

An ordinance to amend article 3 and article 4 of the Unified Land Development Code of Rome and Floyd County, Georgia (The “ULDC”) for the purpose of placing restrictions on the development and operation of convenience gas stations and convenience stores for the purpose of promoting economic growth in areas where businesses can best thrive without placing an unnecessary burden on incompatible existing land uses and development, to promote the beautification of our commercial corridors; to repeal conflicting ordinances; and for other purposes.

To amend the Retail Sales portion of Table 3-2 of article 3 of the ULDC to remove the category for “automobile service station”.

554	Automobile Service Station			○			◆	◆		4.1.2	c
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To amend the Retail Sales portion of Table 3-2, found in Article 3, of the Unified Land Development Code (ULDC) to make “Convenience Gas Station” allowed by right with limitations in the Community Commercial (C-C), and Heavy Commercial (H-C), districts. To not allow convenience gas stations in the Light Industrial (L-I) and Heavy Industrial (H-I) districts. To further amend the chart to add “4.1.34” in the “See Also” column to reference the newly created limitations found immediately below.

PRINCIPLE USES		N-O-C ¹⁸	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
554	Convenience Gas Station			◆			◆			4.1.34	c

4.1.34. Convenience Gas Station

Purpose and intent: This ordinance will ensure that convenience gas stations, retail dealers of gasoline, E85 ethanol, and diesel fuel only develop where stores can have access to roads with the highest traffic counts which benefits stores and drivers, while also being around other autocentric retail operations that are more likely to have a symbiotic relationship with convenience gas stations.

This ordinance will prohibit convenience gas stations in family, civic, and pedestrian-oriented gathering places, such as schools, daycare centers, churches or places of worship, parks, given the many adult products/services typically offered in convenience stores, including alcohol, tobacco/tobacco smoking devices, lottery tickets, and adult magazines and videos. Convenience gas stations also present a danger to children and pedestrians through the vehicular traffic generated.

This ordinance will prohibit the development or operation of convenience gas stations in the urbanized downtown areas like the C-B-C and U-M-U districts that are intended to be more pedestrian-oriented.

This ordinance will prohibit convenience stores near in-patient drug/alcohol treatment centers where clients are seeking help for addiction.

This ordinance will prohibit the development or operation of convenience gas stations on the periphery of residential areas because of their typical nighttime and weekend hours of operation, propensity for light pollution associated with late night operations and vehicular traffic, noise pollution associated with vehicular traffic, and air pollution associated with vehicular traffic.

This ordinance will prohibit the development or operation of convenience gas stations within the local historic districts, all of which were developed prior to the mass production of automobiles, except the College Heights local district, which is an almost exclusively residential district with a couple of professional offices, personal services, and light retail operations.

This ordinance will prohibit the development or operation of convenience gas stations in environmentally sensitive areas, such as adjacent to rivers, within floodplains, and near government wells.

1. To address the concerns listed above, the following conditions must be met:
 - a. Convenience gas stations must be located on lots or parcels that have frontage on a road that is classified by the Georgia Department of Transportation (GDOT) as an arterial road (major or minor) and have direct vehicular ingress and egress onto a road classified as an arterial road (major or minor).
 - i. This subsection may be waived if the proposed convenience gas station is developed within a planned multi-business commercial retail development which cumulatively includes more than 100,000 square feet of retail space, not including the proposed convenience gas station. Said developments being commonly referred to as shopping centers, malls, etc.
 - b. Convenience gas stations shall not be located within 600 feet of schools, daycare centers, churches or places of worship, drug/alcohol treatment centers, public parks, or the public right-of-way associated with the ECO Greenway Trail.
 - i. This buffer shall be measured in a straight-line distance from the nearest point of the main building or gas canopy of the convenience gas station to the nearest lot or parcel boundary of any school, commercial day care facility, church or place of worship, alcohol treatment facility, daycare center, public park, or the public right-of-way containing the ECO Greenway Trail.
 1. Exceptions.
 - a. The 600-foot buffer required by this subsection may be reduced to 300 feet, measured in the same manner, if the

proposed convenience gas station is developed within a planned multi-business commercial retail development which cumulatively includes more than 100,000 square feet of retail space, not including the proposed gas station. Said developments being commonly referred to as shopping centers, malls, etc.

- ii. The term “school” shall include public or private early learning centers, elementary schools, middle schools, high schools and college or university campuses. The term “school” shall mean any instructional premises including, but not limited to, main school buildings, auditoriums, gymnasiums, shops, laboratories, temporary mobile classrooms, outdoor classrooms, and recreational facilities, such as playgrounds, ball fields, and similarly used areas. The term “school” shall not include private tutoring services, private driving schools, or personal enrichment schools.
 - iii. The term “daycare center” shall be defined as a daycare facility that enrolls for pay, supervision, and non-medical care, 19 or more children or elderly adults with no overnight stays.
 - iv. The terms “church or place of worship” is defined as “a religious organization operated for worship, religious trainings or study, including convents, monasteries, shrines, and temples”. For the purposes of this code section, church or place of worship shall include any lot or parcel owned by the church or place of worship and developed for use by members. This code section shall not apply to undeveloped lots or parcels.
 - v. The term “drug/alcohol treatment center” shall be defined as in-patient facilities for the treatment of drug/alcohol addiction, where patients will reside for 30 sequential calendar days or longer.
 - vi. The term “public park” shall be defined as any lot or parcel managed by Rome/Floyd Parks & Recreation, the City of Rome, Floyd County, or the State of Georgia and used for recreational purposes.
- c. Convenience gas stations shall be located a minimum of 1,000 feet from any/all other convenience gas stations as measured in a straight-line distance from the boundaries of the lots or parcels developed as convenience gas stations or proposed to be developed as convenience gas stations.
- i. Exception.
 - 1. The 1,000 foot buffer required by this subsection may be reduced to 300 feet, measured in the same manner, if the convenience gas station is located on a lot or parcel that has frontage on two or more intersecting roads that are both classified by GDOT as arterial roads (major or minor), thus allowing for multiple gas stations at the intersection of arterial roads.

- d. Convenience gas stations shall be located no less than three hundred (300) feet from a lot or parcel developed as a detached single-family dwelling or whose zoning allows for use as a detached single-family dwelling. This buffer requirement will be measured in a straight-line distance from the nearest point of the main building of the convenience gas station or its fuel canopy to the lot or parcel boundary being used as a detached single-family dwelling, or whose zoning allows for use as a detached single-family dwelling.
 - e. Convenience gas stations shall not be developed or operated within any of the five locally designated historic districts, being identified as the Between the Rivers District, Oakdene, Old East Rome, Avenue A, and College Heights, given that all the locally designated historic districts except one were developed prior to the mass production of automobiles. The one exception being College Heights, a residential neighborhood constructed with automobiles in mind, thus making a gas station inappropriate here as well.
 - f. Convenience gas stations shall not be developed or operated where the gasoline or diesel underground storage tanks, or gas pumps are located within five hundred (500) feet of a public right-of-way associated with a river, as measured in a straight-line distance.
 - g. Convenience gas stations shall not be developed or operated within the 100-year floodplain.
 - h. Convenience gas stations shall not be developed or operated within 500 linear feet of a government operated well used for public drinking water. This buffer will be measured from the nearest point of the main building, gasoline or diesel underground storage tanks, or fuel canopy to the nearest lot or parcel owned by a local government water department and used as a well.
2. The following design restrictions shall apply to newly constructed convenience gas stations and those engaged in renovations that exceed the nonconforming development code section found in Article 1.4.3(b): Nonconforming Structures. **This subsection shall only be applicable to development with the City of Rome.**
- a. Exterior Façade Materials
 - i. Primary materials – Two of more of the following materials shall be used for a combined total of 60% of the exterior façade (not including the required windows found in the fenestration requirement below): brick, stone or cast stone (granite, limestone, or high-quality precast), high-quality masonry units (architectural concrete block with smooth or split-faced finish) – not standard concrete masonry units (CMU), wood (treated hardwood), or fiber cement siding. Gas canopy support columns shall be finished brick, stone, or other material used on the primary building.
 - ii. Accent materials – The following materials shall not account for more than 40% of the exterior façade (not including the required windows

found in the fenestration requirement below): stucco (traditional of EIFS), metal panels (modern, powder-coated or treated finishes), or decorative tile or terra cotta.

- b. Fenestration – building facades that face a public road shall include transparent windows and/or doors across a minimum of 50% of the horizontal length, measured between two and ten feet above finished grade. This requirement can be reduced to 25% for south-facing facades if alternative treatments such as wall art, recessed panels, or vertical landscaping are used to visually break up the facade and prevent blank walls.
 - i. No more than 33% of windows may be obstructed.
 - ii. Windows, doors and other building features shall not be adorned, encircled, or framed with light-emitting diode (LED) lighting.

To amend the Retail Sales portion of Table 3-2 of the Unified Land Development Code (ULDC) to make “Convenience Store (no gas)” allowed by right with limitations in the Community Commercial (C-C), and Heavy Commercial (H-C), districts. To further amend the chart to add “4.1.35” in the “See Also” column to reference the newly created limitations found immediately below.

PRINCIPLE USES		N-O-C ¹⁶	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
	Convenience Store (no gas sales)			◆			◆			4.1.35	c

4.1.35. Convenience Store (no gas sales)

Purpose and intent: This ordinance will ensure that convenience stores will be conveniently located along arterial roads characterized by high visibility because of high vehicular traffic counts and away from areas where its products and hours of operation may cause adverse effects for neighboring development and uses.

This ordinance will prohibit convenience stores in single-family residential areas due to their late-night and weekend hours of operation and high pedestrian foot traffic and vehicular traffic counts, which results in increased litter, light and noise pollution and excessive traffic which are inconducive to residential areas.

This ordinance will prohibit convenience stores near civic and family-oriented gathering places, such as schools, daycare centers, churches or places of worship, parks, given the many adult products/services typically offered in convenience stores, including alcohol, tobacco/tobacco smoking devices, lottery tickets, and adult magazines and videos.

This ordinance will prohibit convenience stores near in-patient drug/alcohol treatment centers where clients are seeking help for addiction.

Definition.

For the purposes of this article, a convenience store is defined as a direct-to-consumer retail storefront whose inventory primarily consists of food or drink products for immediate consumption off-premises, including but not limited to caffeinated beverages (bottled, canned, or fountain drinks), ready-to-drink coffee, candy, potato chips, jerky, etc., as well as beer and/or wine, tobacco and vape products and paraphernalia, single-serve over-the-counter medications, and lottery tickets. These products being sold primarily for a single customer’s immediate needs as opposed to shopping for groceries for a family unit. These establishments are also frequently characterized by late-night hours of operation for quick and convenient purposes. They also generally occupy a smaller store footprint than markets

and supermarkets, typically less than 5,000 square feet of retail space, and include few, if any products that require food preparation or cooking.

1. To address the concerns listed above, the following conditions must be met:
 - a. Convenience stores must be located on lots or parcels that have frontage on a road that is classified by the Georgia Department of Transportation (GDOT) as an arterial road (major or minor) and have direct vehicular ingress and egress onto a road classified as an arterial road (major or minor).
 - i. This subsection may be waived if the proposed convenience gas station is developed within a planned multi-business commercial retail development which cumulatively includes more than 50,000 square feet of retail space, not including the proposed convenience gas station. Said developments being commonly referred to as shopping centers, malls, etc.
 - b. Convenience stores shall not be located within six hundred (600) feet of schools, daycare centers, churches or place of worship, drug/alcohol treatment centers, or public parks.
 - i. This buffer shall be measured in a straight-line distance from the nearest point of the main building of the convenience store to the nearest lot or parcel boundary of any school, commercial day care facility, church or place of worship, alcohol treatment facility, daycare center, public park, or the public right-of-way containing the ECO Greenway Trail.
 - ii. The term “school” shall include public or private early learning centers, elementary schools, middle schools, high schools and college or university campuses. The term “school” shall mean any instructional premises including, but not limited to, main school buildings, auditoriums, gymnasiums, shops, laboratories, temporary mobile classrooms, outdoor classrooms, and recreational facilities, such as playgrounds, ball fields, and similarly used areas. The term “school” shall not include private tutoring services, private driving schools, or personal enrichment schools.
 - iii. The term “daycare center” shall be defined as a daycare facility that enrolls for pay, supervision, and non-medical care, 19 or more children or elderly adults with no overnight stays.
 - iv. The terms “church or place of worship” is defined as “a religious organization operated for worship, religious trainings or study, including convents, monasteries, shrines, and temples”. For the purposes of this code section, church or place of worship shall include any lot or parcel owned by the church or place of worship and developed for use by members. This code section shall not apply to undeveloped lots or parcels.
 - v. The term “drug/alcohol treatment center” shall be defined as in-patient facilities for the treatment of drug/alcohol addiction, where patients will reside for 30 sequential calendar days or longer.

- vi. The term “public park” shall be defined as any lot or parcel managed by Rome/Floyd Parks & Recreation, the City of Rome, Floyd County, or the State of Georgia and used for recreational purposes.
 - vii. The 600-foot buffer required by this subsection may be reduced to 300 feet if the proposed convenience store is developed within a planned multi-business commercial retail development which cumulatively includes more than 50,000 square feet of retail space, not including the proposed gas station. Said developments being commonly referred to as shopping centers, malls, etc.
- c. Convenience stores shall be located a minimum of one thousand (1,000) feet from any/all other convenience stores and/or convenience gas stations as measured in a straight-line distance from the boundaries of the lots or parcels developed as convenience gas stations or convenience stores.
 - d. Convenience stores shall be located no less than three hundred (300) feet from a lot or parcel developed as a detached single-family dwelling or whose zoning allows for use as a detached single-family dwelling. This buffer requirement will be measured in a straight-line distance from the nearest point of the main building of the convenience gas station to the lot or parcel boundary being used as a detached single-family dwelling, or whose zoning allows for use as a detached single-family dwelling.
2. The following design restrictions shall apply to newly constructed convenience stores and those engaged in renovations that exceed the nonconforming development code section found in Article 1.4.3(b): Nonconforming Structures. **This subsection shall only be applicable to development with the City of Rome.**
- c. Exterior Façade Materials
 - i. Primary materials - Two of the following materials shall be used for a combined total of 60% of the exterior façade (not including the required windows found in the fenestration requirement below): brick, stone or cast stone (granite, limestone, or high-quality precast), high-quality masonry units (architectural concrete block with smooth or split-faced finish) – not standard concrete masonry units (CMU), wood (treated hardwood), fiber cement siding.
 - ii. Accent materials – The following materials shall not account for more than 40% of the exterior façade: stucco (traditional or EIFS), metal panels (modern, powder-coated or treated finishes), or decorative tile or terra cotta.
 - d. Fenestration – building facades that face a public road shall include transparent windows and/or doors across a minimum of 50% of the horizontal length, measured between two and ten feet above finished grade. This requirement can be reduced to 25% for south-facing facades if alternative treatments such as wall

art, recessed panels, or vertical landscaping are used to visually break up the facade and prevent blank walls.

- i. No more than 33% of windows may be obstructed.
- ii. Windows, doors and other building features shall not be adorned, encircled, or framed with light-emitting diode (LED) lighting.