

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2021 – 18

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 considered the information obtained during the public hearing and directed the Staff Attorney and Community Development departments to continue studying the effects of small box discount stores on the health, safety, and welfare of the County's residents and businesses; and

WHEREAS, after hearing the information obtained during the public hearing as well as information obtained by the Staff Attorney and Community Development departments considering the effects of small box discount stores on the health, safety and welfare of the County's residents and businesses, the Clayton County Board of Commissioners will initiate 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, in the interim while said revisions are working its way through the zoning amendment process as set forth by State law and County Code, the Clayton County Board of Commissioners must take immediate and responsive action and continue 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 the moratorium on acceptance of applications in unincorporated Clayton County 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, be extended an additional forty-six (46) days; and

WHEREAS, by the continuation 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. 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 until March 16, 2021.

Section 4. 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 until March 16, 2021.

Section 5. This moratorium shall expire at 11:59 p.m. on March 16, 2021, unless shortened or extended by official action of the Clayton County Board of Commissioners.

Section 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.

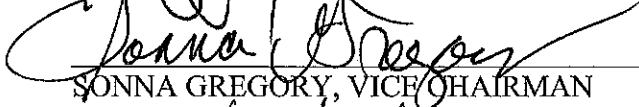
Section 7. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision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

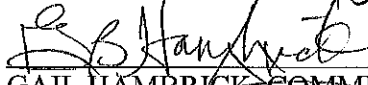
Section 9. This Resolution shall be effective following approval by the Board of Commissioners.

SO RESOLVED, this 19 day of January, 2021.


**CLAYTON COUNTY BOARD OF COMMISSIONERS**

  
JEFFREY E. TURNER, CHAIRMAN

  
SONNA GREGORY, VICE CHAIRMAN

  
GAIL HAMBRICK, COMMISSIONER

  
FELICIA FRANKLIN, COMMISSIONER

  
DEMONT DAVIS, COMMISSIONER

ATTEST:

  
BRENDA B. JAMES, CLERK