



41 Perimeter Center East, Suite 250
Dunwoody, Georgia 30346
dunwoodyga.gov | 678.382.6700

MEMORANDUM

To: Mayor and City Council

From: Richard McLeod, Director of Community Development

Date: December 11, 2017

Subject: Discussion of Alcohol Ordinance and Patio Permit

Restaurants are seeking ways to open up in the Village and other places in the City. The former Rise Pizza site has a restaurant that wants to line the front of the property with tables and chairs. The problem is twofold. One, the patio permit that allows restaurants to establish outdoor eating or drinking doesn't allow them to be in the right of way and two, they are required to have a fence or some kind of structure to keep the diners and people drinking beverages separate from the public.

Keeping with the vision of Dunwoody being pedestrian friendly and encouraging people to walk to places where they can enjoy themselves by eating and drinking and bringing the front facades out towards the street leaves no room to fit anything between the front facades and the sidewalk. Therefore, staff proposes to amend the patio permit to change the rules about tables and chairs be on the sidewalk.

For example, we could allow the tables and chairs to be only where the sidewalk is 10-12 feet wide. The tables and chairs could be placed up against the front facades and stick out 4 feet on a 10 foot sidewalk or 5 feet in a 12 foot sidewalk. This would leave 6 feet on the 10 foot sidewalk to 7 feet on the 12 foot sidewalk.

The other reason is the fence or structure is not required by State law as it used to be. John Oxendine, the former State Insurance Commissioner and the State Fire Marshal, overturned the law because it made people have to go from outside the building to inside the building in an emergency. Part 'e' on our patio form says that the structure is required, it must have a means of egress to the outside and it must produce an alarm. Staff proposes to take this portion out and not require any fence, structure, or gate. The fence would further block the sidewalk. In the drawing, it blocks it another 3 feet, making the tables and fenced in area 8 feet of cordoned off area, leaving only 4 feet for the pedestrian to walk.

Denis Shortal Mayor
Eric Linton, ICMA-CM City Manager
Sharon Lowery, CMC City Clerk

Pam Tallmadge City Council Post 1
Jim Riticher City Council Post 2
Doug R. Thompson City Council Post 3

Terry Nall City Council Post 4
Lynn Deutsch City Council Post 5
John Heneghan City Council Post 6

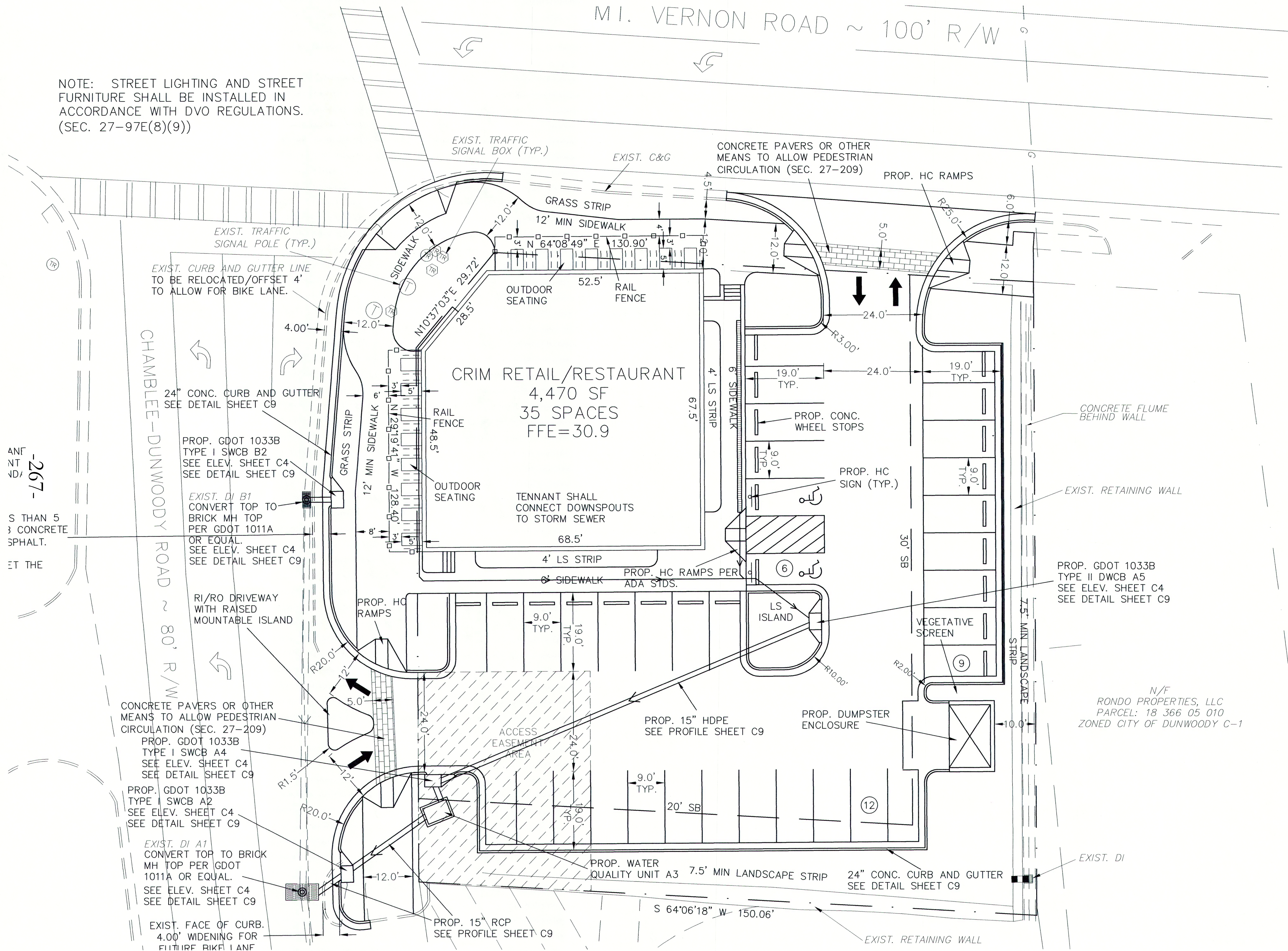


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The City ordinance of Sec. 4-101 says that the city staff shall prepare the appropriate regulations to ensure the safe and orderly operation of these establishments. No approval from the City Council is necessary, but we wanted to check with Mayor and City Council first and get the nod to move forward.

Also, we are going to be bringing back a change to the alcohol ordinance to revise the section on brewpubs which the Georgia Senate Bill 85 passed last year. Specifically, the bill modified the ability to allow the sale of beer and wine to customers to be consumed at home.

NOTE: STREET LIGHTING AND STREET FURNITURE SHALL BE INSTALLED IN ACCORDANCE WITH DVO REGULATIONS. (SEC. 27-97E(8)(9))



Patio Permit Application

Business Information	Business Name:		Account #:
	Address/Location:		Telephone Number:
	Bill To/Mailing Address:		
	City:	State:	Zip:
Contact Information	Ownership Type: () Association () Corporation () Partnership () Single Owner () LLC		
	Applicant's Name:		Owner/Agent's Name (if different):
	Owner/Agent's Address:		
	City:	State/Zip:	Email:

A consumption licensee may sell, serve, or otherwise dispense alcoholic beverages in a patio/open area type environment if approved by the city manager or designee to do so. To be considered for approval the patio/open area shall be directly adjacent and contiguous to the licensed premises and must meet the following requirements:

- A. Has the same address of the licensed premises;
- B. Is owned, leased or managed and exclusively controlled by the retail consumption dealer;
- C. Is not public domain nor is the area only nominally under the exclusive control of the retail consumption dealer;
- D. Is served from the same bar or serving location that permanently services the licensed premises;
- E. Partially enclosed by some structure providing for public ingress/egress through the licensed premises main structure and/or one other opening in the enclosure structure. Where the patio/open area directly exits to a public area, the licensee shall post a sign on the inside of such structure in the following form: "No Alcoholic Beverages beyond this point." Such sign shall be in uniform letters not less than one inch in height.
- F. The only additional exit(s) from the patio/open area, not included in subsection (E), are to be through an approved fire exit, not for general public use unless an emergency exists. The fire exit shall sound an alarm when used.

Nothing Contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas.

I certify that this application complies with all requirements listed above. I am aware that failure to comply with said requirements would result in revocation of the Patio Permit and/or legal action by the City of Dunwoody.

Please return the completed application with your payment of \$50.00.

Signed _____ Date: _____