

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 27 TO PROVIDE FOR DRIVE-THROUGH FACILITIES AND FOR OTHER
PURPOSES.**

WHEREAS, the intention is to enhance clarity for potential businesses and offer land use policy guidance to the Planning and Sustainability Department; and

WHEREAS, the proposed amendment aims to update DeKalb County's zoning districts for drive-through facilities; and

WHEREAS, the amendment encourages new businesses to locate outside of activity centers, aligning with the 2050 DeKalb Unified Plan; and

WHEREAS, the revised drive-through facility definition encompasses various businesses, providing clarity on use and architectural features; and

WHEREAS, the proposed text recommends permitting drive-through facilities in specific zoning districts to reduce barriers for businesses entering the DeKalb County market; and

NOW, THEREFORE, BE IT ORDAINED by the DeKalb County Board of Commissioners, and it is hereby ordained by the authority of the same, that Chapter 27, Articles 4 and 9 of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Chapter 27 of the Code of DeKalb County, as Revised 1988, to include the following subsections:

Sec. 27-4.2.6. - Adult entertainment establishments, adult services facility.

C. Any adult entertainment establishment or adult services facility that is a drive-through facility, as defined by Sec. 27-9.1.3, must obtain a Special Land Use Permit as required by Use Table 4.1.

Sec. 27-4.2.8. - Alcohol outlets, package stores, beer growlers.

G. Any alcohol outlet, package store, or beer growler that is a drive-through facility, as defined by Sec. 27-9.1.3, must obtain a Special Land Use Permit as required by Use Table 4.1.

Sec. 27-4.2.11. - Animal care facilities.

G. Any animal care facility that is a drive-through facility, as defined by Sec. 27-9.1.3, must obtain a Special Land Use Permit as required by Use Table 4.1.

Sec. 27-4.2.13. - Automobile wash service, principal, accessory, detail or mobile.

G. Any car wash that is a drive-through facility, as defined by Sec. 27-9.1.3, must obtain a Special Land Use Permit as required by Use Table 4.1.

Sec. 27-4.2.14. - Automotive sales and service; boat, trailer sales and service.

D. Any automotive sales or service facility or boat and trailer sales and service facility that is a drive-through facility, as defined by Sec. 27-9.1.3, must obtain a Special Land Use Permit as required by Use Table 4.1. Minor automobile repair and maintenance establishments wherein the customer may remain within the vehicle while that vehicle is serviced is not a drive-through facility as defined by Sec. 27-9.1.3.

Sec. 27-4.2.23. - Drive-through facilities.

J. Any proposed use that is a drive-through facility, as defined by Sec. 27-9.1.3, must obtain a special land use permit as required by Use Table 4.1.

Sec. 27-4.2.28 - Fuel Pumps associated with large retail, convenience stores, gas stations, service stations.

J. Fuel pumps associated with large retail, convenience stores, gas stations, and service stations are not considered drive-through facilities, as defined by Sec. 27-9.1.3.

Sec. 27-4.2.42. - Places of worship, convents; monasteries; temporary religious meetings.

G. Any place of worship that is a drive-through facility, as defined by Sec. 27-9.1.3, must obtain a Special Land Use Permit as required by Use Table 4.1.

Sec. 27-9.1.3. - Defined terms.

Drive-through facility: Any business establishment which, by design, type of operation, or nature of business, provides service to customers while they remain in their vehicles. Features common in drive-through facilities include drive-through lanes, service windows, speaker boxes, tunnels, conveyor-belts, or other vehicle-centered architectural features for distribution of products or other transactions designed to accommodate vehicles and provide service of the vehicle or person while remaining in the vehicle. This definition is intended to include, but is not limited to, automated car wash facilities, pharmacies, automatic teller machines, banks, places of worship, alcohol outlets, funeral homes, and other retail establishments. Providing fuel pumps or providing parking spaces for customers to wait for delivery of pick-up orders, does not by itself make a business establishment a drive-through facility under this section.

PART II. EFFECTIVE DATE

This ordinance shall become effective immediately 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 _____, 2024.

MEREDA DAVIS JOHNSON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ___ day of _____, 2024.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

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

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

CEDRIC G. HUDSON
Interim Director, Planning & Sustainability

VIVIANE H. ERNSTES
County Attorney