

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

**WHEREAS**, the Board of Commissioners is authorized to exercise zoning powers to protect and promote the County's health, safety, and general welfare;

**WHEREAS**, the zoning code currently allows late night establishments in Tier 2 of the Hidden Hills Overlay District;

**WHEREAS**, late night establishments currently operating in Tier 2 of the Hidden Hills Overlay District provide opportunities for relaxation and enjoyment, but also on occasion disrupt the use and enjoyment of adjoining or nearby residential land uses by generating objectionable noise levels and other off-site effects; and

**WHEREAS**, the Board of Commissioners desires to balance the benefits and secondary effects of late night establishments in Tier 2 of the Hidden Hills Overlay District by enacting supplement regulations to ensure the proper operation of the late night establishments;

**NOW THEREFORE, BE IT ORDAINED** by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as revised in 2015, is hereby amended as follows:

**PART I. ENACTMENT**

By amending the Section 27-3.37 as follows:

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Section 27-3.37.36. Supplemental regulations for late night establishments located in Tier 2.

- A. Except as provided in this section, all late night establishments shall comply with the requirements of section 27-4.2.32.
- B. Late night establishments shall comply with the DeKalb County Noise Ordinance found in chapter 16, article VII of this Code. The owner or operator shall take measures to soundproof the establishment such that no noise, including bass tones and vibrations, is audible outside the building. The doors and windows of the establishments shall remain closed except when necessary to allow persons ingress and egress from the building.
- C. Every special land use permit application for a late night establishment shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment to the property line of the closest residential use. For shopping

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plazas or mixed-use developments, the distance will be measured from the property line adjacent to the suite/unit of the proposed establishment. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia.

- D. Late night establishments operating pursuant to a validly issued business and liquor license issued prior to August 10, 2021, shall be a legal nonconforming use as defined in chapter 27 article IX of the DeKalb County Zoning Code and shall not be required to obtain a special land use permit to continue operating. Those establishments shall not expand, move, enlarge, or otherwise alter the permitted use or alter the buildings on the premise, except for normal maintenance. If a licensee is operating a legal nonconforming late-night establishment and such license is revoked, upon revocation, the legal nonconforming status shall be terminated. Failure to comply with any of the provisions of this Section or other generally applicable code provisions may result in termination of the establishment's legal nonconforming status.
- E. No late night establishment shall be located within five hundred (500) feet of the property line of a residential use.

## **PART II. EFFECTIVE DATE**

This ordinance shall become effective immediately on the date of 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 \_\_\_\_\_, 2021.

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STEVE BRADSHAW  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

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**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
MICHAEL THURMOND  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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

**APPROVED AS TO FORM:**

**APPROVED AS TO SUBSTANCE:**

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VIVIANE H. ERNSTES  
Chief Legal Officer  
DeKalb County, Georgia

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ANDREW A. BAKER  
Planning Director  
DeKalb County, Georgia

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