



**DeKalb County Department of Planning & Sustainability**

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**Planning Commission Hearing Date: July 11, 2023**

**Board of Commissioners Hearing Date: July 27, 2023**

**TEXT AMENDMENT ANALYSIS**

**AGENDA NO.: 2023-0601    ZONING CASE NO.: TA-23-1246468    COMMISSION DISTRICTS: All**

**APPLICANT:** Department of Planning & Sustainability

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**SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: Sections 27-4.1 Use Table, Section- 4.2 Supplemental Use Regulations, Chapter 27-9. Definitions**

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**REASON FOR REQUEST:**

The proposed text amendment seeks to correct a transcription error and clarify the specific qualities of drive throughs for regulatory purposes after confusion from applicants seeking to operate businesses that include a drive through component. The amendment also encourages these businesses to locate outside of Activity Centers and other pedestrian oriented areas of development. The text amendment updates the drive through definition, the zoning districts they are permitted within with a Special Land Use Permit and the supplemental regulations for the use.

After the 2019 drive-through text amendment (2019-3557, TA19-1243216), the Use Table (Section 27-4.1) was updated incorrectly due to a transcription error to show that Drive throughs (other than restaurants) were allowed in the Neighborhood Shopping (NS) zoning district with a Special Land Use Permit. This text amendment proposes to correct that error and remove drive throughs as a permitted use with the NS district.

The revised definition includes three aspects. First, the definition addresses the use of drive throughs primarily to serve patrons while within their vehicles. Second, the definition addresses the form of a drive through, including the common architectural features associated with drive throughs. Finally, the definition provides examples of the most common uses that have a drive through component.

Drive throughs are vehicle centered, based on their definition. The text amendment revises the Use Table to encourage drive throughs to locate outside Activity Centers, as identified by the *2050 DeKalb Unified Plan*, and within more intensive commercial or industrial zoning districts.

Activity Centers should focus the most intense development near the “core” or geographic center of the area, and around major intersections and transit stations. Development should be more clustered and walkable in nature, with a mix of commercial, office, and residential uses. Other design or community elements may include a more connected street grid, multimodal transportation options such as wide sidewalks and bike lanes, and an enhanced level of urban amenities such as improved streetscapes, small parks, or plazas. Page 30, *2050 DeKalb Unified Plan*

Previously, a Special Land Use Permit (SLUP) was required for any (non-restaurant) drive through in any district. In the proposed revision, drive throughs would be allowed by right in C-2 (General Commercial), M (Light-Industrial) and M-2(Heavy-Industrial) zoning districts outside Activity Centers. By lowering the barriers to drive throughs within these districts, developers will be more likely to locate drive throughs in these districts, outside Activity Centers.

Finally, the text amendment proposes changes to the supplemental regulations for drive throughs and the uses most likely to have a drive through component. These changes seek to clarify that if a drive through is a part of a proposed use, then the Use Table’s determination of whether or not a SLUP is required shall apply. In order to determine if a proposed use with a drive through component is allowed, the specific use AND a drive through must be permitted within that zoning district.

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**STAFF RECOMMENDATION: APPROVAL.**

**Proposed Changes**

~~ALJK~~ Proposed text deletions

ALJK Proposed text additions

**Chapter 27-4.1 Use Table**

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC
Drive-through facilities (other than restaurants) in Activity Center character areas												
Drive-through facilities (other than restaurants) in all other character areas												

OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
		SP	SP					SP	SP	SP	SP	✓
		SP	SP	P		P	P	SP				✓

**Chapter 27-4.2 Supplemental Use Regulations**

**4.2.6- Adult entertainment establishments, adult services facility.**

**C. Any adult entertainment establishments or adult services facility with any component of a drive-through facility (see Article 9 Definitions) shall be considered a drive-through facility for the purposes of being required to obtain a Special Land Use Permit to operate within that zoning district and character area based on Table 4.1.**

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

G. Any alcohol outlet with any component of a drive-through facility (see Article 9 Definitions) shall be considered a drive-through facility for the purposes of being required to obtain a Special Land Use Permit to operate within that zoning district and character area based on Table 4.1.

**4.2.11. - Animal care facilities.**

G. Any animal care facility with any component of a drive-through facility (see Article 9 Definitions) shall be considered a drive-through facility for the purposes of being required to obtain a Special Land Use Permit to operate within that zoning district and character area based on Table 4.1.

**4.2.13- Automobile wash services**

G. All car washes with any component of a drive-through facility (see Article 9 Definitions) shall be considered a drive-through facility for the purposes of being required to obtain a Special Land Use Permit to operate within that zoning district and character area based on Table 4.1.

**4.2.14. - Automotive sales and service; boat, trailer sales and service.**

D. All auto repair, major or minor auto sales and service facilities with any component of a drive-through facility (see Article 9 Definitions) shall be considered a drive-through facility for the purposes of being required to obtain a Special Land Use Permit to operate within that zoning district and character area based on Table 4.1.

**4.2.23. Drive-through facilities.**

J. For the purposes of this section, the permissibility of fuel pumps and applicability of SLUP procedures (Section 7.4.1) shall be subject to the Use Table (Section 4.1.3) and Section 4.2.28 (fuel pumps associated with...gas stations...).

K. Any use proposed to include, in part or wholly, a feature or aspect of a drive-through facility (see definition), shall be considered a drive-through facility for the purposes of being subject to the Special Land Use Permit (SLUP) procedures of Section 7.4.1 et seq. to operate within a given zoning district and/or character area based on

Table 4.1. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.

L. Exception. During a period of an officially declared Federal, State, or Local emergency, the Director of Planning and Sustainability shall be authorized to waive completely or defer the Special Land Use Permit (SLUP) procedures of Section 7.4.1 et seq., when applicable, for a period of up to six (6) months.

#### 4.2.28- Fuel Pumps

I. Fuel pumps are not deemed drive-through facilities for the purposes of determining if SLUP procedures (Section 7.4.1) apply. See 4.2.23 J (Drive-through facilities).

#### 4.2.42. - Places of worship, convents; monasteries; temporary religious meetings.

G. Places of worship with any component of a drive-through facility (see Article 9 Definitions) shall be considered a drive-through facility for the purposes of being required to obtain a Special Land Use Permit to operate within that zoning district and character area based on Table 4.1.

### Chapter 27-9. Definitions

~~Drive-through facility: A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.~~ Any facility which, by design, type of operation, or nature of business, has as one of its functions the provision of services to motor vehicles or their occupants, and/or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one or more of the following features: one or more drive-through lanes/service window, speaker box, tunnel, conveyor-belt, park-convey system or other vehicle-centered architectural feature for distribution of products or other transactions designed to accommodate vehicles and service of the vehicle or person while within the vehicle. This definition is intended to include, but is not limited to automated car wash facilities, emission stations, pharmacies, ATMs, banks, places of worship, alcohol outlets, funeral homes, or retail that has one or more the above components. For the purposes of this definition, fuel pumps are not drive-through facilities.

Use Table 4.1