

AN ORDINANCE TO AMEND THE CITY OF DACULA CODE OF ORDINANCES TO PROVIDE REGULATIONS RELATED TO CONVENIENCE STORE AND GAS STATION ESTABLISHMENTS AND FOR OTHER PURPOSES.

WHEREAS, the City Code provides certain regulations for oversight over businesses operating as Convenience Stores and Gas Stations; and

WHEREAS, the uses identified herein have significant impacts on the well-being of neighboring property owners and the health, safety and welfare of the citizens of the City; and

WHEREAS, an adequate number of the establishments defined herein currently exist within the City and are adequate to serve the needs of citizens of the City; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the City Code to make provision for further reasonable regulations to protect public health and safety;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the City Code be amended as follows:

SECTION 1.

Chapter 12, Article XX, Free Standing Convenience Stores and Free Standing Gas Stations, Section 12-700 Number of Free Standing Convenience Stores and Free Standing Gas Stations Permitted is created and adopted as follows:

Section 12-700 Number of Free Standing Convenience Stores and Free Standing Gas Stations Permitted.

- (1) For purposes of this Ordinance, the terms utilized herein shall have the following meanings:

Free Standing Gas Station shall mean a retail store that meets the definition of a Convenience Store, and that is also licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sells liquefied petroleum gas which stands alone or with a Convenience Store. This term does not include Drugstores, Food Marts, Grocery Stores, Warehouse Clubs, Small Box Discount Stores, Specialty Stores, or Convenience Stores that are not licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sell liquefied petroleum gas.

Free Standing Convenience Store shall mean a retail store that provides assorted, inexpensive items for neighborhood residents or travelers, such as processed shelf-stable or refrigerated food and drink items; fountain and brewed drinks; handheld prepared food items; automotive items; tobacco products; family planning products; lottery products; gifts; over-the-counter medications; or similar items. Stores are typically designed for expediency—with customers typically buying few items per transaction and spending only a short time in the store. Retail floor space is typically less than 10,000 square feet. This term does not include Grocery Stores, Box Discount Stores, Specialty Stores, or Drugstores.

- (2) Number of Free Standing Convenience Stores and Free Standing Gas Stations permitted:
 - (a) At no time shall the number of licenses issued by the City permitting the retail stand-alone Convenience Stores and Free Standing Gas Stations facilities within the City limits exceed the number found as a result of dividing the total population of the City, as found in the most recent population estimates published by the United States Bureau of the Census, by the whole number 1,500.
 - (b) If the number resulting from the division required by subsection (a) of this section is a number other than a whole number (for example 1.75) then said number will be adjusted downward to the next whole number where it will remain until the population increases to such an extent which would cause said number to equal or exceed the next higher whole number. Notwithstanding the foregoing, the number of licenses permitted by this section shall never be less than nine (9).
 - (c) The language contained in subsections (a) and (b) of this section can be expressed in the mathematical formula, as follows: $Y \div 1,000 = X$. "Y" is the total population (as defined in subsection (a) of this section) of the City. "X" is the total number of licenses that can be issued (this number, if not whole, is adjusted downward in accordance with subsection (b) of this section).

SECTION 2.

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 3.

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 4

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of September, 2024.

AYES: ____

NAYES: ____

HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

BRITTNI NIX,
CITY ADMINISTRATOR