

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR19-487

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF SMALL BOX DISCOUNT STORES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to adopt an ordinance providing for the regulation of small box discount stores; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**Section 1.** That Appendix A to the Zoning Code of the City of Stockbridge, Georgia is hereby amended by adding the following new definition:

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

**Section 2.** That Section 12.02.120 of the Zoning Code of the City of Stockbridge, Georgia is hereby amended by deleting said section in its entirety and replacing it with the following in lieu thereof:

*“12.02.120 – Small Box Discount Stores.*

*To avoid over-concentration, a small box discount store must be separated from another small box discount store within or outside the City by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by a small box discount store to the nearest point on a lot line of the other property occupied by a small box discount store.”*

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 7.** The effective date of this Ordinance shall be the date of its enactment.

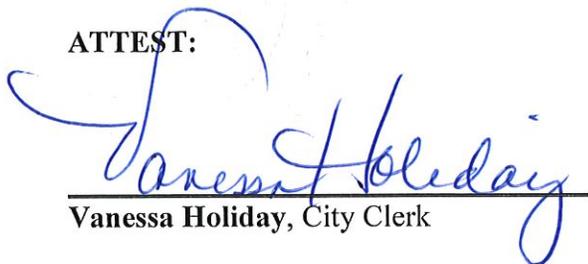
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ORDAINED this 8<sup>th</sup> day of July, 2019.

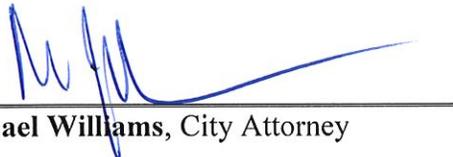
CITY OF STOCKBRIDGE, GEORGIA

  
\_\_\_\_\_  
Anthony S. Ford, Mayor

ATTEST:

  
\_\_\_\_\_  
Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael Williams, City Attorney

Date Presented to Mayor: 7-11-2019

Date Received from Mayor: 7-11-2019