

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to Chapter 27 of the DeKalb County zoning ordinance for supplemental regulations for Special Events Facilities. This text amendment is County-wide.

PETITION NO: N5-2024-0901 TA-24-1247130 (from September agenda)

PROPOSED USE: Supplemental regulations for Special Events Facilities.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Yvonne Trammell, Special Projects Coordinator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for a text amendment to Chapter 27 of the DeKalb County zoning ordinance for supplemental regulations for Special Events Facilities. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: (August 2024) CC-1: Approval; CC-2: Deferral; C-3: Two-cycle deferral; C-4: Full cycle deferral; C-5: Approval w/conditions.

PLANNING COMMISSION: (September 12, 2024) Approval.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See attached staff report.

PLANNING COMMISSION VOTE: (September 12, 2024) Approval with a modification 8-1-0. Jan Costello moved, Vivian Moore seconded for approval with the applicable correction to a grammatical error in Section 4.2.63, as discussed. Jana Johnson opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (August 2024) CC-1: Approval 3-0-0; CC-2: Deferral 8-0-0; CC-3: Two-cycle deferral 8-0-0 to allow for the special events facilities be better defined in the text amendment; CC-4: Full cycle deferral 8-0-0; CC-5: Approval with conditions 6-0-2 for alcohol regulations, incorporate security, and hookah/vaping regulations.



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: September 12, 2024

Board of Commissioners Hearing Date: September 26, 2024

TEXT AMENDMENT ANALYSIS

AGENDA NO.:
N5-2024-0901

ZONING CASE NO.:
TA-24-1247130

COMMISSION DISTRICTS:
ALL

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: Supplemental section of Section 27-4.2.63 – Special Event Facilities.

REASON FOR REQUEST:

The proposed text amendment seeks to provide appropriate supplemental regulations for *Special Events Facilities* in various zoning districts to promote economic development, ensure efficient land use, and meet community needs. There is a need for supplemental regulations to better define *Special Events Facilities* and clarify how these businesses are different from a late-night establishment, nightclub, restaurant, or lounge. This text amendment proposes regulations, including compliance with the DeKalb County Noise Ordinance to maintain a peaceful environment and minimize adverse impacts of adjacent and surrounding residents and businesses.

The ordinance (see attached) stipulates that a *Special Event Facility* shall not be operated as a restaurant, lounge, bar or late-night establishment, or a nightclub. Uses must pertain to a gathering place for personal social engagements or activities, where people assemble on special occasions for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. Additionally, these requirements were chosen based upon regulating special events that will not be advertised on social media, are not open to the public, and shall be closed by 12:30 AM to prevent a *Special Events Facility* from operating as a “late night establishment or nightclub”. The ordinance further states that any *Special Event Facility* desiring to stay open beyond 12:30 AM will be required to obtain a Special Land Use Permit (SLUP) to allow for the consideration of noise, safety, and community impacts. Also, the Special Event Facility shall not be licensed to sell alcohol. The event will need a temporary alcohol license. Sound at the Special Event Facility must comply with Chapter 16 of the DeKalb County Noise Ordinance. All servers hired to participate in the event, such as bartenders and caterers, must be properly licensed. All caterers must obtain the necessary permits from the State of Georgia as well as from their County of origin to provide food and beverage at the event.

By setting clear definitions, supplemental regulations, and operational standards, the amendment aims to promote safe and responsible uses of *Special Event Facilities*. These regulations will help preserve and promote economic

development in a controlled and sustainable manner. Planning staff recommends approval of this text amendment but is open to feedback and considerations should this be deferred.

STAFF RECOMMENDATION: APPROVAL

**CODE OF DEKALB COUNTY
CHAPTER 27-ZONING
ARTICLE 4-SUPPLEMENTAL USE REGULATIONS
27.4.2.63 SPECIAL EVENTS FACILITY SUPPLEMENTAL REGULATIONS**

AN ORDINANCE TO ADD SECTION 4.2.63 OF CHAPTER 27 OF THE ZONING ORDINANCE OF DEKALB COUNTY TO CREATE SUPPLEMENTAL REGULATIONS FOR SPECIAL EVENT FACILITIES WHICH ARE ALLOWED IN THE OI (OFFICE INSTITUTIONAL), OIT (OFFICE INSTITUTIONAL-TRANSITIONAL), C-1 (LOCAL COMMERCIAL), C-2 (GENERAL COMMERCIAL) OD (OFFICE DISTRIBUTION), M (LIGHT INDUSTRIAL), MU-1 (MIXED USE LOW DENSITY), MU-2 (MIXED USE LOW MEDIUM DENSITY), MU-3 (MIXED USE MEDIUM DENSITY), MU-4 (MIXED USE HIGH DENSITY), MU-5 (MIXED USE VERY HIGH DENSITY) DISTRICTS AND A SPECIAL LAND USE UNDER RE (RESIDENTIAL ESTATE) DISTRICT; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the need for appropriate regulations for Special Event Facilities in various zoning districts has been established to promote economic development, ensure efficient land use, and meet community needs; and

WHEREAS, it is recognized that special event facilities can contribute to the overall character and functionality of the zones; and

WHEREAS, it is in the best interest of DeKalb County to amend the zoning ordinance in the furtherance of the public health, safety, general welfare, and economic growth and sustainability; and

WHEREAS, adherence to the DeKalb County Noise Ordinance is crucial for maintaining a peaceful environment and ensuring the comfort of all residents and businesses within the affected areas.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Zoning Ordinance of DeKalb County, is hereby amended as follows:

PART I ENACTMENT

By amending Section 9.1.3 (Defined Terms) to modify the definition of Special Event Facilities and add new Supplemental Regulations of Article 4, Section 4.2.63 of Chapter 27, of the Zoning Ordinance of DeKalb County as follows:

Sec. 9.1.3. – Defined Terms.

Definition: *Special Events Facility.* A building and/or premises used as a customary meeting or gathering place for personal or private social engagements or activities, where generally, a limited number of known guests, assemble for parties, weddings, wedding receptions, reunions, birthday

celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. This definition shall not include places of worship, temporary outdoor events, or non-profit civic associations. This definition also shall not include facilities in which the predominant activities or events are publicly accessible and/or are consistent with operations similar to a **restaurant, lounge, bar or late-night establishment, or nightclub**. “Publicly accessible” means that entry is free to the general public, or it requires an admission fee or leasing fee, in-person or online, for the general public.

Section 4.2.63 Special Event Facilities (Special Events/Banquet Facility or Rental Hall)
Supplemental Regulations

- A. A *Special Event Facility* should only be used for specific occasions.
 - 1. Scheduled events shall not be advertised to the public.
- B. Noise levels generated during such events shall comply with the DeKalb County Noise Ordinance.
- C. The property owner shall ensure adequate garbage and litter are collected and picked up after each event.
- D. Events serving alcohol will need a temporary alcohol license.
- E. A *Special Events Facility* does not have an alcohol license and does not prepare food on-site.
 - 1. A Special Events Facility shall not provide the food or beverages, only the facility.
 - 2. Serves hired to participate in the event, such as bartenders, caterers, shall be properly licensed.
 - 3. Alcohol servers shall possess registered alcohol permits, ensuring they are trained in responsible alcohol service.
- F. Caterers must obtain the necessary permits from the State of Georgia as well as from their County of origin to provide food and beverage services at the event.
- G. Any indoor special event activity, as defined by this ordinance, whether it is an accessory to an existing business or associated with developed property, shall close by 12:30 AM.
 - 1. Any special events facility that desires to have operations beyond 12:30 AM will require a Special Land Use Permit (SLUP) to ensure that additional considerations for noise, safety, and community impact are addressed.

PART 2: All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

PART 3: The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the DeKalb County.

PART 4: It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, DeKalb County, Georgia

PART 5: This Ordinance shall become effective immediately on the date of adoption by the board of commissioners and approval by the chief executive officer.

PART 6: 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

(Supp. No.67)
September 16, 2024, 9:35:00 (EST)

APPROVED by the Chief Executive Officer

This ____ day of _____, 2024.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

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

VIVIANE H. ERNSTES
County Attorney

APPROVED AS TO SUBSTANCE:

CEDRIC G. HUDSON
Interim Director
DeKalb County Department of Planning & Sustainability