6/29/05

COMMITTEE AMENDMENT FORM

Committee: ZONING Page Number _____

Ordinance I.D. # 04-O-1365 Section(s) _____

Resolution I.D. # _____ Paragraph _____

Amendment Number 1:

Amend Section 2, 3 and 4 to keep the term "restaurant " in the RLC zoning district and to add "R-2B" as a zoning district included in amendment to the RLC zoning district, such that the language shall read:

Section 2. That Section 16-09.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in RLC zoning districts which reads as follows:

> (7) Restaurants, in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

is amended to read as follows:

> (7) Restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, which are operated in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

Section 3. That Section 16-09.005(1)(f) of the City of Atlanta Zoning Code concerning uses allowed by special permits in RLC zoning districts which reads as follows:

> (f) Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

is amended to read as follows:

> (f) Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

Section 4. That Section 16-09.0011(10) of the City of Atlanta Zoning Code concerning minimum off street parking in RLC zoning districts which reads as follows:

> (10) *Restaurants:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(10) *Restaurants:* One space for each 100 square feet of floor area. Where a restaurant derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Amendment Number 2:

Amend Section 56 to define eating and drinking establishments and specify that those establishments which serve food and drink but which operate as another use follow the regulations, including the parking regulations, most applicable to that use:

Section 56. That Chapter 16-29.001(5) of the Zoning Code ("Definitions") be amended by codifying as Section 16-29. 005, the following language to take the place of a prior repealed definition:

Section 16-29.001(5) *Eating and drinking establishments* shall mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits. Any establishment that serves food and drink, but which also operates as another use under Chapter 10 of the City Code (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 10 applicable to that use.

COMMITTEE AMENDMENT FORM

Committee ZONING **Page Number(s)** 2

Ordinance I.D.# 04-O-1365 **Section(s)** 1

Resolution I.D.# _____ **Paragraph** (B)

Date 12/1/04

Amendment: ADD WORD "VALID" BEFORE LICENSE ON LINE 5 SUCH THAT THIS LINE SHALL READ "OPERATED AT THAT LOCATION UNLESS THERE HAS BEEN A VALID LICENSE FOR ON PREMISES"

A SUBSTITUTE ORDINANCE BY:
COUNCILMEMBER ANNE FAUVER

04-O-1365

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 16 OF THE CITY OF ATLANTA CODE OF ORDINANCES ("THE ZONING CODE") FOR THE PURPOSE OF MODIFYING THE PARKING REQUIREMENTS ASSOCIATED WITH EATING AND DRINKING ESTABLISHMENTS IN ORDER TO INCREASE THE PARKING REQUIREMENTS FOR THOSE ESTABLISHMENTS LICENSED FOR THE ON THE PREMISES CONSUMPTION OF MALT BEVERAGES, WINE AND/OR DISTILLED SPIRITS WHEN SUCH ESTABLISHMENTS DERIVE MORE THAN 60% OF THEIR INCOME FROM SUCH SALES; AND FOR OTHER PURPOSES.

WHEREAS, the Alcohol Technical Advisory Group was asked to review certain provisions of Chapter 10 of the City of Atlanta Code of Ordinances which regulates the sale of alcoholic beverages and to produce recommendations; and

WHEREAS, the Alcohol Technical Advisory Group has reviewed the ordinances related to parking in establishments which are licensed for the sale of distilled spirits for on premises consumption; and

WHEREAS, the Alcohol Technical Advisory Group has also reviewed the parking requirements which apply to eating and drinking establishments as set forth in the Zoning Code; and

WHEREAS, the Alcohol Technical Advisory Group believes that the two sets of parking requirements can be consolidated without any deleterious effects on the public health, safety and welfare; and

WHEREAS, the Alcohol Technical Advisory Group has found that the regulatory purposes related to these parking requirements can be best served by having most of the parking regulations appear only in the Zoning Code; and

WHEREAS, the Alcohol Technical Advisory Group has presented ordinances which to both the Public Safety and Legal Administration Committee and the Zoning Committee to accomplish this consolidation;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That Section 16-24.006 of the City of Atlanta Zoning Code concerning non-conforming characteristic of use is amended by denoting the present text to be identified as subsection (a) and by adding the following text to become subsection (b) which shall read as follows:

(b) The parking requirements for a business that is to be operated with a license for the consumption of malt beverages, wine and/or distilled spirits, shall not be based on the continuation of non-conforming off street parking arrangements for any eating and drinking establishment that has previously operated at that location unless there has been a license for on-premises consumption of the same type as that under consideration, in operation at that location within the previous twelve months.

Section 2. That Section 16-09.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in RLC zoning districts which reads as follows:

(7) Restaurants, in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

is amended to read as follows:

(7) Restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, which are operated in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

Section 3. That Section 16-09.005(1)(f) of the City of Atlanta Zoning Code concerning uses allowed by special permits in RLC zoning districts which reads as follows:

(f) Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

is amended to read as follows:

(f) Outdoor dining at restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

Section 4. *Text deleted* – No change required to Section 16-09.011(10);

Section 5. *Text deleted* – No change required to Section 16-09.011(11);

Section 6. That Section 16-10.004 of the City of Atlanta Zoning Code concerning accessory uses and structures in O-I zoning districts which reads as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

(1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
(2) Barbershops, beauty shops and similar personal service establishments.
(3) Eating and drinking establishments.
(4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory

(text continues on page 4)

establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

is amended to read as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

(1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
(2) Barbershops, beauty shops and similar personal service establishments.
(3) Eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
(4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

Section 7. That Section 16-11.003(10) of the City of Atlanta Zoning Code concerning principal permitted uses in C-1 zoning districts which reads as follows:

(10) Eating and drinking establishments.

is amended to read as follows:

(10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 8. That Section 16-11.010(11) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

(11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60%

of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 9. That Section 16-011.010(21) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

(21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 10. That Section 16-12.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-2 zoning districts which reads as follows:

(9) Eating and drinking establishments.

Is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 11. That Section 16-12.009(16) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 12. That Section 16-12.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 13. That Section 16-13.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-3 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 14. That Section 16-13.009(15) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 15. That Section 16-13.009(18) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(18) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(18) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 16. That Section 16-14.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-4 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 17. That Section 16-14.009(d) of the City of Atlanta Zoning Code concerning minimum off street parking in C-4 zoning districts which reads as follows:

(d) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(d) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 900 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 18. That Section 16-15.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-5 zoning districts which reads as follows:

(10) Eating and drinking establishments.

is amended to read as follows:

(10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 19. That Section 16-16.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-1 zoning districts which reads as follows:

(7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 20. That Section 16-16.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 21. That Section 16-16.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

> (19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 22. That Section 16-17.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-2 zoning districts which reads as follows:

> (7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

> (7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 23. That Section 16-17.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

> (4) *Eating and drinking establishments, delicatessens, retail sales*: One space for each 100 square feet. Floor area for eating and drinking establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area for eating and drinking

establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 24. That Section 16-17.009(16) of the City of Atlanta Zoning Code concerning off street parking in I-2 zoning districts which reads as follows:

> (16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 25. That Section 16-18A.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-1 zoning district (Central Core District) which reads as follows:

> (8) Eating and drinking establishments, other than those with drive-in facilities.

is amended to read as follows:

> (8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, but not including those with drive-in facilities.

Section 26. That Section 16-18B.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-2 zoning district (North Avenue District) which reads as follows:

> (8) Eating and drinking establishments.

is amended to read as follows:

> (8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 27. That Section 16-18C.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-3 zoning district (Midtown District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 28. That Section 16-18D.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-4 zoning district (Arts Center District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 29. *Text deleted* – No change required to Section 16-18I.003

Section 30. That Section 16-18K.004(1)(b)(4) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Ashby Station District Shopping Subarea which reads as follows:

(4) Eating and drinking establishments.

is amended to read as follows:

(4) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 31. That Sections 16-18K.004(1)(b)(2) 16-18K.004(1)(b)(6) and 16-18K.004(1)(b)(7) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Ashby Station District Shopping Subarea which read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

6. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent

must provide one space per 400 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

are amended to read as follows:

(text continues on page 13)

2. Commercial recreation establishments: One space for each 250 square feet of floor area.

6. Eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 32. That Section 16-18K.004(2)(b)(7) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

(7) Eating and drinking establishments.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 33. That Sections 16-18K.004(2)(k)(2) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

is amended to read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the

existing building footprint where walls have been removed and a permanent roof remains.

Section 34. That Section 16-18M.005(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-13 zoning district (Centennial Olympic Park) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 35. That Section 16-18O.005(7) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

(7) Eating and drinking establishments, subject to further restrictions contained in section 16-18O.029.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18O.029.

Section 36. That Section 16-18O.022 of the City of Atlanta Zoning Code concerning off street parking in SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses and uses allowed in subareas. (See also sections 16-28.013 and 16-28.014):

1. *Off-street surface parking.*
   a. Shall not be located between the principal structure and the street.
   b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use mayuse such facility for shared parking during non-normal business hours by compliance with subsection 7. below.

2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least onestation for every 100

automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *For residential uses maximum permitted.*

a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each bedroom unit of three and above may be provided per dwelling unit.
b. For visitor parking one-third parking space per dwelling unit may be provided.

4. *Single room occupancy residence.* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Prohibited nonresidential parking.* Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-180.029. For nonresidential uses maximum requirements unless otherwise stated:

a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.
b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.
c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
d. Clubs, lodges: One space for each 200 square feet of floor area.
e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.
g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business: No parking requirement.
h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

i. *Public or private elementary or middle school:* Two spaces per each classroom.

ii. *High school:* Four spaces per each classroom.

iii. *Colleges and universities:* Eight spaces per each classroom.

l. For all other nonresidential uses:

i. For subarea 1 in section 16-180.028: One space per each 600 square feet of floor area.

ii. For subareas 2 through 8 in section 16-180.028 and section 16-180.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

7. Variations in parking requirements. The director of the bureau of planning may reduce parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. Additionally, all shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

a. A to-scale map indicating location of all proposed parking spaces;

b. Indicate hours of business operation(s);

c. Written consent of all property owners agreeing to the shared parking arrangement;

d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

8. Park-for-hire surface parking lots are prohibited. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

is amended to read as follows:

1. *Off-street surface parking.*

a. Shall not be located between the principal structure and the street.

b. Shall be accessory to a permitted principal use only, provided that parking spaces serving one principal permitted use may serve another principal permited use by compliance with subsection 7

2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *Residential Uses.*

No parking is required but may be provided up to the maximums specified in this subsection, excluding any increases allowed by shared parking arrangements.

a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each additional bedroom in any unit

b. One visitor parking space may be provided for each three units.

c. Residential parking in excess of the required parking is not allowed unless provided by a shared parking arrangement.

d. Where the total number of spaces required is not a whole number, the next largest whole number shall be the parking requirment,

4. *Single room occupancy residence. Notwithstanding other permissions to the contrary* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Nonresidential uses.* Parking is required at the levels specified in this subsection. No use may exceed the required parking set forth in this section without a variation approved by the director of the bureau of planning.

a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.

b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.

c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.

d. Clubs, lodges: One space for each 200 square feet of floor area.

e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.

f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.

g. *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

h. *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the establishment with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

i. *Public or private elementary or middle school:* Two spaces per each classroom.
ii. *High school:* Four spaces per each classroom.
iii. *Colleges and universities:* Eight spaces per each classroom.

l. For all other nonresidential uses:

i. For subarea 1 in section 16-180.028: One space per each 600 square feet of floor area.

ii. For subareas 2 through 8 in section 16-18O.028 and section 16-18O.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

6. Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-18O.029. All non-residential uses in the residential subareas shall post signs indicating the hours when such spaces may be utilized for residential uses.

7. Variations in parking requirements. The director of the bureau of planning is authorized to reduce the off street surface parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. All shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

a. A to-scale map indicating location of all proposed parking spaces;

b. Indicate hours of business operation(s);

c. Written consent of all property owners agreeing to the shared parking arrangement;

d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

9. Park-for-hire surface parking lots are prohibited.

10. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

Section 37. That Section 16-18P.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-16 zoning district (Midtown District) which reads as follows:

(5) Eating and drinking establishments, subject to further restrictions contained in section 16-18P.007(1)(b).

is amended to read as follows:

(5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18P.007(1)(b).

Section 38. That Sections 16-18P.022(5)(f), 16-18P.022(5)(g), and 16-18P.022(5)(h) of the City of Atlanta Zoning Code concerning off street parking requirements in the SPI-16 zoning district (Midtown District) which reads as follows:

f. Eating and drinking establishments indoor requirements:

i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area;
ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area.

g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.

h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:

i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

are amended to read as follows:

f. Eating and drinking establishments indoor requirements:

i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum of two and one-

half spaces for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area and a maximum of two and one-half spaces for each two and one-half spaces for each 600 square feet of floor area . Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.

h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:

i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each

600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

Section 39. That Section 16-18Q.0021(5)(d) of the City of Atlanta Zoning Code concerning off street parking in the SPI-18 zoning district (Piedmont Avenue District) which reads as follows:

> (d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 40. That Section 16-18Q.0027(1)(a)(ii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10th and Piedmont) which reads as follows:

> (ii) Eating and drinking establishments.

is amended to read as follows:

> (ii) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 41. That Section 16-18Q.0027(2)(a)(iii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10th and Piedmont) which reads as follows:

> (iii) Eating and drinking establishments greater than 2000 square feet of floor area

is amended to read as follows:

(iii) Eating and drinking establishments greater than 2000 square feet of floor area, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 41. That the table following Section 16-18T.005 of the City of Atlanta Zoning Code concerning permitted uses in the SPI-20 zoning district (Greenbriar District) which denotes an entry for "restaurants, bars[11]" be amended to state "eating and drinking establishments[11]" and that the corresponding footnote 11 which states "including coffee shops, delicatessens and taverns" be amended to state "[11]including restaurants, bars, coffee shops, delicatessens and taverns."

Section 42. That Sections 16-18T.022(5)(f) and 16-18T.022(5)(g) of the City of Atlanta Zoning Code concerning off street parking in the SPI-20 Greenbriar District which read as follows:

f. *Eating and drinking establishments with accessory outdoor dining covered with a permanent structure:*

i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area.
ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space.

are amended to read as follows:

f. Eating and drinking establishments

i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the

sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

Section 43. That Section 16-19B.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

(5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 44. That Section 16-19B.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

(3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b),

areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 45. That Section 16-19B.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 46. That Section 16-19C.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

is amended to read as follows:

> (5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

Section 47. That Section 16-19C.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 48. That Section 16-19C.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 49. That Section 16-32.005(7)(k) of the City of Atlanta Zoning Code concerning principal permitted uses in NC zoning districts (Neighborhood-Commercial) which reads as follows:

> (k) Restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

> (k) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 50. That Section 16-32.023(1)(h) of the City of Atlanta Zoning Code concerning minimum off street parking in NC zoning districts (Neighborhood-Commercial) which reads as follows:

which reads as follows:

> (h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:

> (h) Eating and drinking establishments: One space for each 100 square feet of floor are and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

Section 51. That Section 16-33.004(2)(h) of the City of Atlanta Zoning Code concerning principal permitted uses in LW zoning districts (Live-Work) which reads as follows:

> (h) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

> (h) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 52. That Section 16-33.020(4)(e) of the City of Atlanta Zoning Code concerning minimum off street parking in LW zoning districts (Live-Work) which reads as follows:

> (e) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:

(e) Eating and drinking establishments: One space for each 100 square feet of floor are and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

Section 53. That Section 16-34.005(10) of the City of Atlanta Zoning Code concerning principal permitted uses in MRC zoning districts (Mixed Residential Commercial) which reads as follows:

(10) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

(10) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 54. That Section 16-34.021(7)(f), 16-34.021(7)(g) and 16-34.021(7)(h)of the City of Atlanta Zoning Code concerning minimum off street parking in MRC zoning districts (Mixed Residential Commercial) which read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

i. Within MRC-1: One parking space for each 100 square feet of floor area.
ii. Within MRC-2: One parking space for each 300 square feet of floor area.
iii. Within MRC-3: One parking space for each 600 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area:

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

are amended to read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

i. Within MRC-1: One parking space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area.
ii. Within MRC-2: One parking space for each 300 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area
iii. Within MRC-3: One parking space for each 600 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of outdoor dining area.

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

Section 55. That Chapter 28 of the Zoning Code (the "General and Supplementary Regulations") be amended by including the following language to be codified as Section 16-28. 026:

Sec. 16-28.026 Enforcement of parking requirements for eating and drinking establishments that derive more than 60% of their gross income from the sale of malt beverages, wine and/or distilled spirits.

(a) Any eating and drinking establishment having a license for the on-premises consumption of malt beverages, wine and/or distilled spirits at the time of the passage of this ordinance, and which has otherwise satisfied the parking requirements in effect prior to its passage of this ordinance, shall not be required to provide additional parking if it derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits. Where such use is abandoned, any new use at the location shall be required to meet all current parking requirements.

(b) Any eating and drinking establishment beginning operation after the passage of this ordinance providing required parking only for eating and drinking establishments and which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits and which does not provide the increased parking where required by the district zoning regulations shall be given twelve months after the issuance of a correction notice to provide the required parking at the increased level or being granted a special exception to reduce parking before further enforcement action may be taken. Such notice of correction shall be effective as to any persons who may take control or ownership of the establishment after the date that such notice is issued.

(c) The director of the bureau of buildings is authorized to request from the business license applicant of an eating and drinking establishment subject to the increased parking requirement for those establishments which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, permission to access such documentation in the custody and control of the city as is necessary to establish whether the establishment provides the required amount of parking. The refusal to provide such permission shall not be a violation of this ordinance but the director shall find that the establishment is to provide the number of parking spaces for those establishments, which derive more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits.

Section 56. That Chapter 16-29.001(5) of the Zoning Code ("Definitions") be amended by codifying as Section 16-29.001(5) the following language in place of a prior repealed definition:

Restaurant means any public place, without sleeping accommodations, used, maintained, advertised and held out to the public as a place where meals are actually prepared and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and employing therein a sufficient number and kind of employees to prepare, cook and serve meals for its guests. The serving of those meals shall be the principal business conducted, with the serving of malt beverages, wine and distilled spirits allowed on the premises but such service shall only be incidental to meal service and shall not exceed 50% of the gross sales of the restaurant.

Section 57: That this ordinance shall become effective upon approval by the Mayor or by operation of law without such approval.

Z-04-105

AN ORDINANCE BY:
COUNCILMEMBER ANNE FAUVER

04-O-1365

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 16 OF THE CITY OF ATLANTA CODE OF ORDINANCES ("THE ZONING CODE") FOR THE PURPOSE OF MODIFYING THE PARKING REQUIREMENTS ASSOCIATED WITH EATING AND DRINKING ESTABLISHMENTS IN ORDER TO INCREASE THE PARKING REQUIREMENTS FOR THOSE ESTABLISHMENTS LICENSED FOR THE ON THE PREMISES CONSUMPTION OF MALT BEVERAGES, WINE AND/OR DISTILLED SPIRITS WHEN SUCH ESTABLISHMENTS DERIVE MORE THAN 60% OF THEIR INCOME FROM SUCH SALES; AND FOR OTHER PURPOSES.

WHEREAS, the Alcohol Technical Advisory Group was asked to review certain provisions of Chapter 10 of the City of Atlanta Code of Ordinances which regulates the sale of alcoholic beverages and to produce recommendations; and

WHEREAS, the Alcohol Technical Advisory Group has reviewed the ordinances related to parking in establishments which are licensed for the sale of distilled spirits for on premises consumption; and

WHEREAS, the Alcohol Technical Advisory Group has also reviewed the parking requirements which apply to eating and drinking establishments as set forth in the Zoning Code; and

WHEREAS, the Alcohol Technical Advisory Group believes that the two sets of parking requirements can be consolidated without any deleterious effects on the public health, safety and welfare; and

WHEREAS, the Alcohol Technical Advisory Group has found that the regulatory purposes related to these parking requirements can be best served by having most of the parking regulations appear only in the Zoning Code; and

WHEREAS, the Alcohol Technical Advisory Group has presented ordinances to both the Public Safety and Legal Administration Committee and the Zoning Committee to accomplish this consolidation.

NOW THEREFORE THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1. That Section 16-24.006 of the City of Atlanta Zoning Code concerning non-conforming characteristic of use is amended by denoting the present text to be identified as subsection (a) and by adding the following text to become subsection (b) which shall read as follows:

(b) The parking requirements for a business that is to be operated with a license for the consumption of malt beverages, wine and/or distilled spirits, shall not be based on the continuation of non-conforming off street parking arrangements for any eating and drinking establishment that has previously operated at that location unless there has been a license for on-premises consumption of the same type as that under consideration, in operation at that location within the previous twelve months.

Section 2. That Section 16-09.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in RLC zoning districts which reads as follows:

(7) Restaurants, in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, which are operated in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

Section 3. That Section 16-09.005(1)(f) of the City of Atlanta Zoning Code concerning uses allowed by special permits in RLC zoning districts which reads as follows:

(f) Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

is amended to read as follows:

(f) Outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

Section 4. That Section 16-09.0011(10) of the City of Atlanta Zoning Code concerning minimum off street parking in RLC zoning districts which reads as follows:

(10) *Restaurants:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(10) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60%

of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 5. That Section 16-09.011(11) of the City of Atlanta Zoning Code concerning minimum off street parking in RLC zoning districts which reads as follows:

(11) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(11) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 6. That Section 16-10.004 of the City of Atlanta Zoning Code concerning accessory uses and structures in O-I zoning districts which reads as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

(1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
(2) Barbershops, beauty shops and similar personal service establishments.
(3) Eating and drinking establishments.
(4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory

establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

is amended to read as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

(1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
(2) Barbershops, beauty shops and similar personal service establishments.
(3) Eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
(4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

Section 7. That Section 16-11.003(10) of the City of Atlanta Zoning Code concerning principal permitted uses in C-1 zoning districts which reads as follows:

(10) Eating and drinking establishments.

is amended to read as follows:

(10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 8. That Section 16-11.010(11) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

(11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60%

of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 9. That Section 16-011.010(21) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

(21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 10. That Section 16-12.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-2 zoning districts which reads as follows:

(9) Eating and drinking establishments.

Is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 11. That Section 16-12.009(16) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 12. That Section 16-12.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 13. That Section 16-13.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-3 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 14. That Section 16-13.009(15) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 15. That Section 16-13.009(18) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(18) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(18) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 16. That Section 16-14.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-4 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 17. That Section 16-14.009(d) of the City of Atlanta Zoning Code concerning minimum off street parking in C-4 zoning districts which reads as follows:

(d) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(d) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 900 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 18. That Section 16-15.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-5 zoning districts which reads as follows:

(10) Eating and drinking establishments.

is amended to read as follows:

(10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 19. That Section 16-16.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-1 zoning districts which reads as follows:

(7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 20. That Section 16-16.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 21. That Section 16-16.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

> (19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 22. That Section 16-17.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-2 zoning districts which reads as follows:

> (7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

> (7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 23. That Section 16-17.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

> (4) *Eating and drinking establishments, delicatessens, retail sales*: One space for each 100 square feet. Floor area for eating and drinking establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area for eating and drinking

establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 24. That Section 16-17.009(16) of the City of Atlanta Zoning Code concerning off street parking in I-2 zoning districts which reads as follows:

(16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 25. That Section 16-18A.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-1 zoning district (Central Core District) which reads as follows:

(8) Eating and drinking establishments, other than those with drive-in facilities.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, but not including those with drive-in facilities.

Section 26. That Section 16-18B.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-2 zoning district (North Avenue District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 27. That Section 16-18C.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-3 zoning district (Midtown District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 28. That Section 16-18D.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-4 zoning district (Arts Center District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 29. That Section 16-18I.003 of the City of Atlanta Zoning Code concerning minimum off street parking uses in the SPI-9 zoning district (Buckhead Commercial Core District) which reads as follows:

(1) Parking shall be provided based on the requirements of the underlying zoning classification of each property.

(2) Subarea "B": Eating and drinking establishments: One space for each 300 square feet of floor area; accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(1) Parking shall be provided based on the requirements of the underlying zoning classification of each property.

(2) Subarea "B": Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits: One space for each 100 square feet of floor area; Where an eating and drinking establishment derives more than 60% of its gross income

from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

(3) Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 30. That Section 16-18K.004(1)(b)(4) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Ashby Station District Shopping Subarea which reads as follows:

(4) Eating and drinking establishments.

is amended to read as follows:

(4) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 31. That Sections 16-18K.004(1)(b)(2) 16-18K.004(1)(b)(6) and 16-18K.004(1)(b)(7) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Ashby Station District Shopping Subarea which read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

6. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 400 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

are amended to read as follows:

2. Commercial recreation establishments: One space for each 250 square feet of floor area.

6. Eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 32. That Section 16-18K.004(2)(b)(7) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

(7) Eating and drinking establishments.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 33. That Sections 16-18K.004(2)(k)(2) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

is amended to read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the

existing building footprint where walls have been removed and a permanent roof remains.

Section 34. That Section 16-18M.005(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-13 zoning district (Centennial Olympic Park) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 35. That Section 16-18O.005(7) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

(7) Eating and drinking establishments, subject to further restrictions contained in section 16-18O.029.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18O.029.

Section 36. That Section 16-18O.022 of the City of Atlanta Zoning Code concerning off street parking in SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses and uses allowed in subareas. (See also sections 16-28.013 and 16-28.014):

1. *Off-street surface parking.*
   a. Shall not be located between the principal structure and the street.
   b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use mayuse such facility for shared parking during non-normal business hours by compliance with subsection 7. below.

2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least onestation for every 100

automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *For residential uses maximum permitted.*

a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each bedroom unit of three and above may be provided per dwelling unit.
b. For visitor parking one-third parking space per dwelling unit may be provided.

4. *Single room occupancy residence.* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Prohibited nonresidential parking.* Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-180.029. For nonresidential uses maximum requirements unless otherwise stated:

a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.
b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.
c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
d. Clubs, lodges: One space for each 200 square feet of floor area.
e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.
g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business: No parking requirement.
h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

i. *Public or private elementary or middle school:* Two spaces per each classroom.

ii. *High school:* Four spaces per each classroom.

iii. *Colleges and universities:* Eight spaces per each classroom.

l. For all other nonresidential uses:

i. For subarea 1 in section 16-180.028: One space per each 600 square feet of floor area.

ii. For subareas 2 through 8 in section 16-180.028 and section 16-180.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

7. Variations in parking requirements. The director of the bureau of planning may reduce parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. Additionally, all shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

a. A to-scale map indicating location of all proposed parking spaces;

b. Indicate hours of business operation(s);

c. Written consent of all property owners agreeing to the shared parking arrangement;

d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

8. Park-for-hire surface parking lots are prohibited. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

is amended to read as follows:

1. *Off-street surface parking.*

a. Shall not be located between the principal structure and the street.

b. Shall be accessory to a permitted principal use only, provided that parking spaces serving one principal permitted use may serve another principal permited use by compliance with subsection 7

2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *Residential Uses.*

No parking is required but may be provided up to the maximums specified in this subsection, excluding any increases allowed by shared parking arrangements.

a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each additional bedroom in any unit

b. One visitor parking space may be provided for each three units.

c. Residential parking in excess of the required parking is not allowed unless provided by a shared parking arrangement.

d. Where the total number of spaces required is not a whole number, the next largest whole number shall be the parking requirment,

4. *Single room occupancy residence. Notwithstanding other permissions to the contrary* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Nonresidential uses.* Parking is required at the levels specified in this subsection. No use may exceed the required parking set forth in this section without a variation approved by the director of the bureau of planning.

a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.

b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.

c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.

d. Clubs, lodges: One space for each 200 square feet of floor area.

e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.

f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.

g. *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

h. *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the establishment with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

i. *Public or private elementary or middle school:* Two spaces per each classroom.
ii. *High school:* Four spaces per each classroom.
iii. *Colleges and universities:* Eight spaces per each classroom.

l. For all other nonresidential uses:

i. For subarea 1 in section 16-180.028: One space per each 600 square feet of floor area.

ii. For subareas 2 through 8 in section 16-18O.028 and section 16-18O.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

6. Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-18O.029. All non-residential uses in the residential subareas shall post signs indicating the hours when such spaces may be utilized for residential uses.

7. Variations in parking requirements. The director of the bureau of planning is authorized to reduce the off street surface parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. All shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

a. A to-scale map indicating location of all proposed parking spaces;

b. Indicate hours of business operation(s);

c. Written consent of all property owners agreeing to the shared parking arrangement;

d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

9. Park-for-hire surface parking lots are prohibited.

10. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

Section 37. That Section 16-18P.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-16 zoning district (Midtown District) which reads as follows:

(5) Eating and drinking establishments, subject to further restrictions contained in section 16-18P.007(1)(b).

is amended to read as follows:

(5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18P.007(1)(b).

Section 38. That Sections 16-18P.022(5)(f), 16-18P.022(5)(g), and 16-18P.022(5)(h) of the City of Atlanta Zoning Code concerning off street parking requirements in the SPI-16 zoning district (Midtown District) which reads as follows:

f. Eating and drinking establishments indoor requirements:

i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area;
ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area.

g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.

h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:

i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

are amended to read as follows:

f. Eating and drinking establishments indoor requirements:

i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum of two and one-

half spaces for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area and a maximum of two and one-half spaces for each two and one-half spaces for each 600 square feet of floor area . Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.

h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:

i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each

600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

Section 39. That Section 16-18Q.0021(5)(d) of the City of Atlanta Zoning Code concerning off street parking in the SPI-18 zoning district (Piedmont Avenue District) which reads as follows:

(d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 40. That Section 16-18Q.0027(1)(a)(ii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10th and Piedmont) which reads as follows:

(ii) Eating and drinking establishments.

is amended to read as follows:

(ii) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 41. That Section 16-18Q.0027(2)(a)(iii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10th and Piedmont) which reads as follows:

(iii) Eating and drinking establishments greater than 2000 square feet of floor area

is amended to read as follows:

(iii) Eating and drinking establishments greater than 2000 square feet of floor area, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 41. That the table following Section 16-18T.005 of the City of Atlanta Zoning Code concerning permitted uses in the SPI-20 zoning district (Greenbriar District) which denotes an entry for "restaurants, bars[11]" be amended to state "eating and drinking establishments[11]" and that the corresponding footnote 11 which states "including coffee shops, delicatessens and taverns" be amended to state "[11]including restaurants, bars, coffee shops, delicatessens and taverns."

Section 42. That Sections 16-18T.022(5)(f) and 16-18T.022(5)(g) of the City of Atlanta Zoning Code concerning off street parking in the SPI-20 Greenbriar District which read as follows:

f. *Eating and drinking establishments with accessory outdoor dining covered with a permanent structure:*

i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area.
ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space.

are amended to read as follows:

f. Eating and drinking establishments

i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the

sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

Section 43. That Section 16-19B.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

(5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

Section 44. That Section 16-19B.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

(3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b),

areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 45. That Section 16-19B.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 46. That Section 16-19C.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

is amended to read as follows:

> (5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

Section 47. That Section 16-19C.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

> (3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Section 48. That Section 16-19C.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements,: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

> (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

Section 49. That Section 16-32.005(7)(k) of the City of Atlanta Zoning Code concerning principal permitted uses in NC zoning districts (Neighborhood-Commercial) which reads as follows:

> (k) Restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

> (k) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 50. That Section 16-32.023(1)(h) of the City of Atlanta Zoning Code concerning minimum off street parking in NC zoning districts (Neighborhood-Commercial) which reads as follows:

which reads as follows:

> (h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:

> (h) Eating and drinking establishments: One space for each 100 square feet of floor are and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

Section 51. That Section 16-33.004(2)(h) of the City of Atlanta Zoning Code concerning principal permitted uses in LW zoning districts (Live-Work) which reads as follows:

> (h) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

> (h) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 52. That Section 16-33.020(4)(e) of the City of Atlanta Zoning Code concerning minimum off street parking in LW zoning districts (Live-Work) which reads as follows:

> (e) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:

(e) Eating and drinking establishments: One space for each 100 square feet of floor are and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

Section 53. That Section 16-34.005(10) of the City of Atlanta Zoning Code concerning principal permitted uses in MRC zoning districts (Mixed Residential Commercial) which reads as follows:

(10) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

(10) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

Section 54. That Section 16-34.021(7)(f), 16-34.021(7)(g) and 16-34.021(7)(h)of the City of Atlanta Zoning Code concerning minimum off street parking in MRC zoning districts (Mixed Residential Commercial) which read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

i. Within MRC-1: One parking space for each 100 square feet of floor area.
ii. Within MRC-2: One parking space for each 300 square feet of floor area.
iii. Within MRC-3: One parking space for each 600 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area:

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

are amended to read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

i. Within MRC-1: One parking space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area.
ii. Within MRC-2: One parking space for each 300 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area
iii. Within MRC-3: One parking space for each 600 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of outdoor dining area.

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

Section 55. That Chapter 28 of the Zoning Code (the "General and Supplementary Regulations") be amended by including the following language to be codified as Section 16-28. 026:

Sec. 16-28.026 Enforcement of parking requirements for eating and drinking establishments that derive more than 60% of their gross income from the sale of malt beverages, wine and/or distilled spirits.

(a) Any eating and drinking establishment having a license for the on-premises consumption of malt beverages, wine and/or distilled spirits at the time of the passage of this ordinance, and which has otherwise satisfied the parking requirements in effect prior to its passage of this ordinance, shall not be required to provide additional parking if it derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits. Where such use is abandoned, any new use at the location shall be required to meet all current parking requirements.

(b) Any eating and drinking establishment beginning operation after the passage of this ordinance providing required parking only for eating and drinking establishments and which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits and which does not provide the increased parking where required by the district zoning regulations shall be given twelve months after the issuance of a correction notice to provide the required parking at the increased level or being granted a special exception to reduce parking before further enforcement action may be taken. Such notice of correction shall be effective as to any persons who may take control or ownership of the establishment after the date that such notice is issued.

(c) The director of the bureau of buildings is authorized to request from the business license applicant of an eating and drinking establishment subject to the increased parking requirement for those establishments which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, permission to access such documentation in the custody and control of the city as is necessary to establish whether the establishment provides the required amount of parking. The refusal to provide such permission shall not be a violation of this ordinance but the director shall find that the establishment is to provide the number of parking spaces for those establishments, which derive more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits.

Section 56. That Chapter 16-29.001(5) of the Zoning Code ("Definitions") be amended by codifying as Section 16-29. 005 the following language in place of a prior repealed definition:

Section 16-29.001(5) *Eating and drinking establishments* shall mean those establishments whose primary income is derived from the sale of food and drink, including malt beverages, wine and/or distilled spirits. No operation which primarily serves as a nightclub, dancehall, music venue or other use where the service of food and beverages is only an accessory to the main use shall be permitted as an eating and drinking establishment.

Section 57: That this ordinance shall become effective upon approval by the Mayor or by operation of law without such approval.