STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON **Ordinance No. 2019-036**

AN ORDINANCE REVISING PROVISIONS OF THE CITY'S ZONING CODE TO PROVIDE ADDITIONAL REGULATIONS FOR SERVICE STATIONS AND CONVENIENCE STORES AND FOR OTHER LAWFUL PURPOSES

(Sponsored by Councilperson Jackson)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof ("City Council");

WHEREAS, the City has been vested with the power and authority to regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace and the general welfare of the City;

WHEREAS, the City Council wish to revise provisions applicable to regulation of gasoline service stations and convenience stores, and to clarify definitions related thereto;

WHEREAS, prior to adoption of this Ordinance, the City Council conducted a properly-advertised public hearing in accordance with the provisions of the Georgia Zoning Procedures Act; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: Appendix B ("Zoning Resolution") of the Code of the City of South Fulton is hereby amended by revising Article III ("Definitions"), Section 3.3.3 ("C") to revise the definition of "convenience store" to read as follows:

Sec. 3.3.3. C

. . . .

Convenience Store. A store, whose building floor area does not exceed 20,000 square feet, that carries a limited variety of groceries, household goods, and personal care items, including sales of motor fuels and accessories. May also include prepared and cooked foods.

Section 2: Appendix B ("Zoning Resolution") of the Code of the City of South Fulton is hereby further amended by revising Article III ("Definitions"), Section 3.3.7 ("G") to add a definition of "gas station" to read as follows:

Sec. 3.3.7. G

. . . .

Gas Station. An establishment where motor vehicle fuel is sold to retail customers. A gas station may be part of a parcel containing a combination of convenience store and/or fast food restaurant located inside one structure on the parcel.

. . . .

Section 3: Appendix B ("Zoning Resolution") of the Code of the City of South Fulton is hereby further amended by revising Article X ("Industrial District Regulations"), Section 10.1 ("M-1A Industrial Park District"), subsection 10.1.1 ("M-1A District Scope and Intent") to read as follows:

Sec. 10.1. M-1A Industrial Park District.

10.1.1. *M-1A District Scope and Intent.* Regulations set forth in this Section are the M-1A Industrial Park District regulations. Article XIX should be consulted to determine uses allowed by administrative permits or use permits. The M-1A District is intended to provide land areas for the development of industrial parks which meet the needs for manufacturing, fabricating, processing, warehousing, distributing, research, office and related uses in an attractive environment. Only parcels that are immediately along Fulton Industrial Boulevard may include service stations, gas stations, and/or convenience stores as permitted uses within the M-1A Industrial Park District.

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Section 14. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this

Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

The foregoing Ordinance No. 2019-036 was moved for approval by Councilmember Jackson. The motion was seconded by Councilmember Gumbs, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor		
Mark Baker, Mayor Pro Tem	√	
Catherine Foster Rowell	√	
Carmalitha Lizandra Gumbs	√	
Helen Zenobia Willis	√	
Gertrude Naeema Gilyard		
Rosie Jackson	√	
khalid kamau	√	

THIS ORDINANCE so adopted this 10th day of December 2019.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

COREY E. ADAMS, SR., DEPUTY CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY