

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 27, ARTICLE 4 USE TABLE AND ARTICLE 4.2.23 SUPPLEMENTAL
REGULATIONS, DRIVE THROUGH FACILITY,
AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners desires to amend the Use Table to permit with a Special Land Use Permit drive through facilities associated with non-restaurant uses, such as banks or dry cleaners, in the C-1 (Local Commercial), and C-2 (Commercial) districts located in Activity Centers.

WHEREAS, this amendment seeks to apply the same standards for drive through facilities as drive through restaurants.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 27 of the Code of DeKalb County, be the same is hereby amended as follows:

PART I: ENACTMENT

Table 4.1 Use Table is amended as follows:

Article 4.2.23 Drive-through facilities is amended as follows:

4.2.23 Drive-through facilities.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area, unless part of a mixed-use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in Article 6.
- C. Drive-through lanes and service windows serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

- E. Speaker boxes shall be pointed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential property.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the “pick-up” window).
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
- I. The following standards shall apply to all stacking spaces and drive-through facilities:
 - 1. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create unsafe conditions where crossed by pedestrian access to a public entrance of a building.
 - 2. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
 - 3. All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
 - 4. Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.
 - 5. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
 - 6. Drive-through facilities ~~restaurants~~ shall not be located within five hundred (500) feet of an elementary, middle, or high school.
 - 7. Drive-through restaurants ~~and facilities~~ located in activity centers require a special land use permit. ~~For restaurants in all other character areas, a special land use permit is required unless the restaurant facility can meet at least two of the following criteria:~~
 - a. ~~Restaurant~~ Facility is located within four hundred (400) feet of an intersection of a major arterial street and a major or minor arterial street, or within one thousand (1,000) feet of an interstate highway interchange. ~~do not require a special land use permit.~~
 - b. ~~Restaurant~~ Facility is accessible only through inter parcel access or through a shared driveway.
 - c. ~~Restaurant~~ Facility is part of a major development as defined in Art. 8.1.16.
 - 8. Distance shall be measured ~~along from~~ the right-of-way, ~~along the route of travel, from entrance to entrance. the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right of way, to the nearest property line.~~ along the route of travel, from entrance to entrance.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon 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.

PART IV. REPEAL OF CONFLICTING ORDINANCES

This ordinance amends the zoning ordinance of DeKalb County, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying permits lawfully issued under previous ordinances or resolutions, and provided further that modification or repeal of those past conditions of approval may be accomplished as authorized and provided by the requirements of this zoning ordinance.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____ 2019.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2019.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

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

APPROVED AS TO SUBSTANCE:

ANDREW BAKER
Planning & Sustainability Director

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
Interim County Attorney

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2		
	RE	RLG	R-100	R-65	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5			
INSTITUTIONAL / PUBLIC																											
Community Facilities																											
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P			P									✓	
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P			
Coliseum or stadium/not associated with church or school																P	P	P					SP	P		✓	
Funeral home, mortuary												P	P		P	P					P	P	P	P			
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P							✓	
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Hospital or accessory ambulance service													P	P					P					P	P		
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P			
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP			
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P							SP	✓	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P		✓	
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
Recreation, outdoor																	P	P	P	P						✓	
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P					Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P					Pa	Pa	Pa	✓
Education																											
Colleges, universities, research & training facilities													P	P		P	P	P	P		P	P	P	P			
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa						P			Pa	Pa				✓	
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P					SP	SP	SP	✓	
Vocational schools													P	P		P	P	P	SP	SP	P	P	P	P		✓	
Specialized schools								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P		✓	
COMMERCIAL																											
Automobile, boat and trailer sales and service																											
Automobile or truck rental or leasing facilities																P	P		P	P						✓	
Automobile brokerage													P	P		P	P		P			P	P	P		✓	
Auto recovery, storage																			P	P						✓	
Automobile repair or maintenance, minor																P	P		P	P						✓	
Automobile repair, major																	SP		P	P						✓	
Automobile sales or truck sales																P	P		P	P						✓	
Automobile service stations															SP	SP	SP		P	P						✓	
Automobile upholstery shop																	P	P	P								
Automobile wash/wax service																P	P		P							✓	
Boat sales																P	P		P							✓	
Retail automobile parts or tire store																P	P		P							✓	
Service area, outdoor																	Pa		Pa	Pa						✓	
Trailer or RV salesroom & lot																P	P		P							✓	
Office																											
Accounting office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P			
Building or construction office								Pa	Pa	Pa			P	P		P	P	P	P		P					✓	
Building, landscape, heavy construction contractor office (material, equipment, storage)																	P	P	P	P						✓	
Engineering or architecture office								Pa	Pa	Pa			P	P	P	P	P	P	P		P	P	P	P			
Finance office or banking								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P			

Proposed May 7 and May 28, 2019 PC and BOC

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)					See Section 4.2						
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M		M-2	MU-1	MU-2	MU-3	MU-4,5	
Gold buying, precious metals																Pa	P	P								
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					P	P	P	P			P	P	P	P		
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store															P	P	P	P			P	P	P	P		
Jewelry store															P	P	P	P			P	P	P	P		
Music or music equipment store (retail)															P	P	P	P			P	P	P	P		
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P						✓	
News dealer or news store													P	P	P	P	P	P	P	P	P	P	P	P		
Office supplies & equipment store															P	P	P	P	P		P	P	P	P		
Pawn shop, title loan																	P	P	P						✓	

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COMMERCIAL (cont'd)																										
Services (cont'd)																										
Child day care center (Kindergarten) - 7 or more									P	P	P	P		P	P	P	P	P	P			P	P	P	P	✓
Child day care facility - up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P	P					P	P	P	✓
Coin laundry								Pa	Pa	Pa		Pa			P	P	P						P	P	P	
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓	
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P		
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P		
Kennel, breeding or boarding	SP														Pa	Pa	P		P	P					✓	
Kennel, commercial	SP															P	P		P	P						
Kennel, noncommercial	P	SP	SP	SP	SP																					
Landscape business																P	P		P	P						
Mini-warehouse														SP		P	P	P	P	P						
Outdoor storage, commercial																	P		P	P					✓	
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P		P		P	P	P	P		
Photoengraving, typesetting, electrotyping																	P		P	P	P	P				
Photographic studios													P	P	P	P	P		P		P	P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage																P	P		P	P						
Publishing or printing establishments													P	P			P		P	P						
Quick copy printing store													P	P	P	P	P		P	P	P	P	P	P		
Services, Medical and Health																										
Ambulance service or emergency medical services, private																P	P		P							
Health services clinic													P	P	P	P	P	P		P	P	P	P	P		
Home healthcare service													P	P	P	P	P		P	P	P	P	P	P		
Kidney dialysis center													P	P	P	P	P		P	P	P	P	P	P		
Medical or dental laboratories													P	P		P	P		P	P			SA	SA		
Services, Repair																										
Furniture upholstery or repair; home appliance repair or service																P	P		P	P						
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P		
Service area, outdoor																	Pa		Pa	P					✓	
INDUSTRIAL																										
Alcohol or alcoholic beverage manufacturing																			P	P						
Alternative energy production																	SP	SP	SP							
Automobile/truck manufacturing																				P						
Brick, clay, tile, or concrete products terra cotta manufacturing																					P					
Building materials or lumber supply establishment																	P		P							
Cement, lime, gypsum, or plaster of Paris manufacturing																					P					
Compressed gas fuel station																	SP		P	P						
Chemical manufacture, organic or inorganic																					P					
Contractor, general (See also Building or Construction Office)																		P	P	P		P	P		✓	
Contractor, heavy construction, outside storage																		P	P	P					✓	
Contractor, special trade																		P	P	P						
Crematoriums													SP			SP	SP		SP	SP					✓	
Distillation of bones or glue manufacture																					P					

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INDUSTRIAL (cont'd)																										
Dry cleaning plant																				P	P					
Dye works																					P					
Explosive manufacture or storage																					SP					
Fabricated metal manufacture																					P					
Fat rendering or fertilizer manufacture																					SP					
Fuel dealers, manufactures or wholesalers																				P	P					
General aviation airport																				SP	SP					✓
Heavy equipment repair service or trade																	P			P	P					
Ice manufacturing plant																				P	P					
Incidental retail sales of goods produced or processed on the premises																				Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																					SP					
Industrial, heavy																					SP					
Industrial, light																				P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																					SP					
Leather manufacturing or processing																					P					
Light malt beverage manufacturer (See also Brewpub)																Pa	Pa	Pa		P	P	Pa	Pa	Pa	Pa	
Light manufacturing																				P	P					
Manufacturing, heavy																					SP					✓
Manufacturing operations not housed within a building																					SP					✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																					SP	SP				✓
Outdoor storage, industrial																				P	P					✓
Paper or pulp manufacture																					SP					✓
Petroleum or inflammable liquids production, refining																					SP					✓
Radioactive materials: utilization, manufacture, processing or emission																					SP					✓
Railroad car classification yards or team truck yards																					SP	SP				✓
Recovered materials facility wholly within a building																				P	P					✓
Recovered materials processing wholly within a building																				P	P					✓
Recycling collection													Pa	Pa	Pa	Pa				SP	SP					
Recycling plant																				SP	SP					
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet metal products, equipment, machine tools, or machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer																				P	P					
Research, experimental or testing laboratories																					P	P				
Rubber or plastics manufacture																					P	P				
Salvage yard (Junkyard)																					SP	SP				✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																					SP					✓
Smelting: copper, iron, zinc, or ore																					SP					
Storage yard, except vehicle																					SP	P				✓

