

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability for text amendments to the *Zoning Ordinance*, Chapter 27, Section 9.1.3 (Definitions), Section 4.1.3 (Land Use Table), and Section 4.2 (Supplemental Regulations) of the *DeKalb County Zoning Ordinance* relating to automobile land uses. This text amendment is County-wide.

PETITION NO: D1. TA-21-1244414 2020-1546

PROPOSED USE: Auto Brokers

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Brandon White, Current Planning Manger

PHONE NUMBER: 404-371-2155

PURPOSE:

The proposed text amendments seek to clarify the parameters of an auto broker business and clarify the distinctions between auto brokers and more intense auto related uses. These proposed changes should improve administration of the *Zoning Ordinance* and create a more efficient permitting process for applicants and operators. Given the office nature of the business, Staff also recommends broadening the permissibility of the auto broker use into the Neighborhood Shopping (NS) and Mixed-Use Low Density (MU-1) zoning districts.

RECOMMENDATION:

COMMUNITY COUNCIL: April 2021 - CC-1 No Quorum; CC-2 Approval w/conditions; CC-3 Approval; CC-4 Approval; CC-5 Approval; February 2021: CC-1: Approval of withdrawal; CC-2: No action taken;; CC-3: No action taken; CC-4: No action taken;; CC-5: No action taken.

PLANNING COMMISSION: May 6, 2021 - Pending; Jan. 7, 2021: Two-Cycle Deferral.

PLANNING STAFF: Approval.

STAFF ANALYSIS: The Department has had compliance, enforcement, and interpretation challenges related to automobile brokerage (i.e. auto brokers). An automobile brokerage use is essentially an *office* use. Brokers are currently prohibited from having automobile inventory on the subject property. Over the years, differentiating between auto brokers and auto sales/repair has been challenging around the County. If the broker firm is operating from the same site as an auto repair use, it may sell cars from the site that have been repaired for that purpose. If a broker firm is operating from the same site as an auto sales lot, it is difficult to determine whether the broker is selling cars from the site or keeping inventory on-site. Mixing these uses blurs the lines, encourages violations, and makes it difficult to enforce zoning restrictions.

PLANNING COMMISSION VOTE: May 6, 2021 - Pending; Jan. 7, 2021: Two-Cycle Deferral 8-0-0. J. Johnson moved, P. Womack, Jr. seconded for a Two-Cycle Deferral, to the May 2021 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: April 2021 – CC-1 No Quorum; members present supported the amendment; CC-2 Approval w/conditions 4-0-0. Approval with conditions that the Use Table should not include new zoning districts, that the text continue to include the language that states vehicles are not stored on the same lot as the business office, and that code enforcement act on non-compliant properties;

CC-3 Approval. The Community Council Board understood that the proposed text amendment is intended to correct a problem; **CC-4** Approval 7-4-0; **CC-5 Approval 9-0-1** Approval of the text amendment, with the denial of expansion into NS and M1 zoning districts.; **Feb. 2021 - CC-1:** Approval of Staff's withdrawal 5-0-0; **CC-2:** No action taken; **CC-3:** No action taken; **CC-4:** No action taken; **CC-5:** No action taken.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: May 6, 2021
Board of Commissioners Hearing Date: May 27, 2021

TEXT AMENDMENT ANALYSIS

AGENDA NO.: D1 **ZONING CASE NO.:** TA-21-1244414 **COMMISSION DISTRICTS:**
Countywide

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27, INCLUDING, BUT NOT LIMITED TO SECTION 9.1.3 (DEFINITIONS), SECTION 4.1.3 (LAND USE TABLE), AND SECTION 4.2 (SUPPLEMENTAL REGULATIONS) OF THE *DEKALB COUNTY ZONING ORDINANCE* RELATING TO AUTOMOBILE LAND USES AND FOR OTHER PURPOSES.

REASON FOR REQUEST:

The Department has had compliance, enforcement, and interpretation challenges related to automobile brokerage (i.e. auto brokers). An automobile brokerage use is essentially an *office* use. Brokers are currently prohibited from having automobile inventory on the subject property. Over the years, differentiating between auto brokers and auto sales/repair has been challenging around the County. If the broker firm is operating from the same site as an auto repair use, it may sell cars from the site that have been repaired for that purpose. If a broker firm is operating from the same site as an auto sales lot, it is difficult to determine whether the broker is selling cars from the site or keeping inventory on-site. Mixing these uses blurs the lines, encourages violations, and makes it difficult to enforce zoning restrictions.

Automobile brokerage is defined as:

“[t]he business of providing services for the purchase or leasing of a vehicle, whether non-commercial or commercial and including trailers and R.V.s. The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may find the desired vehicle, negotiate the price or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.”

The proposed text amendments seek to clarify the parameters of an auto broker business and clarify the distinctions between auto brokers and more intense auto related uses. These proposed changes should improve administration of the *Zoning Ordinance* and create a more efficient permitting process for applicants and operators. Given the office nature of the business, Staff also recommends broadening the permissibility of the auto broker use into the Neighborhood Shopping (NS) and Mixed-Use Low Density (MU-1) zoning districts.

Staff Recommendation: Approval.

Sec. 9.1.3 Defined Terms.

Automobile brokerage: The business of providing services for the purchase or leasing of a vehicle, whether non-commercial or commercial (and including trailers and R.V.s)-, which includes, but is not limited to helping clients ~~The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may~~ find the desired vehicle, negotiate the price or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

Sec. 4.1.3. - Use table.

Please note: use table has been modified for ease of discussion and presentation.

KEY:	SA - Special administrative permit from director												
	of planning												
	SP - Special land use permit from BoC (SLUP)												
	P - Permitted use												
	Pa - Permitted as an accessory use												
Use	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Automobile or truck rental or leasing facilities				P	P		P	P					✓
Automobile brokerage	P	P	P	P	P		P		P	P	P	P	✓
Auto recovery, storage							P	P					✓
Automobile repair or maintenance, minor				P	P		P	P					✓
Automobile repair, major					P		P	P					✓
Automobile sales or truck sales				P	P		P	P					✓
General business office	P	P	P	P	P	P			P	P	P	P	

Sec. 4.2.14 Automotive sales and service; boat, trailer sales and service.

- A. *Automobile and truck sales.* Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one (1) acre in area.

B. *Automobile repair, major, and paint shops.* Major automobile repair and paint shops shall meet the following:

1. Upon the minor redevelopment of existing buildings or structures, as defined in section 8.1.16, that also requires a land development permit or building permit, the director or his/her designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
2. Shops shall not be permitted on property located within three hundred (300) feet of any property used for a school, park, playground or hospital.
3. All automobile repair activities must be contained entirely within an enclosed building, unless located in M (Light Industrial) District. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
4. Vehicles awaiting service shall be parked on site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence made of masonry or wood and at least six (6) feet in height.
5. Outdoor displays of merchandise shall be prohibited beyond ten (10) feet from the primary building and shall only be displayed during business hours.
6. Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
7. New facilities must be designed with automobile bays facing away from the primary street frontage.
8. Junk vehicles shall not be stored on the property.
9. All parking located in front of the primary building shall be limited to customers seeking service only and not for storing vehicles overnight waiting to be repaired.
10. No automobile sales or curbside stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
11. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

C. *Automobile repair and maintenance establishments, minor.* Minor automobile repair and maintenance establishments shall meet the following:

1. Upon the minor redevelopment of existing structures or buildings, as defined by section 8.1.16, that also requires a land development permit or building permit, the director or his/her designee may require additional improvements to landscaping, signage, parking lot, sidewalks, or building façades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
2. Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.

3. Vehicles awaiting service shall be parked on site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six (6) feet in height.
 4. Outdoor displays of merchandise shall be prohibited beyond ten (10) feet from the building and shall only be displayed during business hours.
 5. Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
 6. New facilities must be designed with automobile bays facing away from the primary street frontage.
 7. Junk cars shall not be stored on the property.
 8. No automobile sales or curb stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
 9. All parking located in front of the primary building shall be limited to customers seeking service only.
- D. Automobile brokerage. Automobile brokerage establishments must adhere to the following:
1. Brokered vehicles or vehicle inventory must not be stored on-site.
 2. Any legally established auto sales, auto rental, auto storage, or auto repair establishment may include an automobile brokerage as an accessory use. However, in no case shall any new or existing automobile brokerage convert to or include an auto: rental, sales, storage, and/or repair business component without meeting the automobile related requirements of any applicable overlay district and/or Section 4.2.14 along with other development standards.
 3. An automobile brokerage firm shall not be deemed a legal, nonconforming use for a change of use to a proposed auto sales, auto rental, auto storage, or auto repair use.