



Legislation Details (With Text)

**File #:** 2023-0601    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Public Hearing

**File created:** 5/10/2023    **In control:** Board of Commissioners

**On agenda:** 3/12/2024    **Final action:**

**Title:** COMMISSION DISTRICT(S): All Districts  
Application of Director of Planning & Sustainability to Amend the DeKalb County Zoning Ordinance to Revise Definition of "Drive Through Facility" and Revise Description of Land Uses and How They Are Permitted in Land Use Table Relating to "Drive Through Facility" and for Other Purposes. This Text Amendment is County-wide.

**Indexes:**

**Attachments:** 1. Substitute 2024 03.12 Item 2023-0601, 2. TA-23-1246468 July 2023 BOC Staff Report Drive Throughs 2023-0601, 3. TA-23-1246468 Drive through facilities 2023-0601\_v10\_ras 2.21.24, 4. TA-23-1246468 Drive through facilities 2023-0601\_FINAL CLEAN

Date	Ver.	Action By	Action	Result
3/12/2024	1	Board of Commissioners	approved substitute	Pass
2/27/2024	1	PECS-Planning, Economic Development & Community Services Committee	recommended for approval.	Pass
2/27/2024	1	Board of Commissioners	deferred substitute	Pass
1/23/2024	1	PECS-Planning, Economic Development & Community Services Committee	recommended for deferral	Pass
1/23/2024	1	Board of Commissioners	deferred	Pass
12/12/2023	1	Board of Commissioners	deferred	Pass
10/24/2023	1	PECS-Planning, Economic Development & Community Services Committee	recommended for deferral	Pass
9/26/2023	1	Board of Commissioners	deferred	Pass
7/27/2023	1	Board of Commissioners - Zoning Meeting	deferred 60 days	Pass
7/11/2023	1	Planning Commission	approval per staff recommendation	Pass

**SUBSTITUTE**

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): All Districts**

**Application of Director of Planning & Sustainability to Amend the DeKalb County Zoning Ordinance to Revise Definition of "Drive Through Facility" and Revise Description of Land Uses and How They Are Permitted in Land Use Table Relating to "Drive Through Facility" and for Other Purposes. This Text Amendment is County-wide.**

**PETITION NO: TA-23-1246468**

**PROPOSED USE:** To revise definition of "Drive Through Facility" and revise description of land uses and how they are permitted in land use table relating to "Drive Through Facility" and for other purposes.

**LOCATION:** County-wide

**PARCEL NO. :** N/A

**INFO. CONTACT:** Planning & Sustainability

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Director of Planning & Sustainability to amend the DeKalb County Zoning Ordinance to revise definition of "Drive Through Facility" and revise description of land uses and how they are permitted in land use table relating to "Drive Through Facility" and for other purposes. This text amendment is County-wide.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (CC-1) Approval; (CC-2) Approval w/condition; (CC-3) Full Cycle Deferral; (CC-4) Full Cycle Deferral; (CC-5) Full Cycle Deferral.

**PLANNING COMMISSION:** Approval.

**STAFF RECOMMENDATION:** Approval.

**PLANNING STAFF ANALYSIS:** The proposed text amendment updates the "drive-through facility" definition and addresses certain uses that may have drive-through services. This text amendment proposes a revised definition including three aspects. Drive-through facilities are inherently vehicle centered. First, the definition addresses the actual provision of services to patrons while within their vehicles. Second, the definition addresses common design features of a drive-through facility. Finally, the definition provides examples of common uses that will likely fit the definition of a drive-through facility.

Additionally, the text amendment proposes changes to the supplemental regulations for drive-through facilities and the uses most likely to have a drive-through component. With these changes, staff seeks to denote the applicability of the revised definition to proposed uses and provide codified interpretations related to drive-through facilities or uses containing drive-through facilities that are subject to special land use permit (SLUP) procedures. These proposed amendments should provide the clarity and predictability desired by the business community for site selection activities and cost considerations. Staff recommends approval.

**PLANNING COMMISSION VOTE:** Approval 9-0-0. Jan Costello moved, April Atkins seconded for approval, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (CC-1) Approval 5-0-0; (CC-2) Approval w/condition 10-0-0. Approval with the condition that section "L-exceptions" is removed; (CC-3) Full Cycle Deferral 10-0-0. Full cycle deferral to allow consideration for the text amendment to remove the language allowing emergency exemptions for SLUP requirements and also to specifically address if the unloading/loading of people at a hospital or church is considered a drive-through facility. Additionally, some council members thought that drive-through facilities in the C-2, M and M-2 zoning districts outside of character areas should only be allowed as a SLUP instead of a permitted land use to allow appropriate community involvement; (CC-4) Full Cycle Deferral 11-1-0; (CC-5) Full Cycle Deferral 9-0-0.

