

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to amend Article 2 (District Regulations) and to amend Article 5 (Site Design and Building Form Standards) to increase the maximum building height allowed in the OD (Office Distribution) Zoning District, with limitations. This text amendment is County-wide.

PETITION NO: N19. TA-22-1245671 (2022-1487)

PROPOSED USE: Amend Article 2 and Article 5, to increase maximum building height allowed in OD Zoning District.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Brandon White, Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to amend Article 2 (District Regulations) and to amend Article 5 (Site Design and Building Form Standards) to increase the maximum building height allowed in the OD (Office Distribution) Zoning District, with limitations. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1: Approval; CC-2: Deferral; CC-3: Approval; CC-4: Approval; CC-5: Approval.

PLANNING COMMISSION: No Recommendation.

PLANNING STAFF: Approval.

STAFF ANALYSIS: Approval.

PLANNING COMMISSION VOTE: No Recommendation. Gwendolyn McCoy moved, LaSonya Osler seconded for Approval, per Staff recommendation. The motion failed 4-0-2. Lauren Blaszyk and Jana Johnson abstained. **This application moves forward to the Board of Commissioners with no recommendation from the Planning Commission.**

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1: Approval 6-0-1; CC-2: Deferral 10-0-0. The board felt there was not enough information provided about how it would impact surrounding areas; CC-3: Approval 7-3-0. Some board members were concerned that if the film studio does not succeed, the community will be left with a tall, empty building. Other Board members wanted to encourage economic development. CC-4: Approval 10-0-0; CC-5: Approval 8-0-0.



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