



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2019-0129

Substitute

1/28/2020

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT: Small Box Discount Store Moratorium Extension

Commission District(s): All

Information Contact: Andrew Baker, Director of Planning & Sustainability

Phone Number: 404-687-7154

PURPOSE:

To extend the moratorium on the acceptance, issuance or denial of applications for the establishment or expansion of small box discount stores for a period of one hundred eighty (180) days.

NEED/IMPACT:

To allow the Commissioners to continue to study the effects of small box discount stores and consider revisions to DeKalb County ordinances with respect to these establishments as more fully described in the attached resolution.

FISCAL IMPACT:

None.

RECOMMENDATION:

To approve the attached resolution.

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

January 28, 2020

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2020.

MICHAEL L. 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:

ANDREW BAKER
Director of Planning and Sustainability

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney