

Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): 3, 5, 6 & 7**

**Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 27- 3.33 (I-20 Corridor Compatible Use Overlay District), Section 27-3.33.5. Principal uses and structures, and Section 27-3.33.6. Prohibited uses of the DeKalb County Zoning Ordinance, relating to temporary produce stands. This text amendment affects Commission Districts 3 and 5 and Super Districts 6 and 7.**

**PETITION NO: N8. TA-21-1244999 (2021-2645)**

**PROPOSED USE: Temporary Produce Stands in the I-20 Overlay District**

**LOCATION: I-20 Corridor Compatible Use Overlay District**

**PARCEL NO. : N/A**

**INFO. CONTACT: Jeremy McNeil, Sr. Planner**

**PHONE NUMBER: 404-371-4977**

**PURPOSE:**

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 27- 3.33 (I-20 Corridor Compatible Use Overlay District), Section 27-3.33.5. Principal uses and structures, and Section 27-3.33.6. Prohibited uses of the DeKalb County Zoning Ordinance, relating to temporary produce stands. This text amendment affects Commission Districts 3 and 5 and Super Districts 6 and 7.

**RECOMMENDATION:**

**COMMUNITY COUNCIL: CC-3: Approval with a condition; CC-5: Approval.**

**PLANNING COMMISSION: Pending.**

**PLANNING STAFF: Approval.**

**STAFF ANALYSIS:** The Department has received constant inquiries regarding the use of temporary produce stands on properties throughout unincorporated DeKalb County. Some of those properties were located within the I-20 Corridor Compatible Use Overlay District. Currently, the I-20 Overlay District does not include “temporary produce stands” as a permitted use. The intent of this proposed text amendment is to amend the I-20 Overlay District by adding “temporary produce stand,” subject to administrative approval similar to temporary uses outside of the overlay district. This proposal received a favorable review by the Board of Commissioners’ Planning, Economic Development, and Community Service (PECS) Committee on June 21, 2021. Therefore, staff recommends “Approval”.

**PLANNING COMMISSION VOTE: Pending.**

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-3: Approval w/condition 11-0-0.** Board members thought that temporary produce stands would help ameliorate problems of food desserts and recommended that Staff add a definition of “produce stands”. **CC-5: Approval 7-1-0.**



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

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

Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: Tuesday, July 8, 2021**

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

**TEXT AMENDMENT ANALYSIS**

**AGENDA NO.:** N8

**ZONING CASE NO.:** TA-21-1244999

**COMMISSION DISTRICTS:**

Districts 3 & 5

Super Districts 6 & 7

**APPLICANT:** Department of Planning & Sustainability

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**SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:** Section 27- 3.33 (I-20 Corridor Compatible Use Overlay District)

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**REASON FOR REQUEST:**

The Department has received constant inquiries regarding the use of temporary produce stands on properties throughout unincorporated DeKalb County. Some of those properties were located within the I-20 Corridor Compatible Use Overlay District.

Currently, the I-20 Overlay District does not include “temporary produce stands” as a permitted use. The intent of this proposed text amendment is to amend the I-20 Overlay District by adding “temporary produce stand,” subject to administrative approval similar to temporary uses outside of the overlay district. This proposal received a favorable review by the Board of Commissioners’ Planning, Economic Development, and Community Service (PECS) Committee on June 21, 2021.

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**Attachments:**

- 1. Revised Sections of the Zoning Ordinance**

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

**WHEREAS**, the Board of Commissioners is authorized to exercise zoning powers to protect and promote the County's health, safety, and general welfare;

**WHEREAS**, produce stands can provide nutritious food products in areas of the County where fresh produce would otherwise not be readily available;

**WHEREAS**, the County desires to reduce the occurrence of food deserts by encouraging the availability of produce stands at appropriate locations in the I-20 Overlay District.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as revised in 2015, is hereby amended as follows:

**PART I. ENACTMENT**

By amending the Section 27-3.33.8. to add temporary produce stand as a permitted use, as follows:

**Section 27-3.33.8. - Special permits.**

A. Special administrative permit from the Director of Planning and development Sustainability as referenced in section 4.2.21, commercial recreation and entertainment:

1. Art shows, carnival rides, festivals and special events of community interest.
2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days duration, adequate parking is provided on the site.
3. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of section 4.2.50.
4. Outdoor recreation/entertainment facilities.

~~B. Special land use permit from the board of commissioners:~~

~~1. Heliport-~~

B. Special administrative permit from the Director of Planning and Sustainability, as referenced in Section 4.3, Temporary Use Regulations:

1. Temporary Produce Stand, as follows:

a. A temporary produce stand shall be only allowed as an accessory use.

b. A temporary produce stand can only operate between the months of March through October, per calendar year, subject to special administrative permit approval.

Approved \_\_\_\_\_

C. Special land use permit from the board of commissioners:  
1. Heliport.

**PART II. EFFECTIVE DATE**

This ordinance shall become effective immediately on the date of adoption by the board of commissioners and approval by the chief executive officer.

**PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_ day of \_\_\_\_\_, 2020

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

**ATTEST:**

Approved \_\_\_\_\_

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

**APPROVED AS TO FORM:**

**APPROVED AS TO SUBSTANCE:**

\_\_\_\_\_  
VIVIANE H. ERNSTES  
Chief Legal Officer  
DeKalb County, Georgia

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ANDREW A. BAKER  
Planning Director  
DeKalb County, Georgia