



**DeKalb County Department of Planning & Sustainability**

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**Board of Commissioners Hearing Date: September 28, 2021**

**TEXT AMENDMENT ANALYSIS**

**AGENDA NO.:** 2021-3054    **ZONING CASE NO.:** TA-21-1245183    **COMMISSION DISTRICTS:** 4, 5, 7

**APPLICANT:** Department of Planning & Sustainability

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**SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:** APPLICATION OF THE DIRECTOR OF PLANNING & SUSTAINABILITY FOR AN AMENDMENT TO THE TEXT OF SECTION 27-3.37.36 OF THE ZONING ORDINANCE, REGARDING TIER 2 OF THE HIDDEN HILLS OVERLAY DISTRICT, TO REGULATE PLACEMENT OF LATE-NIGHT ESTABLISHMENTS.

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**REASON FOR REQUEST:**

The Board of Commissioners approved a *Zoning Ordinance* text amendment (2021-2644) to the Hidden Hills Overlay District-Tier 2 on August 10, 2021. As a result of the text change, late night establishments within the Tier 2 nodes are no longer permitted by-right. They are now subject to the special land use permit (SLUP) process for approval. This permits community review of each new request and allows for additional mitigation of potential adverse impacts based on conditions unique to each situation. Additionally, operators must take efforts to proactively soundproof such establishments and mitigate off-site noise pollution.

During the process, Staff presented a 500-foot distance separation provision between late establishments and residential properties as a remedy for concerns about noise (inside and outside), loitering, odor, and other nuisance issues related to late night establishments in close proximity to residential uses. However, since the SLUP requirement provides for sufficient public engagement as requests are made, Staff removed the distance separation requirement prior to adoption of the text amendment. Commissioner Davis Johnson and community members have requested an update to the recent text amendment by including the distance separation as a supplemental regulation. Thus, the enclosed text amendment has been updated to address that request. Staff recommends “approval” of the proposed text amendment.

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**RECOMMENDATION(S):**

**Planning Department:** Approval.