STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2020 – 38

A RESOLUTION EXTENDING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS RELATING TO THE ESTABLISHMENT OR EXPANSION OF SMALL BOX DISCOUNT STORES; TO DEFINE SMALL BOX DISCOUNT STORES; TO SET AN EXPIRATION DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Board of Commissioners 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, the Clayton County Board of Commissioners held a public hearing on March 3, 2020, for the purposes of hearing comments from citizens concerning the impact of small box discount stores on the citizens of the County; and

WHEREAS, the Clayton County Board of Commissioners intends to incorporate the information obtained during the public hearing in studying 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 one hundred eighty forty five (180) days, the Clayton County Board of Commissioners intends to consider revisions to the Code of Clayton County, Georgia ("the Code") designed to protect the health, safety, and welfare of the County's residents and businesses; and

WHEREAS, the Clayton County Board of Commissioners intends to take immediate and responsive action to protect the interests of Clayton County, and it is in the best interests of the health, safety and welfare of the citizens of Clayton County that no applications be accepted in unincorporated Clayton County for a period of one hundred eighty (180) 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 Clayton County Board of Commissioners 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 BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 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.

Section 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).

Section 3. For a period of one hundred eighty (180) days from the date of adoption of this Resolution, notwithstanding any provision of the Code of Clayton County, Georgia ("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 Clayton County.

Section 4. For a period of one hundred eighty forty five (180) 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 Clayton County.

Section 5. This moratorium shall expire at 11:59 p.m. on August 30, 2020, unless shortened or extended by official action of the Clayton County Board of Commissioners.

Section 6. The Community Development and the Staff Attorney departments 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.

Section 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.

Section 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.

Section 9. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 3 day of March, 2020.

{Signatures on the following page}

CLAYTON COUNTY BOARD OF COMMISSIONERS

JEFFREY E. TURNER, CHAIRMAN

DEMONT DAVIS, VICE CHAIRMAN

SONNA GREGORY, COMMISSIONER

GAIL HAMBRICK, COMMISSIONER

FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:

BRENDA B. JAMES, CLERK