

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): ALL DISTRICTS

Application of the Director of Planning & Sustainability for a text amendment relating to film studio requirements and for other purposes. This text amendment is County-wide.

PETITION NO: D1-2023-1466 TA-24-1246761

PROPOSED USE: Film studio requirements, and for other purposes.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Rachel Bragg, Zoning Administrator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for a text amendment relating to film studio requirements and for other purposes. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: (June 2024) CC-1: Deferral; CC-2: No Vote Taken; CC-3: Full cycle deferral; CC-4: Approval; CC-5: Full cycle deferral. (Dec. 2023) CC-1: Approval; CC-2: Deferral; CC-3: Approval; CC-4: Approval; CC-5: Approval.

PLANNING COMMISSION: (July 11, 2024) Pending. (Jan. 9, 2024) Denial.

PLANNING STAFF: Three-cycle deferral.

STAFF ANALYSIS: Three-cycle deferral to the January 2025 zoning cycle to allow for additional industry expert review and neighborhood input.

PLANNING COMMISSION VOTE: (July 11, 2024) Pending. (Jan. 9, 2024) Denial 7-2-0. Jon West moved, Jana Johnson seconded for Denial. Vivian Moore and Edward Patton opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2024) CC-1: Deferral (3-0-0) to obtain more information; CC-2: No vote taken; CC-3: Full cycle deferral (11-0-0) so that they can review any changes made to the text amendment at the Planning Commission and the Board of Commissioners hearings; CC-4: Approval 9-0-0; CC-5: Full cycle deferral 5-0-2. (Dec. 2023) CC-1: Approval 6-0-0; CC-2: Deferral 9-1-0. CC-2 had concerns about allowing in C-1, C-2 and O-I due to appearance; and, concerns regarding noise in mixed-use districts; CC-3: Approval 5-2-0. CC-3 suggested that film studios also be allowed in the MU-1, MU-2, and MU-3 zoning districts; and that the terms "board of commissioners" and "chief executive officer " on page 2, part 5, should be capitalized. The Council also supported requiring film studios to be in a fully enclosed, soundproofed building.; CC-4: Approval 11-0-0; CC-5: Approval 8-0-0.



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: July 11, 2024

Board of Commissioners Hearing Date: July 25, 2024

TEXT AMENDMENT ANALYSIS

AGENDA NO.: 2023-1466 ZONING CASE NO.: TA-24-1246761 COMMISSION DISTRICTS: All

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: Sections 27-4.1 Use Table, Section- 4.2 Supplemental Use Regulations

REASON FOR REQUEST:

On December 17, 2019, the Board of Commissioners approved a film studio text amendment to the *Zoning Ordinance* to introduce “film, movie, and television production” as a permissible use. That text amendment allowed film studios as a permitted use in the OD (Office Distribution) and M (Light Industrial) zoning districts and the Indian Creek Overlay District.

In order to expand economic development opportunities for this fast-growing industry in DeKalb County, Commissioner Robert Patrick (District 1) initiated consideration of this text amendment proposal to expand by-right land use options to the C-1 (Local Commercial), C-2 (General Commercial), MU-4 (Mixed-Use High Density), and MU-5 (Mixed-Use Very High Density) zoning districts (see attached).

STAFF RECOMMENDATION: 3-CYCLE DEFFERAL-to allow for additional industry expert review and neighborhood input.

Prepared 12/12/2023 by: J L R

UPDATED 7/1/24 BY: YKT

TA-24-1246761

**STATE OF GEORGIA
DeKalb County**

AN ORDINANCE TO AMEND THE USE TABLE OF SECTION 4.1.3 OF CHAPTER 27 OF THE ZONING ORDINANCE OF DEKALB COUNTY TO ADD “FILM, MOVIE, TELEVISION AND PRODUCTION STUDIOS” AS PERMITTED USES IN THE C-1 (LOCAL COMMERCIAL), C-2 (GENERAL COMMERCIAL), O-I (OFFICE-INSTITUTIONAL), AND MU-4 AND MU-5 (MIXED-USE HIGH DENSITY AND MIXED-USE VERY HIGH DENSITY) DISTRICTS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Board of Commissioners is authorized to exercise zoning powers to protect and promote the County's health, safety, and general welfare;

WHEREAS, the zoning code currently allows “Film/movie/television production studios” only in the OD (Office-Distribution) and M (Light Industrial) districts, and the Indian Creek Overlay District, and;

WHEREAS, the proposed zoning text amendment creates a unique opportunity to further enhance and diversify DeKalb County’s economy, generate a significant number of new jobs, and further attract other businesses and investment to the County; 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

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 Use Table of Article 4, Section 4.1.3 of Chapter 27, of the Zoning Ordinance of DeKalb County is hereby amended to add “Film/movie/television production studios” as permitted uses by right to the C-1, C-2, O-I, MU-4 and MU-5 districts with language as shown in table columns below:

Sec. 4.1.3. Use table.

Use	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Adult entertainment establishments					P		P						✓
Adult service facility					P		P	P					✓
Drive-in theater					P		P	P					✓
Fairground or amusement park					P		P	P					✓
Film/movie/television post-production facility	P	P		P	P	P	P					P	✓
Film/movie/television pre-production facility	P	P		P	P	P	P					P	✓
Film/movie/television production studios	SP			SP	SP	P	P					P	✓
Radio, internet, or television broadcasting studio	P	P		P	P		P	P	P	P	P	P	
Radio or television broadcasting transmission													

Sec. 4.2.58. – Film/movie/television production studios.

- A. Film, movie, and television production studios may film outdoors on or off studio property if compliant with all provisions of [chapter 15](#), film production.
- B. Film, movie, and television production studios shall be permitted in all OD (Office-Distribution) and M (Light Industrial) zoning districts, except where excluded by existing zoning conditions.
- C. In all other permissible zoning districts, pre-production facilities and post-production facilities shall be permitted by-right, subject to the following:
 - 1. The subject property must have frontage along one of the following corridors:
 - a. Chamblee-Tucker Road (from Shallowford Road to Tucker Norcross Road),
 - b. Pleasantdale Road (from I-85 to Tucker Norcross Road),
 - c. Northeast Expressway (from Shallowford Road to Chamblee-Tucker Road), or
 - d. Shallowford Road (from I-85 to Briarcliff Road).
 - 2. A pre-production or post-production facility may be a standalone principal use in an office building; shopping plaza; commercial suite; or other nonresidential structure; or an accessory use on a production studio site.
- D. In all other permissible zoning districts, production studios shall be permitted by-right or via special land use permit, per Table 4.1.3 (Use Table), subject to the following:
 - 1. The subject property must have frontage along one of the following corridors:
 - a. Chamblee-Tucker Road (from Shallowford Road to Tucker Norcross Road),
 - b. Pleasantdale Road (from I-85 to Tucker Norcross Road),
 - c. Northeast Expressway (from Shallowford Road to Chamblee-Tucker Road), or
 - d. Shallowford Road (from I-85 to Briarcliff Road).
 - 2. For all locations, on-site filming, production, performance, pre-production, post-production, and other ancillary activities shall occur within fully enclosed, soundproof buildings. In permissible zoning districts, outdoor filming on a production studio site shall be subject to a special land use permit.
- E. The minimum off-street parking ratio for production studios shall be subject to Section 6.1.2 of the *Zoning Ordinance*.

Sec. 9.1.3. – Defined Terms.

Film/movie/television post-production facility: an office and/or music-like studio largely dedicated to the portion of the film, movie, or television production process that occurs after production. It includes activities such as editing, visual effects, music/score/sound mixing, and graphics.

Film/movie/television pre-production studio facility: an office-like space largely dedicated to the portion of the film, movie, or television production process that occurs before production. It includes activities such as script writing, casting, rehearsal, and administrative duties (e.g., budgeting, planning, hiring, etc.).

Film/movie/television production studio: a building, facility, and/or site used to produce commercial motion pictures, independent filmography, documentaries, music videos, television shows, commercials, online broadcasts, podcasts, video game production, and other content. Filming does not include activities performed as part of: 1) documenting current affairs; or 2) producing newscasts. Accessory activities/structures may include soundstages, basecamp operations, pre-production activities, milling/prop production, talent trailers, related office work, private catering/dining, editing, post-production activities, and outdoor storage.

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.