

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, 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. This text amendment is County-wide.

PETITION NO: D2. 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 amendment seeks 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.

RECOMMENDATION:

COMMUNITY COUNCIL: June 2021 – CC-1: No Quorum; CC-2: Deferral; CC-3: Deferral; CC-4: Deferral; CC-5: Deferral. 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: July 8, 2021: Full Cycle Deferral. May 6, 2021: Denial. Jan. 7, 2021: Two-Cycle Deferral.

PLANNING STAFF: Full Cycle Deferral.

STAFF ANALYSIS: 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. 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. 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.

PLANNING COMMISSION VOTE: (July 8, 2021) Full Cycle Deferral 6-0-0. Jon West moved, April Atkins seconded for a Full Cycle Deferral, per Staff recommendation. Jana Johnson was not present for this vote. (May 6, 2021) Denial 8-0-0. Jon West moved, Jana Johnson seconded for Denial. (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: June 2021 – CC-1: No Quorum; **CC-2:** Deferral 8-0-1; **CC-3:** Deferral 11-0-0; **CC-4:** Full Cycle Deferral 12-0-0; **CC-5:** Deferral 8-0-0. **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: 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

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:

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.

Staff Recommendation: Full-cycle deferral.

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.

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.

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.

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:

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

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia