages to be removed from their licensed premises.
- (g) State law. Nothing contained herein shall conflict with state law.

Section VI: That Chapter 4 of the City Code, is further amended by adding a new Code Section 4-144, to be entitled "Signage," to Article V, to read as follows:

Sec. 4-~~144~~145. Signage.

Any establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by 17-inch sign posted at the door within public view whereas patrons exiting the establishment can read the following:

"All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage in the immediate entertainment district and any individual that leaves the permitted area with an alcoholic beverage is in violation of City Code and may be subject to a citation and/or fine."

Section VII: That Chapter 4 of the City Code, is further amended by adding a new Code Section 4-145, to be entitled "No abrogation of other laws," to Article V, to read as follows:

Sec. 4-~~145~~146. No abrogation of other laws.

The provisions of this article shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

Section VIII: That Chapter 4 of the City Code, is further amended by adding a new Code Section 4-146, to be entitled "Ancillary tasting permitted," to Article V, to read as follows:

Sec 4-~~146~~147. Ancillary tasting permitted.

- (a) The holder of a retail sales license shall be eligible for an ancillary tasting license to provide samples of malt beverages, spirits, and/or wine offered for sale to customers under the conditions set forth in this ordinance.
- (b) Tastings shall be on limited occasions either when a customer requests a sample of a malt beverage, spirit, or wine offered for sale within the premises or in conjunction with sampling designed to promote malt beverage or wine appreciation and education.
- (c) Tastings shall not exceed two (2) ounces, and no person shall consume more than eight (8) ounces in any one day on the premises.
- (d) Tastings are permitted on the licensed premises only.
- (e) The annual fee for an ancillary tasting license shall be published in the adopted fee schedule for the City of Dunwoody.

Section IX: That Chapter 4 of the City Code, is further amended as the reserved section numbers to Article V, to read as follows:

Secs. 4-14~~87~~—4-161. - Reserved.

Section X: 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.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2021-XX-XX

SO ORDAINED, this ____ day of _____, 2021.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

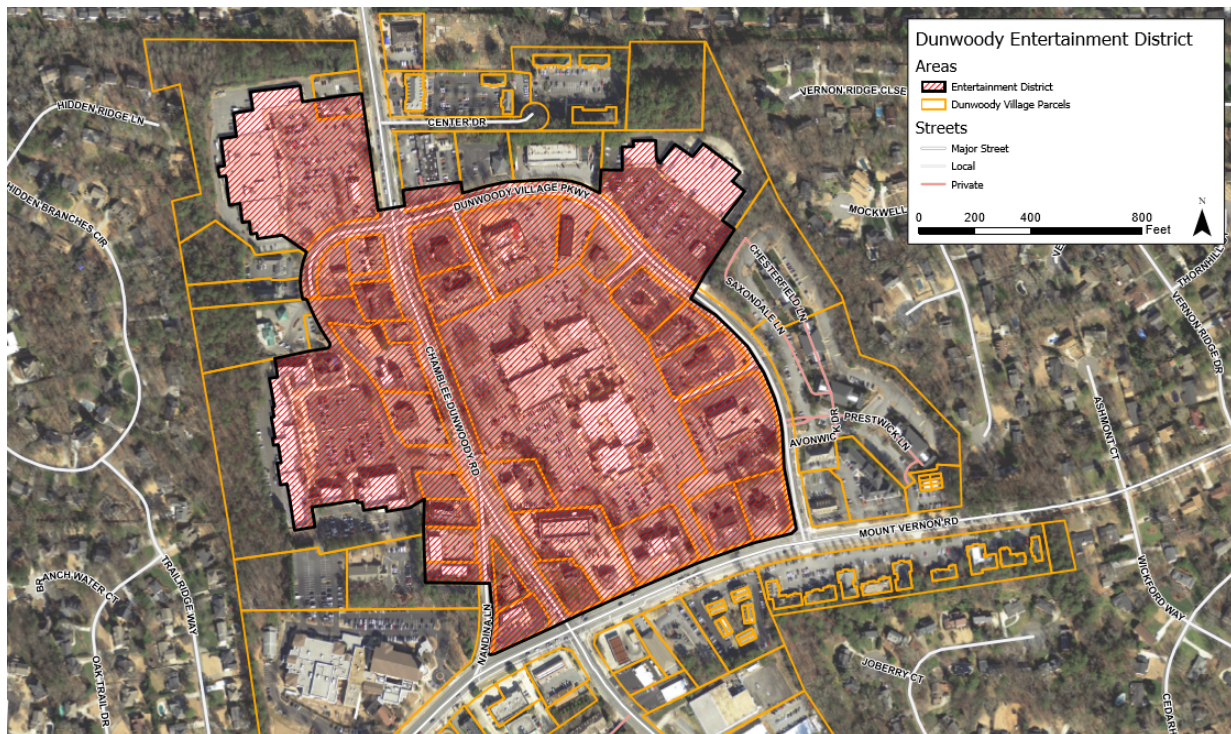
City Attorney

Sec. 4-142. – Definition of an entertainment containment district.

For the purposes of this section only, the City's entertainment district is defined as follows:

Dunwoody Entertainment District:

The area generally bounded by the store frontage of Dunwoody Hall shopping center and The Shops at Dunwoody to the west; Dunwoody Village Parkway to the north and east, and Mount Vernon Road to the south. The district shall also include the parking lots to the east and west of Chamblee Dunwoody Road and any and all public plazas and sidewalks within the boundary. Also, for purposes of this definition, any licensed establishment fronting a street within the described entertainment containment district shall be considered to be located within the defined area.



Sec 4-143. – Outside consumption of alcoholic beverages permitted in a duly authorized Entertainment District.

- (a) Container. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the public streets and sidewalks, plazas, in parks and/or any other public place within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is

authorized to dispense an alcoholic beverage in a clear plastic cup for removal from the premises. The clear plastic cup shall be affixed with a sticker or similar as prescribed by the City of Dunwoody designating that it is authorized for outside consumption in the Entertainment District.

- (b) One (1) drink per person on-street limit. Within an entertainment district, any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises and/or any manufacturer (excluding distilleries) is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container that is not a can, bottle, or glass, for removal from the premises; provided, however, that no person shall remove more than one (1) such alcoholic beverage per person from the licensed premises at a time.
- (c) Drinking from can, bottle, or glass prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from an un/open can, bottle, or glass or to possess in an open can, bottle, or glass on the public streets, sidewalks, plazas, rights-of-way, and parking lots, whether public or private.
- (d) Purchase from licensed premises within the entertainment district. Alcoholic beverages consumed pursuant to this provision must be purchased from licensed premises within the entertainment district.
- (e) Consumption limited to certain areas in entertainment district. No alcoholic beverage purchased pursuant to this provision may be consumed outside the entertainment district or upon any private property without the consent of the property owner.
- (f) Regulated hours. After midnight, consumption on premises licensees shall discontinue the sale of alcoholic beverages within clear plastic cups and shall not allow alcoholic beverages to be removed from their licensed premises.
- (g) State law. Nothing contained herein shall conflict with state law.

Sec. 4-144. Signage.

Any establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by 17-inch sign posted at the door within public view whereas patrons exiting the establishment can read the following:

"All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage in the immediate entertainment district and any individual that leaves the permitted area with an alcoholic beverage is in violation of City Code and may be subject to a citation and/or fine."

Sec. 4-145. No abrogation of other laws.

The provisions of this article shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

Sec 4-146. Ancillary tasting permitted.

- (a) The holder of a retail sales license shall be eligible for an ancillary tasting license to provide samples of malt beverages, spirits, and/or wine offered for sale to customers under the conditions set forth in this ordinance.
- (b) Tastings shall be on limited occasions either when a customer requests a sample of a malt beverage, spirit, or wine offered for sale within the premises or in conjunction with sampling designed to promote malt beverage or wine appreciation and education.
- (c) Tastings shall not exceed two (2) ounces, and no person shall consume more than eight (8) ounces in any one day on the premises.
- (d) Tastings are permitted on the licensed premises only.
- (e) The annual fee for an ancillary tasting license shall be published in the adopted fee schedule for the City of Dunwoody.