



DeKalb County Department of Planning & Sustainability

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Board of Commissioners Hearing Date: May 26, 2022

TEXT AMENDMENT ANALYSIS

AGENDA NO.: N19

ZONING CASE NO.: 2022-1487

COMMISSION DISTRICTS:

Countywide

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, SECTION 2.24.1-TABLE 2.2 (NON-RESIDENTIAL ZONING DISTRICTS DIMENSIONAL REQUIREMENTS) AND SECTION 5.7.1 (APPLICATION OF STANDARDS) TO RELAX BUILDING HEIGHT AND DESIGN STANDARDS FOR FILM PRODUCTION/SOUND STAGE BUILDINGS AND OTHERS, SUBJECT TO CONDITIONS IN THE OD (OFFICE DISTRIBUTION) ZONING DISTRICT.

REASON FOR REQUEST:

The *Zoning Ordinance* was amended 2020 to include a new land use, *film, movie, television production studio*. That text amendment introduced the term, a supplemental regulation, and updates to the use table. Given the novelty of the studio industry to the County at that time, the text amendments did not address the customary building designs that are unique to the industry. For example, sound stage buildings typically exceed the maximum 35-foot OD Zoning District building height. Recent proposals have included 50-foot buildings. Building heights that exceed the maximum height may be requested via the special land use permit (SLUP) process. However, if such building heights are customary to the use, then requiring an additional process for a by-right use may be inefficient and counterproductive to land use and economic development goals. The proposed text amendments alleviate this dilemma in the short-term by exempting production/sound stage buildings from commercial design standards and raising the maximum building height for large sites.

STAFF RECOMMENDATION: Approval

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 27, ARTICLES 2 AND 5, OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, PERTAINING TO THE BUILDING HEIGHT ALLOWED IN THE OFFICE DISTRIBUTION ZONING DISTRICT AND PERTAINING TO BUILDING MATERIALS USED IN THE OFFICE DISTRIBUTION DISTRICT, AND FOR OTHER PURPOSES.

WHEREAS, on December 17, 2019, the DeKalb County Board of Commissioners enacted an ordinance to allow Film, Movie, Television Production Studio to be allowed in the O-D and M zoning districts; and

WHEREAS, the OD zoning district does not allow for a sufficient height and building materials to meet the needs of the Film, Movie, Television Production business; and

WHEREAS, the DeKalb County Board of Commissioners therefore seeks to amend the Zoning Ordinance to accommodate this use in the O-D zoning district; 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 2 and 5 of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending sections 27-2.24.1 and 27-5.7.1 as follows:

Sec. 2.24.1. Dimensional requirements.

Dimensional requirements including overall site requirements, lot dimensions, setbacks, and heights for Non-Residential Districts are provided in Table 2.24, "Non-Residential Zoning Districts Dimensional Requirements." Building setback, height and lot width may be tied to lot size compatibility, averaging as defined and required in article 5.

Table 2.2 Non-Residential Zoning Districts Dimensional Requirements

| Non-Residential Districts | | | | | | | | |
|---|-------|--------|--------|--------|--------|--------|--------|-------------------------------------|
| KEY: Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban | | | | | | | | |
| Element | OIT | OI | NS | C-1 | C-2 | OD | M | M2 |
| Overall Site Requirements (minimum, unless otherwise specified) | | | | | | | | |
| Dimensional Requirements | | | | | | | | |
| Lot area (min. square feet) | 7,500 | 20,000 | 20,000 | 20,000 | 30,000 | 30,000 | 30,000 | 2 acres for heavy ind. & uses req'g |

| | | | | | | | | |
|--|-----------------------|---------------|---------------|----------------------------|----------------------------|---------------|---------------|---------------------------------|
| | | | | | | | | SLUP, 1 acre for all other uses |
| Single-Family Attached Lot Area (Avg. per dwelling unit sq. ft.) | 4,000 | Not permitted | Not permitted | Not permitted | Not permitted | Not permitted | Not permitted | Not permitted |
| Lot width, street frontage (feet) | 75 | 100 | 100 | 100 | 100 | 100 | 100 | 150 |
| Lot coverage (maximum percentage) | 80 | 80 | 80 | TC/RC: 90 All other: 80 | TC/RC: 90 All other: 80 | 80 | 80 | 80 |
| Open Space Requirements | | | | | | | | |
| Sites with 5,000—39,999 sq. ft. gross floor area (minimum %) | 15 | 15 | 15 | 10 | 10 | 15 | 15 | 15 |
| Sites with 40,000 [sq. ft.] gross floor area (minimum %) | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 |
| Transitional buffer (feet) | Article 5, division 4 | | | | | | | |
| Building Setback Requirements (minimum, unless otherwise specified) | | | | | | | | |
| Urban Character Areas (Town Center, Regional Center) | | | | | | | | |
| Front thoroughfares and arterials (min./max. feet) | 20/60 | 20/50* | 10/60 | 20/60 | 20/60 | Not permitted | Not permitted | Not permitted |
| Front - all other streets (min./max. feet) | 10/60 | 10/60* | 5/60 | 10/60 | 10/60 | Not permitted | Not permitted | Not permitted |
| Side - interior lot (feet) | 20 | 20* | 20 | 15 | 15 | Not permitted | Not permitted | Not permitted |
| Side - corner lot on public streets (feet) | 30 | 15* | 15 | 30 | 30 | Not permitted | Not permitted | Not permitted |

| | | | | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|------------------------------|---------------|---------------|
| Rear (feet) | 20 | 20* | 20 | 20 | 20 | Not permitted | Not permitted | Not permitted |
| All Other Character Areas | | | | | | | | |
| Front thoroughfares and arterials (feet) | 40 | 60* | 30 | 60 | 60 | 75 | 60 | 60 |
| Front - all other streets (feet) | 30 | 50* | 20 | 50 | 50 | 75 | 60 | 60 |
| Side - interior lot (feet) | 20 | 20* | 20 | 20 | 20 | 20 | 20 | 20 |
| Side - corner lot on public streets (feet) | 40 | 50* | 15 | 50 | 50 | 50 | 60 | 60 |
| Rear (feet) | 30 | 30* | 20 | 30 | 30 | 30 | 30 | 30 |
| Unit Size (residential: heated living area) | | | | | | | | |
| Floor area of attached dwelling unit of Multi-Family (min. sq. ft.) | 1,000 | 1,000 | Not permitted | Not permitted | Not permitted | Not permitted | 1,000 | Not permitted |
| Floor area of live/work dwelling unit (residential portion only - min. sq. ft.) | 650 | 650 | 650 | 650 | Not permitted | Not permitted | 650 | Not permitted |
| Floor area per individual building (maximum sq. ft.)(non-res) | N/A | N/A | 50,000 | No maximum | No maximum | No maximum | No maximum | No maximum |
| Height (maximum without a special land use permit (SLUP))** | | | | | | | | |
| Height (feet) | 2 story/35 feet | 5 story/70 feet | 2 story/35 feet | 2 story/35 feet | 2 story/35 feet | 2 story/35 feet ¹ | ** | ** |
| Transitional height plane (see article 5) | No | Yes | No | No | No | Yes | Yes | Yes |

* If located next to single-family residential and the building will exceed 35 feet, the building setback from SF residential shall be increased 50%.

** Fire department and rescue services must approve over 3 stories to assure adequacy of fire protection facilities.

*** 5 story/70 feet if in an activity node, 2 story/35 feet outside an activity node, unless obtaining a SLUP for up to 5 story/70 feet.

[1. up to 55 feet, if property has at least 500 feet of frontage, on a major arterial road, and greater than 10 acres.](#)

Sec. 5.7.1. Application of standards.

A. This division establishes standards for the form and configuration for the following building types:

- 1. Detached and attached houses;
- 2. Multi-family;
- 3. Live/work; and
- 4. Non-residential except industrial use [and production/sound stage](#) buildings.

B. Compliance review. Review of proposed development to ensure compliance with the standards of division 7 shall occur concurrent with any zoning compliance review conducted during the process of approving a rezoning, use permit, variance or modification of conditions, a sketch plat, a land disturbance permit, a development permit, or any other applicable permit or license.

C. These standards apply to new buildings as well as to the substantial redevelopment and renovation of such buildings, as applicable per article 8 regarding nonconformities.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2022.

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

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2022. _____

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