

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 27, AND FOR OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County, Georgia is tasked with the protection of the County's public health, safety, and general welfare; and

WHEREAS, the County has regulated the location and operation of adult establishments for several decades to protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County has updated its licensing and operational regulations for adult establishments in Chapter 15, Article XII of the Code; and

WHEREAS, the Governing Authority desires to update the County's zoning regulations for adult establishments to continue protecting health, safety, and welfare; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Georgia Constitution, but to enact legislation to further content-neutral governmental interests, including controlling the secondary effects of adult establishments.

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia that Chapter 27 of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By replacing section 27-1.1.3(Q) as follows:

Sec. 1.1.3. - Purpose and intent of Code.

- Q. To prevent the deleterious secondary effects of adult establishments, as explained in section 15-400 of the Code of DeKalb County; and

By replacing section 27-3.5.13(B)(4), (5) as follows:

Sec. 3.5.13. - High-Rise Mixed-Use Zone (Tier I Zone).

- B. *Prohibited uses.* The following principal uses of land and structures shall be prohibited within Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

4. Adult establishments.
5. [Reserved.]

By replacing section 27-3.5.14(B)(4), (5) as follows:

Sec. 3.5.14. - Mid-Rise Mixed-Use Zone (Tier II Zone).

B. *Prohibited uses.* The following principal uses of land and structures shall be prohibited within Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

4. Adult establishments.
5. [Reserved.]

By replacing section 27-3.5.15(B)(4), (5) as follows:

Sec. 3.5.15. - Low-Rise Mixed-Use Zone (Tier III).

B. *Prohibited uses.* The following principal uses of land and structures shall be prohibited within Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

4. Adult establishments.
5. [Reserved.]

By replacing section 27-3.5.15.1(D)(4), (5) as follows:

Sec. 3.5.15.1. - Transitional Mixed-Use Zone (Tier IV).

D. *Prohibited uses.* The following principal uses of land and structures shall be prohibited in Tier IV:

4. Adult establishments.
5. [Reserved.]

By replacing section 27-3.5.15.2(D)(4), (5) as follows:

Sec. 3.5.15.2. - Cluster Village Mixed-Use Zone (Tier V).

- D. *Prohibited uses.* The following principal uses of land and structures shall be prohibited in Tier V:

4. Adult establishments.
5. [Reserved.]

By replacing section 27-3.22.5(D)(2) as follows:

Sec. 3.22.5. - Principal authorized and prohibited uses and structures.

- D. *Prohibited uses.* The following principal uses of land and structures are expressly prohibited in the overlay district. If not expressly permitted, (above) in subsection A, B, or C, the use is not allowed in the overlay district:

2. Adult establishments.

By replacing section 27-3.22.7(A)(1)(b) as follows:

Sec. 3.22.7. - Distance requirements for wine stores and package stores located in the Emory Village Overlay District.

- A. No person knowingly and intentionally may sell or offer to sell at retail for off-site consumption:

1. Any wine, malt beverages, or distilled spirits within:

- b. Three hundred (300) feet of any adult establishment;

By replacing section 27-3.33.6(A)(4), (5) as follows:

Sec. 3.33.6. - Prohibited uses.

- A. The following principal uses of land and structures shall be prohibited within the I-20 Corridor Compatible Use Overlay District:

4. Adult establishments.
5. [Reserved.]

By replacing section 27-3.34.7(D), (E) as follows:

Sec. 3.34.7. - Prohibited uses.

The following principal uses of land and structures shall be prohibited within the Tucker Overlay District:

- D. Adult establishments.
- E. [Reserved.]

By replacing section 27-3.35.6(C), (D) as follows:

Sec. 3.35.6. - Prohibited uses.

The following principal uses of land and structures shall be prohibited within the Northlake Overlay District:

- C. Adult establishments, and smoking paraphernalia.
- D. Massage parlors not associated with medical uses.

By replacing section 27-3.36.5(B)(2), (3) as follows:

Sec. 3.36.5. - Tier I: Scottdale East Ponce de Leon Avenue/North Decatur Road Corridor and Tier I-NC: Scottdale Neighborhood Center.

B. *Prohibited principal uses and structures.* The following principal uses of land and structures shall be prohibited within Tier I and Tier I-NC:

- 2. Adult establishments.
- 3. [Reserved.]

By replacing section 27-3.36.21(N)(2) as follows:

Sec. 3.36.21. - Tier V: Scottdale Tobie Grant.

N. *Regulations relative to the retail component of a mixed-use development:*

2. Uses shall be restricted to those allowed by the NS and C-1 zoning district regulations found at section 2.25.1 et seq. and section 2.26.1 et seq. Notwithstanding the foregoing, the following uses are prohibited: motels, hotels, pawn shops, adult establishments, and billiard parlors.

By replacing section 27-3.37.7(A), (B) as follows:

Sec. 3.37.7. - Prohibited uses in Tier 1.

The following principal uses of land and structures shall be prohibited in Tier 1:

- A. Adult establishments.
- B. [Reserved.]

By replacing section 27-3.37.10(A), (B) as follows:

Sec. 3.37.10. - Prohibited uses in Tier 2.

The following principal uses of land and structures shall be prohibited in Tier 2:

- A. Adult establishments.
- B. [Reserved.]

By replacing section 27-3.37.18(A) as follows:

Sec. 3.37.18. - Prohibited uses and structures in Tier 5.

The following principal uses of land and structures shall be prohibited in Tier 5:

- A. Adult establishments.

By amending Chapter 27, Article 3, Division 39, the Bouldercrest-Cedar Grove-Moreland Overlay District Table of Uses, to replace the phrase “Adult entertainment establishments” with the phrase “Adult establishments” and to delete the row for “Adult service facility” as follows:

DESCRIPTION OF USES:	TIER 1 GATEWAY 1	TIER 2	TIER 3	TIER 4 & 4A, GATEWAY 2 CORRIDOR 2	TEIR 5 CORRIDOR 1

COMMERCIAL					

RECREATION AND ENTERTAINMENT:					
Adult establishments	NO	NO	NO	NO	NO
Adult service facility [Reserved.]	NO	NO	NO	NO	NO

By replacing section 27-3.40.6(C), (D) as follows:

Sec. 3.40.6. - Prohibited uses.

The following principal uses of land shall be prohibited within the district:

- C. Adult establishments.
- D. [Reserved.]

By replacing section 27-3.41.6(B)(7), (8) as follows:

Sec. 3.41.6. - Principal uses and structures.

- B. *Prohibited uses.* The following principal uses of land and structures shall be expressly prohibited within both the Covington and Indian Creek Districts:

- 7. Adult establishments.
- 8. [Reserved.]

By amending Section 27-4.1.3, Table 4.1, Use Table, to replace the phrase “Adult entertainment establishments” with the phrase “Adult establishments,” to remove adult establishments from the C-2 zoning districts, to show that adult establishments are permitted uses in the M zoning district, and to delete “Adult service facility” from the use table, as follows:

Table 4.1 Use Table

KEY:	P - Permitted use											SA - Special administrative permit from director of planning													
	Pa - Permitted as an accessory use											SP - Special land use permit from BoC (SLUP)													
Use	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	See Section 4.2

COMMERCIAL																									

Recreation and Entertainment																									
Adult establishments																			P						✓
Adult service facility [Reserved.]																	P		P	P					✓

By replacing section 27-4.2.6 as follows:

Sec. 4.2.6. - Adult establishments.

- A. An adult establishment must obtain a license to operate and must comply with the operational regulations and separation requirements in Chapter 15, Article XII of the Code of DeKalb County.
- B. The minimum lot area for an adult establishment shall be two (2) acres.
- C. A structure occupied by an adult establishment shall be set back at least forty (40) feet from the

property line of any other business establishment.

D. Nonconforming use.

1. A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

2. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.

3. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six (6) continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.

4. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

By replacing section 27-4.2.8(A)(2), (B)(1) as follows:

Sec. 4.2.8. - Alcohol outlets, package stores, beer growlers.

A. Package stores, unless part of a mixed use development, shall not be located:

2. Within six hundred (600) feet of any residence, church, school, school building or grounds, educational facility, college campus, or adult establishment; or

B. Alcohol outlets shall not be located:

1. Within three hundred (300) feet of any school building, school grounds, educational facility, college campus, or adult establishment; or

By amending section 27-6.1.4, Table 6.2: Off-street Parking Ratios to replace the phrase "Adult entertainment establishments" with the phrase "Adult establishments" and to delete the phrase "adult service facilities" as follows:

Table 6.2: Off-street Parking Ratios

Minimum and Maximum Parking Spaces		

Commercial		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Adult establishments	One (1) parking space for each four hundred (400) square feet of floor area in the building.	One (1) parking space for each twenty-five (25) square feet of floor area in the building.

By deleting from section 27-9.1.3 the definitions of Adult bookstore; Adult business; Adult mini-motion picture theater; Adult motion picture arcade; Adult motion picture theater; Adult video store; Erotic entertainment/dance establishment; Escort bureau, introduction services; Lingerie modeling studio; Adult service facility; Specified anatomical areas; and specified sexual activities.

By replacing in section 27-9.1.3 the definition of Adult entertainment establishment with the definition of Adult establishment, as follows:

Sec. 9.1.3. – Defined terms.

Adult establishment: An “adult arcade,” an “adult bookstore,” an “adult cabaret,” an “adult motion picture theater,” a “sexual device shop,” or a “stimulation establishment” as those terms are defined in section 15-401 of the Code of DeKalb County.

By amending in section 27-9.1.3 the definitions of “Club, private”, “Fitness center”, “Personal service establishment”, and “Sexually-oriented business” as follows:

Sec. 9.1.3. – Defined terms.

Club, private: A group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and adult establishments, which shall be defined and regulated as otherwise provided herein. Private club shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

Fitness center: Building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding adult establishments. Accessory uses which support the principal use can include therapy treatments such as massage, mediation and other healing arts. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Personal services establishment: An establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding adult establishments.

Sexually-oriented business: See Adult establishment.

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. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2026.

CHAKIRA JOHNSON

Presiding Officer

Board of Commissioners

DeKalb County, Georgia

July 24, 2026

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2026.

LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

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

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

DIANNE McNABB
Chief Financial Officer
DeKalb County, Georgia

TERRY G. PHILLIPS
Interim County Attorney
DeKalb County, Georgia