



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Substitute Agenda Item

File #: 2022-2269

File Status: Public Hearing

4/25/2023

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 2 Super District 6

Application of the Director of Planning & Sustainability for text amendments to the *Zoning Ordinance*, Chapter 27-3.22-Emory Village Overlay District-to update minimum distance requirements related to the sale of wine and malt beverages within the Overlay District.

PETITION NO: D5-2022-2269 TA-22-1246100

PROPOSED USE: Update to Chapter 27-3.22 - Emory Village Overlay District.

LOCATION: Emory Village Overlay District.

PARCEL NO. : N/A

INFO. CONTACT: Rachel Bragg, Zoning Administrator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for text amendments to the *Zoning Ordinance*, Chapter 27-3.22-Emory Village Overlay District-to update minimum distance requirements related to the sale of wine and malt beverages within the Overlay District.

RECOMMENDATION:

COMMUNITY COUNCIL: (Feb. 7, 2023) Deferral. (Dec. 6, 2022) Two-cycle deferral. (Oct. 11, 2022) No vote.

PLANNING COMMISSION: (March 7, 2023) Approval. (January 5, 2023) Two-Cycle Deferral. (November 1, 2022) 3-Cycle Deferral.

PLANNING STAFF: Deferral.

STAFF ANALYSIS: The proposed text amendments have been updated to a final draft form. (See attached report.) Staff recommends “Deferral to allow final review of text changes”.

PLANNING COMMISSION VOTE: (March 7, 2023) Approval 8-1-0. April Atkins moved, Deanna Murphy seconded for Approval, per Staff recommendation. Jana Johnson opposed. (January 5, 2023) Two-Cycle Deferral 9-0-0. Jon West moved, Jana Johnson seconded for a 2-Cycle Deferral to the May 2023 zoning agenda.

Cycle Deferral 9-0-0. Jon West moved, Jana Johnson seconded for a 2-Cycle Deferral to the May 2023 zoning cycle. **(November 1, 2022) 3-Cycle Deferral 8-0-0.** Jana Johnson moved, Jon West seconded for a 3-cycle deferral to the May 2023 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Feb. 7, 2023) Deferral 8-0-0. Deferral, with direction that the stone house and other adjacent lot not be allowed to have residential development. **(Dec. 6, 2022) Two-cycle deferral 9-0-0.** To allow additional work on the amendment. **(Oct. 11, 2022) No vote.** Board members stated they would need more time to review the document, with no major objections to the proposed amendment.

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF DEKALB COUNTY, GEORGIA, PERTAINING TO THE EMORY VILLAGE OVERLAY DISTRICT.

WHEREAS, DeKalb County residents, Emory University, property and business owners, and other stakeholders want the Emory Village Overlay District to become a more vibrant, sustainable, safe, and attractive pedestrian-oriented mixed-use community containing restaurants, retail establishments, offices, residences, and recreational and gathering places;

WHEREAS, objectives of the 2007 Emory Village Overlay District pertaining to desirable redevelopment have not been fully realized, and much has changed and been learned since the Overlay was originally developed and enacted that has been the impetus for this update; and

WHEREAS, the Emory Village Overlay District is adjacent to two of DeKalb County's largest and most prestigious employers and a historic neighborhood, has enormous potential that is more likely to be fulfilled by improving the Overlay District's regulations.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that section 27-3.22 of the Code of DeKalb County, as revised 1988 is hereby amended by adding subsection 27-3.22.18 as follows.

Sec. 3.22.18. Distance requirements for wine 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 or malt beverages within:

- a. Three hundred (300) feet of any church or place of worship;
- b. Three hundred (300) feet of any residence;
- c. Three hundred (300) feet of any adult entertainment establishment;
- d. Six hundred (600) feet of any alcoholic treatment or substance abuse center owned and operated by the state, county, or municipality; or
- e. One hundred fifty (150) feet of another wine store that sells beer, malt beverages, hard cider and/or wine for off-site consumption.

- B. There is no distance requirement between a wine store and any school building, school grounds, educational facility, or college campus.

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 _____, 2023.

ROBERT J. PATRICK
Presiding Officer
Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2023

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

April 22, 2023

APPROVED AS TO SUBSTANCE:

CEDRIC G. HUDSON
Interim Director of Planning and Sustainability

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney