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 Residential Entertainment in RE (Residential Estate); O-I (Office-Institutional); OIT (Office-Institutional-Transitional); M (Light Industrial); M2 (Heavy Industrial) zoning districts, and for other purposes**.**

PETITION NO: D1-2026-0453 TA-26-1248040

PROPOSED USE: Residential Entertainment in RE, O-I, OIT, M, & M2 zoning districts.

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 relating to Residential Entertainment in RE (Residential Estate); O-I (Office-Institutional); OIT (Office-Institutional-Transitional); M (Light Industrial); M2 (Heavy Industrial) zoning districts, and for other purposes.

RECOMMENDATION:

COMMUNITY COUNCIL: (Oct 2026) CC-1: Withdrawal; **CC-2:** Withdrawal; **CC-3:** Withdrawal; **CC-4**: Withdrawal; **CC-5:** Withdrawal. **(April 2026) CC-1:** No Quorum; **CC-2:** Approval; **C-3:** Approval; **C-4:** Approval; **C-5:** Deferral.

PLANNING COMMISSION: (Nov. 5, 2026) Withdrawal without Prejudice. **(May 5, 2026)** Approval with Condition.

PLANNING STAFF: (November 2026) Withdrawal without Prejudice. **(May 2026)** Approval.

STAFF ANALYSIS: This is a text amendment request from the Department of Planning and Sustainability to add regulations for Residential Entertainment to address the shift in entertainment practices**.** Current entertainment regulations were built for a different era. Today, social gatherings increasingly take place in private homes and backyards rather than in traditional venues. This shift can create new challenges for surrounding residents, particularly when properties are used for frequent or large-scale events that lead to ongoing disturbances, traffic, and code violations. The proposed regulations aim to provide a balance between providing appropriate entertainment venues and protecting surrounding residential neighborhoods. Toward that end, the proposed regulations are to only allow residential entertainment with a Special Administrative Permit (SAP) in RE (Residential Estate), O-I (Office-Institutional), OIT (Office-Institutional Transitional), M (Light Industrial), M-2 (Heavy Industrial) zoning districts, to add the definition "owner occupied", and to add "residential entertainment" as defined terms to Section 9.1.3. The proposed supplemental regulations to address residential entertainment include: Minimum 1 acre lot and 2,000 sq. ft heated floor area; Must be located on minor/major arterial roadway or higher; Events limited to primary structure or fenced rear yard; Indoor music only; subject to the count's noise ordinance Permit issued to property owner and is non-transferrable; Maximum 8 events per/year (2/per quarter); All events must end @12:30 AM or obtain a SLUP; Parking plan required; Must notify neighbors within (500 ft) and onsite contact signage; No advertising on social media; No alcohol sales. Recent

interdepartmental discussions identified the need to confirm a new lead department and resolve questions concerning enforcement, penalties, fee recovery, potential property liens, and restrictions on licenses and permits. Additionally, the Chapter 27 of the code is currently being updated by Current Planning. This effort provides an opportunity to define "residential entertainment" and consider appropriate zoning standards through the zoning code update and its applicable review process. Once departmental leadership is confirmed and legal questions are addressed, participating departments can establish a coordinated approach and timeline for advancing revised regulations. A recommendation of ***"Withdrawal without Prejudice"*** would allow the designated lead department to coordinate with Planning and Sustainability, Code Enforcement, Public Safety, Fire and the Law Department before advancing a revised proposal.

PLANNING COMMISSION VOTE: (November 5, 2026) Withdrawal without Prejudice 6-0-0. Motion was made by Commissioner Moore, seconded by Commissioner Cooper for withdrawal without prejudice, per Staff recommendation. **(May 5, 2026) Approval with a Condition 5-3-0.** Commissioner Costello moved, Commissioner Cooper seconded for Approval per Staff recommendation, with the condition that no more than two (2) events be allowed in the RE (Residential Estate) zoning district per year. Commissioners Moore, Osler and Patton opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Oct. 2026) CC-1: No Quorum. Members present voted for Withdrawal (4-0-0). **CC-2:** Withdrawal (12-0-0) for more discussion; **CC-3:** Withdrawal (8-0-0); **CC-4:** No Quorum; members present voted for Withdrawal (5-0-0); **CC-5:** Withdrawal (7-0-0). **(April 2026) CC-1:** No Quorum. Members present voted for Approval. **CC-2:** Approval 12-0-0. **CC-3:** Approval 8-0-0; **CC-4:** Approval 8-1-0; **CC-5:** Deferral 10-0-0.

DeKalb County Government Services Center
178 Sams Street, Decatur, GA 30030
404-371-2155

Planning & Sustainability Public Hearings

Planning Commission Hearing Date: November 5, 2026
Board of Commissioners Hearing Date: November 19, 2026
STAFF ANALYSIS

CASE NO.:	**TA-26-1248040**	**File ID #: 2026-0453**
Address:	County-Wide	Commission Districts: All Districts
Parcel ID(s):	N/A	
Request:	Application of the Director of Planning & Sustainability for a text amendment relating to Residential Entertainment in the RE (Residential Estate); O-I (Office-Institutional); OIT (Office-Institutional-Transitional); M (Light Industrial); M2 (Heavy Industrial) zoning districts, and for other purposes.	
Property Owner(s):	N/A	
Applicant/Agent:	Director, Planning & Sustainability	
Acreage:	N/A	
Existing Land Use:	N/A	
Surrounding Properties:	North: South: East: West: (N/A)	
Adjacent Zoning:	North: South: East: West: (N/A)	
Comprehensive Plan:	Consistent [X] Inconsistent [ ]	

STAFF RECOMMENDATION: WITHDRAWAL WITHOUT PREJUDICE

BACKGROUND

This is a text amendment request from the Department of Planning and Sustainability to add regulations for Residential Entertainment to address the shift in entertainment practices. Current entertainment regulations were built for a different era. Today, social gatherings increasingly take place in private homes and backyards rather than traditional venues. This shift can create new challenges for surrounding residents, particularly when properties are used for frequent or large-scale events that lead to ongoing disturbances, traffic, and code violations.

The proposed regulations aim to provide a balance between providing appropriate entertainment venues and protecting surrounding residential neighborhoods. Toward that end, the proposed regulations are to only allow residential entertainment with a Special Administrative Permit (SAP) in RE (Residential Estate), OI (Office-Institutional), OIT (Office-Institutional Transitional), M (Light Industrial), M-2 (Heavy Industrial) zoning districts, to add the definition "owner occupied", and to add "residential entertainment" as defined terms to Section 9.1.3. The proposed supplemental regulations to address residential entertainment include:

- Minimum 1 acre lot and 2,000 sq. ft heated floor area;
- Must be located on minor/major arterial roadway or higher;
- Events limited to primary structure or fenced rear yard;
- Indoor music only; subject to the count's noise ordinance

- Permit issued to property owner and is non-transferrable;
- Maximum 8 events per/year (2/per quarter);
- All events must end @12:30 AM or obtain a SLUP;
- Parking plan required;
- Must notify neighbors within (500 ft) and onsite contact signage;
- No advertising on social media;
- No alcohol sales.

STAFF ANALYSIS

Recent interdepartmental discussions identified the need to confirm a new lead department and resolve questions concerning enforcement, penalties, fee recovery, potential property liens, and restrictions on licenses and permits. Additionally, the Chapter 27 of the code is currently being updated by Current Planning. This effort provides an opportunity to define "residential entertainment" and consider appropriate zoning standards through the zoning code update and its applicable review process. Once departmental leadership is confirmed and legal questions are addressed, participating departments can establish a coordinated approach and timeline for advancing revised regulations.

RECOMMENDATION

A ***"Withdrawal without Prejudice"*** would allow the designated lead department to coordinate with Planning and Sustainability, Code Enforcement, Public Safety, Fire and the Law Department before advancing a revised proposal.

Revised:10/01/26

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 27, ARTICLE 4, SECTION 2 OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988 TO ADD REGULATIONS FOR RESIDENTIAL ENTERTAINMENT AND FOR OTHER PURPOSES.

Chapter 27 Article 4.2.65 RESIDENTIAL ENTERTAINMENT IN DEKALB COUNTY

WHEREAS, the DeKalb County Board of Commissioners is vested with authority to regulate land use through the adoption of planning and zoning ordinances which reasonably relate to the public health, safety, morality and general welfare of the County and its citizens; and

WHEREAS, the DeKalb County Board of Commissioners has determined that certain land uses, including but not limited to residential entertainment, require the imposition of additional regulations to mitigate the negative impacts on the public health, safety, and welfare; and

WHEREAS, residential neighborhoods are designed for residential dwelling and the peaceful enjoyment of the residents; 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;

WHEREAS, the occurrence of large-scale commercial gatherings on residentially zoned property is a threat to the quiet enjoyment of the property and to the health, safety, and welfare of those residents due to the excessive noise, traffic and other street obstructions;

WHEREAS, large scale commercial events should be expressly prohibited in the following residential single-family districts: RLG, R-100, R-85, R-75, R-60, RSM, MHP, RNC: and medium/high density residential districts: MR-1, MR-2, HR-1, HR-2, HR-3; MU-1, MU-2, MU-3, MU-4, MU-5. Exceptions include traditional family/friendly gatherings that have no fee involved for the use of the property.

WHEREAS, to only allow residential entertainment with a Special Administrative Permit (SAP) in RE, OI, OIT, M, M-2, zoning districts, and to add the definition "owner occupied" and to add "residential entertainment" as a defined term to Section 9.1.3.

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 27-4.1.3 Use table to include residential entertainment as follows**:**

KEY:	P - Permitted use												SA - Special administrative permit from Director of Planning												
	Pa - Permitted as an accessory use												SP - Special land use permit from BoC (SLUP)												
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Recreation and Entertainment																									
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 production studios																		P	P						✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P	
Nightclub or late night establishment													Pa			SP	SP	SP	SP	SP	SP	SP	SP	SP	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP																P	P	SP						✓
Residential Entertainment	*SA*												*SA*	*SA*					*SA*	*SA*					
Residential Entertainment (operation after 12:30 AM)	*SP*												*SP*	*SP*					*SP*	*SP*					
Special events facility	SP												P	P		P	P	P	P		P	P	P	P	
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building													P	P		P	P						P	P	

By amending Section 27-9.1.3- Defined Terms *of the Code of DeKalb County*, *to add the following terms:*

Residential entertainment. A single-family, two-family, or multi-family dwelling unit, including all accessory structures and the lot on which the dwelling unit is located, which is periodically used for the accessory purpose of hosting authorized large-scale commercial events; including but not limited to a wedding ceremony/reception, birthday celebration, pool and/or outdoor party where a fee is charged by the owner/lessee to the event's host for the use of the property by invitation only; whether or not the individual attendees are also charged an

entry fee to the event. This shall not include events for 501(c)(3) non-profits or business, civic, professional, or political organizations or campaigns as well as party houses.

Traditional entertainment. A residential dwelling, or portion thereof, that is used, maintained, or utilized for family time, holidays, birthday parties or other gatherings that do not disturb the quite enjoyment of the neighborhood.

In home events. A residential dwelling, or portion thereof, that is used, maintained, or utilized for an event that is normally hosted in an event center that go beyond private social visits or family events.

Party house. A residentially zoned dwelling, or portion thereof, that is used, maintained, or advertised for the purpose of hosting unauthorized social gatherings, events, or parties for commercial uses and/or for profit. A property may be deemed a party house if gatherings occur on a recurring basis, exceed the lawful occupancy limits of the dwelling, require off-site or obstructive parking, result in documented violations of applicable noise ordinances, or involve the charging of admission fees, ticket sales, or other compensation associated with event hosting; provided, however, that non-commercial family, social, or friendly gatherings for which no admission fee or other consideration is charged are expressly exempt. This designation applies whether or not a fee is charged for entry or use of the premises. A dwelling may be classified but not limited to as a party house if any of the following occurs:

i. Documented noise ordinance violations or noise that is audible at least 150 from the property line.
ii. Unauthorized use of a street or right of way including sidewalks, curbs, etc.
iii. Public intoxication or drinking in public view.
iv. Illegal activity that involves:
    - Serving alcoholic beverages to minors (under 21 years of age)
    - Possession or consumption of controlled substances by minors
    - Assaults, battery, fights, domestic violence or *disturbance of the peace*
    - The sale or service of alcoholic beverages without a license
    - Trespassing

Owner occupied. A dwelling unit that is the principal residence of the property owner. The property owner must hold legal title (or equitable interest) in the property and physically reside

in the unit as their primary place of residence.

***

By adding section 27.4.2.65-Residential Entertainment Supplemental Regulations of the Code of DeKalb County, as revised 1988, as follows:

Section 27-4.2.65 Residential Entertainment *Supplemental Use Regulations.*

a. A single-family residential property may only be utilized for "Residential Entertainment" by Special Administrative Permit (SAP) on lots located on minor/major arterial road. Property must be located on over one (1) acre of land and a primary structure no less than 2,000 square feet of heated floor space.
b. An event defined as "Residential Entertainment" by this Zoning Ordinance may only be conducted inside the primary structure and/or in a completely fenced back yard.
c. With the exception of internal lighting and porch lights, no other illumination may be utilized during a "Residential Entertainment" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.
d. Any music utilized for the "Residential Entertainment" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the County's Noise Ordinance.
e. A Special Administrative Permit for "Residential Entertainment" may only be granted to the owner of the property. The SAP is non-transferrable.
f. A parking plan must be submitted and include the following:
    i. Location of onsite parking:
    ii. On-street parking shall be permitted only along the same side of the street as the subject property and limited to the length of the street frontage directly abutting the property.
    iii. Provision of shuttle services is permitted; however, shuttle buses shall not be parked on residential property.
    iv. Event guests at a "Residential Entertainment" event must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place.

g. A detailed security and logistics plan shall be submitted at the time of application.

h. Events shall not be advertised to the public on social media or other platforms, or accessible to the public/non-invitees.

i. "Residential Entertainment" locations must comply with all applicable zoning, parking, fire, noise requirements and ordinances and shall not operate as a Short-Term Rental.

j. A qualifying event for "Residential Entertainment" may not continue past 12:30 a.m. Operating Hours past 12:30 a.m. require a SLUP.

k. An Administrative Permit may not be granted to any property for a "Residential Entertainment" that is located within 2000 feet of any County park facility, senior housing or schools, or be within 1,000 feet of a property zoned RLG, R-100, R-75, R-60, RSM, MHP, or RNC, MR-1, MR-2, HR-1, HR-2, HR-3; MU-1, MU-2, MU-3, MU-4, MU-5 as measured from property line to property line.

l. No alcohol may be sold (Ch.4 Sec.4-146) during a qualifying "Residential Entertainment" event and no more than one drink may be included as part of a cover charge for said event.

m. Signage shall be posted on the property with 24-hour contact information for owner and all other responsible parties to the event; owner shall notify all property owners within a 500ft radius.

n. A Special Administrative Permit must be approved by the director or designee of the Department of Planning & Sustainability within 30 days of application and required documents. If not approved within 30 days, the Special Administrative Permit is automatically denied. (Sec. 7.6.3)

o. Residential Entertainment shall not be a Public Nuisance (Sec. 18-132.-Definitions).

p. A Special Administrative Permit for "Residential Entertainment" shall authorize the owner of the property no more than 8 such qualifying events in any calendar year, with no more than two "Residential Entertainment" events each quarter.

q. An occupational tax certificate (business license) must be obtained each year through the Business License Department if a property is utilized as (commercial) residential entertainment location.

r. Any "Residential Entertainment" event, as defined by this ordinance, whether it is an

accessory structure to an existing business or associated with developed property shall end by 12:30 AM. Noise levels generated during such events shall comply with the DeKalb County Noise Ordinance.

s. Any "Residential Entertainment" event, 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 _____date of 2026.

APPROVED BY

_____

Chakira Johnson, Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____day of 2026.

_____

LORRAINE COCHRAN-JOHNSON
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:

_____

JULIANA NJOKU
Director, Planning & Sustainability
DeKalb County, Georgia

APPROVED AS TO FORM:

_____

TERRY G. PHILLIPS
County Attorney
DeKalb County, Georgia