

RESOLUTION

**A RESOLUTION EXTENDING A MORATORIUM
ON THE ACCEPTANCE OF APPLICATIONS FOR, AND THE ISSUANCE OF,
SPECIAL LAND USE PERMITS
PERTAINING TO THE ESTABLISHMENT OR EXPANSION OF ALCOHOL
OUTLETS, AUTOMOBILE GAS STATIONS, AUTOMOBILE REPAIR AND
MAINTENANCE SHOPS, AUTOMOBILE SERVICE STATIONS, CHECK CASHING
ESTABLISHMENTS, CONVENIENCE STORES, DRIVE-THROUGH RESTAURANTS,
AND PAWN SHOPS IN COMMERCIAL ZONING DISTRICTS IN DEKALB COUNTY,
GEORGIA, AND FOR OTHER PURPOSES.**

WHEREAS, on January 26, 2016, the Governing Authority of DeKalb County enacted a moratorium on the filing of certain Special Land Use Permit (SLUP) applications while the County is undertaking revisions to the Code of DeKalb County, as Revised 1988 (the "Code") with a view to establishing a revised regulatory scheme for SLUP applications for certain proposed uses in commercial zoning districts; and

WHEREAS, the Moratorium adopted on January 26, 2016, has been extended and currently is set to expire at 5:00 p.m. on May 23, 2017; and

WHEREAS, the Governing Authority of DeKalb County intends to allow staff further time to finish review of its current 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 issues; and

WHEREAS, the Governing Authority of DeKalb County intends to allow staff time to complete revisions to the Code designed to protect the health, safety, and welfare of the County's residents and businesses; and

WHEREAS, the Governing Authority of DeKalb County must take immediate and responsive action to protect the interests of DeKalb County, and it is in the best interests of the health, safety and welfare of the citizens of DeKalb County that no new applications for special

land use permits for alcohol outlets, automobile gas stations, automobile repair and maintenance shops, automobile service stations, check cashing establishments, convenience stores, drive-through restaurants and pawn shops to be located in commercial zoning districts, as defined in the Code, and hereinafter referred to as "SLUPS," be accepted in unincorporated DeKalb County until 5:00 p.m. on July 27, 2017;

WHEREAS, the Governing Authority of DeKalb County must take immediate and responsive action to protect the interests of DeKalb County, and it is in the best interests of the health, safety and welfare of the citizens of DeKalb County that no new SLUPs for alcohol outlets, automobile gas stations, automobile repair and maintenance shops, automobile service stations, check cashing establishments, convenience stores, drive-through restaurants or pawn shops in a commercial zoning district shall be issued in unincorporated DeKalb County until 5:00 p.m. on July 27, 2017; and

WHEREAS, the Governing Authority of DeKalb County specifically allowed applications which were properly filed before January 26, 2016, before this moratorium was initially accepted to be processed and such applications are being processed in the normal course of business;

WHEREAS, SLUP applications may still be considered, deferred, decided, granted, denied or otherwise acted upon, for the establishment or expansion of alcohol outlets, automobile gas stations, automobile repair and maintenance shops, automobile service stations, check cashing establishments, convenience stores, drive-through restaurants or pawn shops in a commercial zoning district in unincorporated DeKalb County if validly and properly submitted to the department of planning on or before January 26, 2016; and

WHEREAS, by enactment of this extension of this moratorium the Governing Authority of DeKalb County does not intend to disturb the operation of any business located in unincorporated DeKalb County that possesses a valid SLUP and was operating 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 moratorium.
2. Except as allowed in paragraph 4 below, for a period beginning from the date of adoption of this Resolution until 5:00 p.m. on July 27, 2017, notwithstanding any provision of the Code to the contrary, there shall be a complete moratorium on the acceptance of any SLUP application relating to the establishment or expansion of alcohol outlets, automobile gas stations, automobile repair and maintenance shops, automobile service stations, check cashing establishments, convenience stores, drive-through restaurants or pawn shops in a commercial zoning district in unincorporated DeKalb County.
3. Except as allowed in paragraph 4 below, for a period beginning on the date of adoption of this Resolution and ending at 5:00 p.m. on July 27, 2017, notwithstanding any provision of the Code to the contrary, no SLUP permit shall be issued and no SLUP application shall be granted or denied for the establishment or expansion of alcohol outlets, automobile gas stations, automobile repair and maintenance shops, automobile service stations, check cashing establishments, convenience stores, drive-through restaurants or pawn shops in a commercial zoning district in unincorporated DeKalb County.
4. This Moratorium has no effect whatsoever on those valid and proper SLUP applications filed on or before January 26, 2016 and those applications may be considered, deferred, decided, granted or denied for the establishment or expansion of alcohol outlets, automobile gas stations, automobile repair and maintenance shops, automobile service stations, check cashing establishments, convenience stores, drive-through restaurants or pawn shops in a commercial zoning district in unincorporated DeKalb County.
5. The moratorium shall expire at 5:00 p.m. on July 27, 2017, and be of no force and effect, unless shortened or extended by official action of the Governing Authority of DeKalb County.

6. Nothing in this Resolution shall prevent the continued operation of any business operating under a validly issued SLUP 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 _____, 2017.

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Interim Chief Executive Officer of DeKalb County, this ____ day of _____, 2017.

MICHAEL THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

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

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

ANDREW BAKER
Director of Planning

VIVIANE H. ERNSTES
Deputy County Attorney