



**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: July 8, 2021**

**Board of Commissioners Hearing Date: July 29, 2021**

**TEXT AMENDMENT ANALYSIS**

**AGENDA NO.:** D2      **ZONING CASE NO.:** TA-21-1244414      **COMMISSION DISTRICTS:**  
Countywide

**APPLICANT:** Department of Planning & Sustainability

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**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.

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**REASON FOR REQUEST:**

Automobile brokerages have been an administrative challenge for the Department over the years. An automobile brokerage use (i.e. auto broker) is essentially an *office* use.

*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.”

Brokers are currently prohibited from having automobile inventory on the subject property. 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. The proposed text amendments seek to clarify the parameters of an auto broker business and codify existing administrative policy. These proposed changes should improve administration of the *Zoning Ordinance* and create a more efficient permitting process for applicants and operators.

This proposal was presented to the Board of Commissioners on May 27th and to the Planning, Economic Development, and Community Service (PECS) Committee on June 21st. While the Board acknowledged the limited scope of our initial proposal, it has been requested that we take a comprehensive look at auto brokers and auto sales then report back to the PECS Committee on July 27, 2021. No revisions have been made since May.

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**Staff Recommendation:** Full-cycle deferral.



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**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

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**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.

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**REASON FOR REQUEST:**

Automobile brokerages have been an administrative challenge for the Department over the years. An automobile brokerage use (i.e. auto broker) is essentially an *office* use.

*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.”

Brokers are currently prohibited from having automobile inventory on the subject property. 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.

The proposed text amendments seek to clarify the parameters of an auto broker business and codify existing administrative policy. These proposed changes should improve administration of the *Zoning Ordinance* and create a more efficient permitting process for applicants and operators.

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**Staff Recommendation:** Approval.

**Legend**

Text = existing text

Text = proposed text

~~Text~~ = proposed deletion

**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. An automobile brokerage is not a dealership and does not sell or lease vehicles. The brokered vehicles are not stored on the same lot as that on which the business office is located.

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

D. Automobile brokerage. Automobile brokerages shall not:

1. Store brokered vehicles or vehicle inventory on-site;
2. Co-locate with a dealership or other establishment that sells, leases, or repairs automobiles;
3. Convert to an automobile rental, sales, storage, or repair establishment;
4. Be deemed a legal nonconforming use for an automobile rental, sales, storage, or repair establishment.

**AN ORDINANCE**

**AN ORDINANCE TO AMEND  
THE CODE OF DEKALB COUNTY, GEORGIA,  
CHAPTER 27 AND FOR OTHER PURPOSES.**

**WHEREAS**, the Governing Authority recognizes that automobile brokerages provide a valuable service to the public by assisting customers in locating and purchasing or leasing vehicles;

**WHEREAS**, automobile brokerages serve a different purpose than establishments that sell, lease, store, and repair automobiles; and

**WHEREAS**, the Code of DeKalb County must be updated to ensure compliance with regulations concerning automobile brokerages;

**NOW THEREFORE, BE IT ORDAINED** by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 27 of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

**PART I. ENACTMENT**

*By amending sections 27-9.1.3 and 27-4.2.14 as follows:*

**Sec. 9.1.3. Defined Terms.**

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*Automobile brokerage* – The business of providing services for the purchase or leasing of a vehicle, whether non-commercial or commercial, which includes, but is not limited to helping clients 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. An automobile brokerage is not a dealership and does not sell or lease vehicles. The brokered vehicles are not stored on the same lot as that on which the business office is located.

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

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D. *Automobile brokerage.* Automobile brokerages shall not:

1. Store brokered vehicles or vehicle inventory on-site;
2. Co-locate with a dealership or other establishment that sells, leases, or repairs automobiles;
3. Convert to an automobile rental, sales, storage, or repair establishment;
4. Be deemed a legal nonconforming use for an automobile rental, sales, storage, or repair establishment.

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**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 STEPHEN BRADSHAW  
 Presiding Officer  
 Board of Commissioners  
 DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 MICHAEL L. THURMOND  
 Chief Executive Officer  
 DeKalb County, Georgia

**ATTEST:**

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 BARBARA SANDERS-NORWOOD, CCC  
 Clerk to the Board of Commissioners  
 And Chief Executive Officer  
 DeKalb County, Georgia

**APPROVED AS TO FORM:**

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VIVIANE H. ERNSTES  
County Attorney  
DeKalb County, Georgia