RESOLUTION

A RESOLUTION DECLARING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS RELATING TO THE ESTABLISHMENT OR EXPANSION OF SMALL BOX DISCOUNT STORES.

WHEREAS, the Governing Authority of DeKalb County from time to time reviews its ordinances to ensure that its laws preserve the quality of life for citizens while imposing limited and effective regulations on certain commercial uses that impact quality of life; and

WHEREAS, on December 17, 2019, the Governing Authority of DeKalb County approved a Resolution imposing a moratorium ("Moratorium") on applications related to the establishment or expansion of currently existing small box discount stores to study the effects of small box discount stores on the health, safety, and welfare of the County’s residents and businesses, and to consider appropriate action to address those effects; and

WHEREAS, the December 17, 2019 Resolution indicated that the Moratorium will expire at 11:59 p.m. on January 31, 2020, unless shortened or extended by official action of the Governing Authority of DeKalb County; and

WHEREAS, the Governing Authority of DeKalb County intends by this Resolution to extend the Moratorium for a period of one hundred eighty (180) days to continue to study the effects of small box discount stores on the health, safety, and welfare of the County’s residents and businesses, and to consider appropriate action to address those effects; and

WHEREAS, by enactment of this Resolution the Governing Authority of DeKalb County does not intend to disturb the operation of any small box discount store that is operating lawfully on the date of adoption of this moratorium.
NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE
GOVERning AUTHORITY OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:

1. The moratorium imposed herein incorporates the findings and statements set forth in
the preceding "Whereas" clauses and such clauses are made a part of this Resolution.

2. For the purposes of this Resolution, “small box discount store” means a retail store
that is 16,000 square feet or less in size, which offers for sale a variety of convenience
shopping goods and continuously offers the majority of the items in their inventory
for sale at a price lower than traditional retail stores. Small box discount store does
not include stores that contain a pharmacy, sell gasoline or diesel fuel, or primarily
sell specialty food items (i.e. meats, seafood, cheese, or oils and vinegars).

3. The Moratorium on the acceptance of any applications or the granting of any licenses
or permits relating to the establishment of new small box discount stores or the
expansion of currently existing small box discount stores, including any applications
for alcohol licenses for such establishments, in unincorporated DeKalb County, which
is set to expire at 11:59 p.m. on January 31, 2020, shall be extended for a period of
one hundred eighty (180) days.

4. This Moratorium extension shall expire at 11:59 p.m. on July 29, 2020, unless
shortened or extended by official of the Governing Authority of DeKalb County.

5. The Planning and Sustainability Department and the Law Department shall continue
to study the effects of small box discount stores on the health, safety, and welfare of
the County’s residents and businesses.

6. Nothing in this Resolution shall prevent the continued operation of any small box
discount store that is operating lawfully as of the date of enactment of this
moratorium.

7. If any section, subsection, sentence, clause, phrase or other portion of this Resolution,
or its application to any person, entity or circumstance, is held by a court of
competent jurisdiction to be unconstitutional or invalid, the remainder of the
Resolution, or application of the provision to other persons, entities or circumstances,
shall not be affected.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of
________________, 2020.

________________________________________
STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia
APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of
________________, 2020.

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MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

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BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

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ANDREW BAKER
Director of Planning and Sustainability

APPROVED AS TO FORM:

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VIVIANE H. ERNSTES
County Attorney