

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 27, ARTICLE 4 USE TABLE AND ARTICLE 4.2.23 SUPPLEMENTAL
REGULATIONS, DRIVE THROUGH FACILITY,
AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners desires to amend the Use Table to permit with a Special Land Use Permit drive through facilities associated with non-restaurant uses, such as banks or dry cleaners, in the C-1 (Local Commercial), and C-2 (Commercial) districts located in Activity Centers.

WHEREAS, this amendment seeks to apply the same standards for drive through facilities as drive through restaurants.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 27 of the Code of DeKalb County, be the same is hereby amended as follows:

PART I: ENACTMENT

Table 4.1 Use Table is amended as follows:

Article 4.2.23 Drive-through facilities is amended as follows:

4.2.23 Drive-through facilities.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area, unless part of a mixed-use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in Article 6.
- C. Drive-through lanes and service windows serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

- E. Speaker boxes shall be pointed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential property.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the “pick-up” window).
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
- I. The following standards shall apply to all stacking spaces and drive-through facilities:
 - 1. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create unsafe conditions where crossed by pedestrian access to a public entrance of a building.
 - 2. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
 - 3. All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
 - 4. Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.
 - 5. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
 - 6. Drive-through ~~facilities and restaurants~~ ~~restaurants~~ shall not be located within five hundred (500) feet of an elementary, middle, or high school.
 - 7. Drive-through ~~restaurants~~ ~~and facilities~~ located in activity centers require a special land use permit. ~~For restaurants in all other character areas, a special land use permit is required unless the restaurant facility can meet at least two of the following criteria:~~
 - a. ~~Restaurant~~ Facility is located within four hundred (400) feet of an intersection of a major arterial street and a major or minor arterial street, or within one thousand (1,000) feet of an interstate highway interchange. ~~do not require a special land use permit.~~
 - b. ~~Restaurant~~ Facility is accessible only through inter-parcel access or through a shared driveway.
 - c. ~~Restaurant~~ Facility is part of a major development as defined in Art. 8.1.16.
 - 8. Distance shall be measured ~~along~~ ~~from~~ the right-of-way, ~~along the route of travel, from entrance to entrance.~~ ~~the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.~~

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.

PART IV. REPEAL OF CONFLICTING ORDINANCES

This ordinance amends the zoning ordinance of DeKalb County, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying permits lawfully issued under previous ordinances or resolutions, and provided further that modification or repeal of those past conditions of approval may be accomplished as authorized and provided by the requirements of this zoning ordinance.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____ 2019.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2019.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

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

APPROVED AS TO SUBSTANCE:

ANDREW BAKER
Planning & Sustainability Director

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
Interim County Attorney