

Agenda Item

File ID: 2021-2645

Substitute

8/9/2021

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

Commission District(s): 3, 5, 6, & 7

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 27- 3.33 (I-20 Corridor Compatible Use Overlay District), Section 27-3.33.5. Principal uses and structures, and Section 27-3.33.6. Prohibited uses of the DeKalb County Zoning Ordinance, relating to temporary produce stands. This text amendment affects Commission Districts 3 and 5 and Super Districts 6 and 7.

Petition No.: TA-21-1244999 (2021-2645)

Proposed Use: Temporary Produce Stands in the I-20 Overlay District

Location: Enter Location.

Parcel No.: Parcel No.

Information Contact: Brandon White, Current Planning Manager

Phone Number: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 27- 3.33 (I-20 Corridor Compatible Use Overlay District), Section 27- 3.33.5. Principal uses and structures, and Section 27-3.33.6. Prohibited uses of the DeKalb County Zoning Ordinance, relating to temporary produce stands. This text amendment affects Commission Districts 3 and 5 and Super Districts 6 and 7.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-3: Approval with a condition; CC-5: Approval.

PLANNING COMMISSION: 3-Cycle Deferral

STAFF RECOMMENDATION: Approval.

PLANNING STAFF ANALYSIS: The Department has received constant inquiries regarding the use of temporary produce stands on properties throughout unincorporated DeKalb County. Some of those properties were located within the I-20 Corridor Compatible Use Overlay District. Currently, the I-20 Overlay District does not include “temporary produce stands” as a permitted use. The intent of this proposed text amendment is to amend the I-20 Overlay District by adding “temporary produce stand,” subject to administrative approval similar to temporary uses outside of the overlay district. This proposal received a favorable review by the Board of Commissioners’ Planning, Economic Development, and Community Service (PECS) Committee on June 21, 2021. Therefore, staff recommends “approval.”

PLANNING COMMISSION VOTE: Three-Cycle Deferral 8-0-0. Vivian Moore moved, Jana Johnson seconded for a 3-cycle deferral to the January 2022 zoning cycle to address uniformity, clarification of conditions, and safety concerns that include what types of produce is allowed, quality of produce, location, etc. Motion passed

unanimously.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-3: Approval w/condition 11-0-0. Board members thought that temporary produce stands would help ameliorate problems of food deserts and recommended that Staff add a definition of “produce stands.” **CC-5: Approval 7-1-0.**

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988,
CHAPTER 27, ARTICLE III, RELATING TO TEMPORARY PRODUCE STANDS
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; and

WHEREAS, produce stands can provide nutritious food products in areas of the County where fresh produce would otherwise not be readily available; and

WHEREAS, the County desires to reduce the occurrence of food deserts by encouraging the availability of produce stands at appropriate locations in the I-20 Overlay District; and

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, Article III, of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Article III, Section 27-3.33.8 of Chapter 27, Article III, of the Code of DeKalb County, as revised 1988, as follows:

Section 27-3.33.8. - Special permits.

The following uses and structures shall be authorized only by permits of the type indicated:

A. Special administrative permit from the [Director of Planning and development Sustainability](#) as referenced in [section 4.2.21](#), commercial recreation and entertainment:

1. Art shows, carnival rides, festivals and special events of community interest.
2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days duration, adequate parking is provided on the site.
3. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of [section 4.2.50](#).
4. Outdoor recreation/entertainment facilities.

Approved _____

- B. Special land use permit from the board of commissioners:
 - 1. Heliport.

C. Special administrative permit from the Director of Planning and Sustainability, as referenced in section 4.3.1, Temporary Use Regulations:

1. Temporary Produce Stand, as follows:

- a. A temporary produce stand shall be only allowed as an accessory use.
- b. A temporary produce stand can only operate between the months of March through October, per calendar year, subject to special administrative permit approval.
- c. Temporary produce stands must comply with the general requirements of section 4.3.1. (Temporary Outdoor Uses; general requirement). Where the requirements of the overlay district and the general requirements conflict, the overlay standards shall apply.

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 _____, 2021.

 STEPHEN R. BRADSHAW
 Presiding Officer
 Board of Commissioners
 DeKalb County, Georgia

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

Approved _____ August 11, 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

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
Planning & Sustainability Director

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

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

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

August 11, 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

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
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