



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: May 6, 2021

Board of Commissioners Hearing Date: May 27, 2021

TEXT AMENDMENT ANALYSIS

AGENDA NO.: D1 **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.

Staff Recommendation: Approval.

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.

Sec. 4.2.14 Automotive sales and service; boat, trailer sales and service.

D. Automobile brokerage. Automobile brokerage establishments must adhere to the following:

1. Brokered vehicles or vehicle inventory (temporary or long-term) must not be stored on-site.
2. An automobile brokerage firm shall not co-locate with an automobile sales establishment.
3. In no case shall any new or existing automobile brokerage convert to an auto: rental, sales, storage, and/or repair business use without meeting the automobile related requirements of any applicable overlay district, applicable supplemental regulations, and other development standards.
4. An automobile brokerage firm shall not be deemed a legal, nonconforming use for a change of use to a proposed auto sale, auto rental, auto storage, or auto repair use.