



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. 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.

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:

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, which includes, but is not limited to helping clients 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.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2021.

 STEPHEN BRADSHAW
 Presiding Officer
 Board of Commissioners
 DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2021.

 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