



DeKalb County Government

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

Agenda Item

File ID: 2019 - 4779

Walk-On Item

December 10, 2019

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT: Small Box Discount Store Moratorium

Commission District(s): All

Information Contact: Andrew Baker, Director of Planning & Sustainability

Phone Number: 404-687-7154

PURPOSE: To enact a 45 day moratorium on the acceptance, issuance or denial of applications for the establishment or expansion of small box discount stores.

NEED/IMPACT:

To allow the Commissioners 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 defer the attached resolution to the next commission meeting.

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, during the next forty five (45) days, the Governing Authority of DeKalb County intends to study the effects of small box discount stores on the health, safety, and welfare of the County's residents and businesses; and

WHEREAS, during the next forty five (45) days, the Governing Authority of DeKalb County intends to consider 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 applications be accepted in unincorporated DeKalb County for a period of forty five (45) days if such applications relate 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.

WHEREAS, by enactment of this moratorium the Governing Authority of DeKalb County Governing Authority 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. For a period of forty five (45) days from the date of adoption of this Resolution, notwithstanding any provision of the Code to the contrary, there shall be a complete moratorium on the acceptance of any applications 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.
4. For a period of forty five (45) days from the date of adoption of this Resolution, notwithstanding any provision of the Code to the contrary, no licenses or permits shall be granted or denied concerning the establishment of new small box discount stores or the expansion of currently existing small box discount stores, including alcohol licenses for such establishments, in unincorporated DeKalb County.
5. This moratorium shall expire at 11:59 p.m. on January 31, 2020, unless shortened or extended by official action of the Governing Authority of DeKalb County.
6. The Planning and Sustainability Department and the Law Department shall commission a study of the effects of small box discount stores on the health, safety, and welfare of the County's residents and businesses.
7. 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.
8. 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 _____, 2019.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2019.

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