

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 2022) CC-1: No Quorum; CC-2: Approval; CC-3: Approval; CC-4: Approval; CC-5: Approval. (February 2022) CC-1: No Action Taken; CC-2: Full Cycle Deferral; CC-3: Approval; CC-4: Defer to the BOC; CC-5: Full Cycle Deferral; (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: (July 12, 2022) Pending. (March 1, 2022) Two-Cycle Deferral. (September 9, 2021) Three-Cycle Deferral. (July 8, 2021) Full Cycle Deferral. (May 6, 2021) Denial. (Jan. 7, 2021) Two-Cycle Deferral.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See attached staff report.

PLANNING COMMISSION VOTE: (July 12, 2022) Pending. (March 1, 2022) Two-Cycle Deferral 8-0-0. Gwendolyn McCoy moved, Vivian Moore seconded for a two-cycle deferral to the July 2022 zoning agenda, per Staff recommendation. Jana Johnson was not present for this 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: (June 2022) CC-1: No Quorum. CC-1 Board members present voted for approval; CC-2: Approval 6-0-0; CC-3: Approval 9-0-0. CC-3 Board members supports the text amendment as a means of enforcing regulations regarding auto brokers and auto repair establishments; CC-4: Approval 11-0-0; CC-5: Approval 9-0-0. (February 2022) CC-1: No Action Taken; CC-2: Full Cycle Deferral 10-0-0; CC-3: Approval 9-0-0. The Board supports the text amendment as a means of enforcing regulations regarding auto brokers and auto repair establishments; CC-4: Defer to BOC 10-0-0. To allow additional time for this text amendment to be fully vetted; CC-5: Full Cycle Deferral 10-0-0. (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

**178 Sams Street
Decatur, GA 30030**

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

Planning Commission Hearing Date: July 12, 2022

Board of Commissioners Hearing Date: July 28, 2022

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) AND SECTION 4.2 (SUPPLEMENTAL REGULATIONS) OF THE *DEKALB COUNTY ZONING ORDINANCE* RELATING TO AUTOMOBILE BROKERAGES.

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.

Automobile brokerage is currently 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. Over the years, differentiating between auto brokers and auto sales/repair has been challenging around the County. Mixing these uses blurs the lines, encourages violations, and makes it difficult to enforce zoning restrictions. 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.

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.

RECOMMENDATION:

Planning Department: Approval.

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:

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.

May 6, 2022

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2022.

ROBERT J. PATRICK
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2022.

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

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
Director of Planning & Sustainability
DeKalb County, Georgia