

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: (August 2021) CC-1: No Quorum; CC-2: Deferral; CC-3: Deferral; CC-4: Deferral; CC-5: Deferral. (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: September 9, 2021: Three-Cycle Deferral. July 8, 2021: Full Cycle Deferral. May 6, 2021: Denial. Jan. 7, 2021: Two-Cycle Deferral.

PLANNING STAFF: Three-Cycle Deferral.

STAFF ANALYSIS: See attached staff report.

PLANNING COMMISSION VOTE: (September 9, 2021) Three-Cycle Deferral 8-0-0. Jana Johnson moved, April Atkins seconded for a Three-Cycle Deferral, per Staff recommendation to the March 2022 zoning cycle. Edward Patton was not present for this 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. Jana Johnson moved, Paul Womack, Jr. seconded for a Two-Cycle Deferral, to the May 2021 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (August 2021) CC-1: No Quorum, Members present voted for Deferral 2-0-0; CC-2: Deferral 7-0-0; CC-3: Deferral 10-0-0; CC-4: Deferral 11-0-0; CC-5: Deferral 8-0-0. (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

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Planning Commission Hearing Date: September 9, 2021

Board of Commissioners Hearing Date: September 30, 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 at the appropriate time.

Staff Recommendation: Three-cycle deferral.