

AN ORDINANCE BY COUNCILMEMBERS JOYCE M. SHEPERD, CLETA WINSLOW, AND CARLA SMITH EXTENDING THE MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATION FOR SPECIAL ADMINISTRATIVE PERMIT OR BUILDING PERMIT FOR WHICH A SPECIAL ADMINISTRATIVE PERMIT HAS NOT BEEN APPLIED FOR, INCLUDING LAND DISTURBANCE PERMITS, FOR PARCELS ZONED C-1, C- 2, C-3, C-4. C-5, I-1, AND I-2 FRONTING ALONG UNIVERSITY AVENUE, PRYOR ROAD, METROPOLITAN AVENUE, JONESBORO ROAD, SYLVAN ROAD, CAMPBELLTON ROAD, MORELAND AVENUE, CONSTITUTION AVENUE, LAKEWOOD AVENUE, HANK AARON AVENUE AND LEE STREET FOR PROPOSED SERVICE STATIONS WITHIN 1,500 FEET OF AN EXISTING OR PERMITTED SERVICE STATION FOR A PERIOD NOT TO EXCEED 60 DAYS; AND FOR OTHER PURPOSES.

WHEREAS, there has been a proliferation of gas stations, categorized as "service stations" in the City of Atlanta Zoning Ordinance, along University Avenue, Pryor Road, Metropolitan Parkway, Cleveland Avenue, Jonesboro Road, Campbellton Road, and Lee Street; and

WHEREAS, the Atlanta City Council desires to develop regulations to address the concentration of service stations in these areas and to promote a diversity of land uses along these corridors; and

WHEREAS, the Atlanta City Council finds that requiring a distance requirement between service stations will not negatively impact the intent of the C-1, C-2, C-3, C-4, C-5, I-1, or I-2 districts; and

WHEREAS, the City Council previously imposed interim development controls limiting the construction of new service stations along University Avenue, Pryor Road, Metropolitan Parkway, Cleveland Avenue, Jonesboro Road, Sylvan Road, Campbellton Road, and Lee Street; and

WHEREAS, pursuant to Ordinance 18-0-1623 the City imposed a one-hundred twenty (120) day moratorium which is due to expire on February 12, 2019 preventing the acceptance of any application for special administrative permit, land disturbance permit, or building permit for any proposed new construction of service stations within 1,500 feet of an existing or permitted service station within parcels zoned C-1, C-2, C-3, C-4, C-5, I-1, and I-2 fronting along University Avenue, Pryor Road, Metropolitan Avenue, Jonesboro Road, Sylvan Road, Campbellton Road, and Lee Street; and

WHEREAS, it is necessary to impose up to an additional Sixty (60) day moratorium, consistent with the proposed amendment to maintain the status quo while the zoning process is completed; and

WHEREAS, service stations within 1,500 feet of an existing or permitted service station would negatively affect the public health, safety and general welfare and frustrate the zoning process; and

WHEREAS, moratoria are a well-recognized and court-sanctioned land use tool in furtherance of local planning and zoning powers by preserving the status quo while the governing authority formulates a more permanent development strategy. Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302 (2002); City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); and

WHEREAS, the enhancement of the aesthetic appeal of a community is a proper exercise of police power. Stone v. Maitland, 446 F.2d 83 (5th Cir. 1971); Standard Oil Co. v. City of Tallahassee, 183 F.2d 410 (5th Cir. 1950).

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. The moratorium adopted pursuant to 18-0-1623 and set to expire close of business on February 12, 2019 is extended for up to sixty (60) days from such expiration date. All Other terms of the moratorium adopted pursuant to 18-0-1623 shall remain in full force and effect.

Section 2. The extension period shall begin immediately upon the adoption of this ordinance by the Atlanta City Council and expire sixty (60) days thereafter. Notwithstanding the foregoing, if there is a final vote of the City Council on any proposed amendment to the Zoning Code before the expiration of the sixty (60) days, the moratorium will expire on the date when such proposed amendment becomes effective or on the date when the City Council votes to deny the proposed amendment.

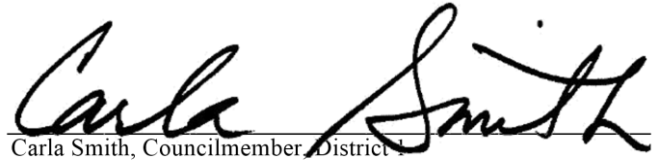
CITY COUNCIL
ATLANTA, GEORGIA

19-O-1042

SPONSOR SIGNATURES



Clete Winslow, Councilmember, District 4



Carla Smith, Councilmember, District 4

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Workflow List:

Clerk of Council	Completed	01/23/2019 10:15 AM
Atlanta City Council	Completed	01/22/2019 1:00 PM
Zoning Committee	Pending	01/30/2019 9:30 AM
Atlanta City Council	Pending	02/04/2019 1:00 PM
Mayor's Office	Pending	

RESULT: REFERRED WITHOUT OBJECTION

<input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW	
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	