



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: November 1, 2022
Board of Commissioners Hearing Date: November 17, 2022**

TEXT AMENDMENT ANALYSIS

AGENDA NO.: D5 **ZONING CASE NO.:** TA-21-1244279 **COMMISSION DISTRICTS:**
Countywide

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27, SECTION 4.2.60 (SUPPLEMENTAL REGULATIONS) TO ADD REGULATIONS TO ADDRESS SMALL-BOX DISCOUNT RETAIL STORES; SECTION 9.1.3 (DEFINED TERMS) TO CREATE A DEFINITION FOR SMALL-BOX DISCOUNT RETAIL STORE; TO AMEND SECTION 4.1.3 (USE TABLE) PERTAINING TO SMALL-BOX DISCOUNT RETAIL STORES; AND TO AMEND SECTION 4.2.28 (FUEL PUMPS ASSOCIATED WITH LARGE RETAIL, CONVENIENCE STORES, GAS STATIONS, SERVICE STATIONS) TO ESTABLISH DISTANCE SEPARATION STANDARDS BETWEEN SMALL-BOX DISCOUNT RETAIL STORES AND CONVENIENCE STORES.

REASON FOR REQUEST:

The moratorium passed by the DeKalb County Board of Commissioners in December 2019 and subsequently extended in January 2020, October 2020, January 2021, April 2021, August 2021, October 2021, January 2022, May 2022, July 2022, and September 2022 temporarily prohibits the establishment of any new, small box discount stores in the unincorporated areas of DeKalb County. The initial moratorium—and subsequent extensions—initiated the process of studying the effects of small box discount retail stores on the health, safety, and welfare of County residents and businesses. Staff contracted with Analytic Trial Consultants, LLC to perform the requisite study. The report, along with supplemental documents, have been made available to the Board of Commissioners, Planning Commission, the five community councils, and the public via the Planning & Sustainability webpage.

Based on the report’s findings, staff has begun addressing aspects that are suitable for inclusion into the *Zoning Ordinance*. The proposal introduces an official land use term, “small-box discount retail store” along with a definition as provided in the original moratorium resolution. Similar to other retail uses, this use is proposed as a permissible use in all mixed-use districts and commercial zoning districts (NS, C-1, C-2, and OD), excluding office and industrial districts (OI, OIT, M, M-2), subject to supplemental regulations.

The third part of the text amendment proposal consists of supplemental regulations that will comprise a new section, Section 4.2.60. Because these stores are typically found in distinct environments: shopping centers and standalone buildings, the proposal includes supplemental regulations based on these distinctions. One subsection shall apply to all small-box discount retail stores, another subsection shall apply to standalone stores, and the last subsection shall apply to stores within shopping centers and multi-tenant buildings.

Planning and Legal Staff are in the process of completing an updated draft of the text amendment proposal. Moreover, the Legal Department has been conducting individual meetings with each commissioner to ascertain any outstanding concerns and to address lingering legal concerns. Planning Staff recommends a deferral to the December 20, 2022 Board of Commissioners meeting for adoption.
