

1 **FULTON COUNTY, GEORGIA**

2 **CITY of EAST POINT**

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4 **AN ORDINANCE TO IMPOSE RESTRICTIONS ON ACCEPTANCE OF APPLICATIONS**  
5 **FOR AND THE ISSUANCE OF LAND USE PERMITS OR OCCUPATION TAX**  
6 **CERTIFICATES/ BUSINESS LICENSES PERTAINING TO: SMALL BOX/DISCOUNT**  
7 **RETAIL STORES WITHIN CITY OF EAST POINT**  
8

9 **CASE NO: 2020M-004-07**

10 **ASSOCIATED CASE NO: N/A**

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12 **WHEREAS**, the duly elected governing authority of the City of East Point, Georgia is the Mayor and  
13 Council thereof; and

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15 **WHEREAS**, the governing authority desires to amend the East Point Code of Ordinances Part 10,  
16 Chapter 2 Article A Definitions, Article B General Provisions, Article C Zoning Text, District Classifications and  
17 Boundaries, and Article D Administrative Permits and Use Permits; and

18 **WHEREAS**, the amendments contained herein strengthen the definitions and improve the order of  
19 regulations set forth in Part 10, Chapter 2 Article A, Article B, Article C, and Article D of the East Point Zoning  
20 Code and Development Regulations; and

21 **WHEREAS**, the City has been vested with the power and authority to regulate the practice, conduct or  
22 use of property for the purposes of maintaining health, morals, safety, security , peace and general welfare of the  
23 City; and

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25 **WHEREAS**, Georgia cities are authorized to impose moratorium on zoning decisions , permits and other  
26 development approvals; and

27 **WHEREAS**, City Council seeks to impose restrictions and limitations on the submittal of small box  
28 discount stores through revisions to the Zoning Code and possibly land use map; and

1           **WHEREAS**, The City of East Point seeks to impose a 2 mile distance buffer between small box discount  
2 retail stores; and

3           **WHEREAS**, the City Council finds that the concept of public welfare is inclusive of spiritual, physical, and  
4 aesthetic as well as financial/monetary; and

5           **WHEREAS**, the City Council has no intent to disturb operation of any business within City limits that  
6 possesses a valid land use permit and/or business license/occupation tax certificate and despite imposed  
7 restrictions; and

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9           **NOW BE IT ORDAINED BY THE CITY COUNCIL OF EAST POINT, GEORGIA AS FOLLOWS:**

10 Section 1. That Chapter 2, Article A. Sec. 10-2003 is hereby amended by adding the following new definition:

11           *“Small Box Discount Store. A retail store (a) with floor area less than 12,000 square feet (b) that primarily*  
12 *offers for sale a combination and variety of convenience shopping goods and consumer shopping goods;*  
13 *and (c) continuously offers and advertises a majority of the items in their inventory for sale at a price less*  
14 *than \$10.00 per item. Small Box Discount Store shall not include the following: drug stores or a convenience*  
15 *store attached to or collocated with gas stations.”*

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17 Section 2. The restrictions imposed herein incorporate the findings and statements set forth in the aforementioned  
18 “Whereas” clauses and such clauses are made of this ORDINANCE

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20 Section 3. This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georgia and the  
21 City of East Point.

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23 Section 4. Nothing in this Resolution shall prevent the continued operation of any business operating under a validly  
24 issued land use permit and/or occupation tax certificate/business license as of the date of enactment of this  
25 Resolution.

26 Section 5. (a) It is hereby declared to be the intention of the Mayor and Council that all Sections, paragraphs,  
27 sentences, clauses and phrases of this ORDINANCE are upon, their enactment, believed by the Mayor and Council  
28 to be fully valid, enforceable and constitutional.

1 Section 6.

2 (a) In accordance with the proposed agriculture plan, any new applications for small box discount stores  
3 may only operate if willing to donate a minimum of 10% of parking spaces to local farmers, fresh fruit/vegetable  
4 stands, to increase access to affordable healthy foods. In addition or as substitute of parking space usage for  
5 agriculture, Small Box Stores may allow 10% of floor area of establishment to allocate to famers for the vending of  
6 fresh fruits and vegetables in order to increase access to affordable, healthy foods. If small box stores participate in  
7 aforementioned practice, they are entitled to 50% reduction in distance requirement.

8 (b) Small box stores must arrange for allocation of space to sell fresh fruits and vegetables within 24 months  
9 of receiving a business license or business license will not be eligible for renewal in the upcoming calendar year.

10 (c) It is hereby declared to be the intention of the Mayor and council that, to the greatest extent allowed by  
11 law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every  
12 other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the  
13 intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,  
14 clause or phrase of this ORDINANCE is mutually dependent upon any other section, paragraph, sentence, clause  
15 or phrase of this ORDINANCE.

16 (d) In the event that any phrase, clause, sentence, paragraph, or section of this ORDINANCE shall, for any  
17 reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree  
18 of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity,  
19 unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
20 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the  
21 ORDINANCE and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs  
22 and sections of the ORDINANCE shall remain valid, constitutional, enforceable, and of full force and effect.

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24 Section 5. ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

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26 Section 6. Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at the  
27 time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and  
28 shall remain in full force and effect.

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Section 7. The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.

**Public Hearing:** \_\_\_\_\_

**First Reading:** \_\_\_\_\_

**SO PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**SPONSORED BY:**

\_\_\_\_\_  
**Deana Holiday Ingraham, Mayor**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Brad Bowman, City Attorney**

\_\_\_\_\_  
**Keshia McCullough, City Clerk**