

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 35, “FILM PRODUCTIONS” AND “UNIFIED DEVELOPMENT ORDINANCE”, TITLE 2: “LAND USE AND ZONING”, CHAPTER 240: “GENERAL USE REGULATIONS” BY EDITING AND DELETING CERTAIN PROVISIONS, AND BY ADDING CERTAIN PROVISIONS, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Chamblee City Council recognizes the impact the production of film media has within the City of Chamblee; and

WHEREAS, the City Council wishes to provide for the health and safety of all individuals creating, participating, attending, and/or conducting the creation of such media;

WHEREAS, the City Council recognizes the need to amend the permitting process for media production occurring on the private property of residential homeowners;

WHEREAS, the City Council finds that the adoption of the revised Film Productions regulations and Unified Development Ordinance is in the best interest of Chamblee to protect the health, safety, and welfare of its residents, visitors, and workers;

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA THAT THE FOLLOWING PROVISIONS OF CHAPTER 50, “FILM PRODUCTIONS” AND “UNIFIED DEVELOPMENT ORDINANCE”, TITLE 2: “LAND USE AND ZONING”, CHAPTER 240: “GENERAL USE REGULATIONS” OF THE CODE OF ORDINANCES SHALL BE AMENDED AS FOLLOWS:

SECTION 1. Subsection 35-4(b) is hereby amended to read as follows:

- (b) Low impact film productions shall meet the following requirements:
- (1) All film activities, preparation, and wrap-up shall be conducted entirely within the property lines of the licensed Home-Based Business address.
 - (2) No street, road, alley, or sidewalk shall be closed, barricaded, or other obstruction erected within a public right-of-way.
 - (3) Outside operations, storage, display, materials, products, or equipment shall be kept within the property limits and shall not be obtrusive to any adjacent properties.
 - (4) No alteration of the residential appearance of the Low Impact Film Location is permitted, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the Low Impact Film Location.
 - (5) Up to 10 visitors (including film cast and crew) are permitted on the premises during the permitted film activity time.
 - (6) No on-street parking associated with the Low Impact Film Use shall be permitted.
 - (7) Normal hours of film activity shall be 9:00 a.m. to 6:00 p.m. daily.

(8) Noise shall be kept to a minimum and shall not violate the provisions of Chamblee Code section 34-27, Sound level limitations.

(9) Filming shall be oriented away from adjacent or nearby properties and shall not include any other nearby properties.

(10) Lighting for filming should be oriented away from adjacent or nearby properties and shall not interfere with the safe movement of vehicular traffic.

(11) No film activity may involve the use of explosives, fireworks or any type of pyrotechnics, fire, smoke-making machines, or other special effects.

(12) Notice of Low Impact Film Production shall be made to the City by the holder of the Home-Based Occupational Tax Certificate in writing no less than two business days prior to the first scheduled event or day of filming. The Notice shall state the name and contact information of a responsible representative of the holder of the Home-Based Occupational Tax Certificate who shall be available at all times during actual production activity within the city; more than one point of contact may be specified. The Notice shall contain a detailed narrative of the scope of production activities. The Home-Based Occupational Tax Certificate shall be available, on location, at all times while production activity is occurring and shown to city inspectors upon request.

(13) A signed indemnification and hold harmless agreement, in a form acceptable to the city attorney, shall accompany the Notice, together with a certificate of insurance naming the city as an additional insured. The minimum limits of insurance coverage shall not be less than \$1,000,000.00 per occurrence.

(14) Any material variation from the requirements for low impact film production set forth herein shall be grounds for revocation of the Home Based Occupational Tax Certificate and the city manager or her designee may assess fines against the holder.

SECTION 2. Section 35-8 is hereby amended to read as follows:

Sec. 35-8. Application and permit procedure.

- (a) *Applications.* All applications shall be made electronically on forms provided by the city. Applications shall be submitted in duplicate originals. No application shall be deemed accepted unless accompanied by payment of the requisite application fee in U.S. funds.
- (b) Every application shall state the name and contact information of a responsible representative of the applicant, who shall be available at all times during actual production activity within the city and for a period of not less than one year thereafter; more than one point of contact may be specified.
- (c) A signed indemnification and hold harmless agreement, in a form acceptable to the city attorney, shall accompany the application, together with a certificate of insurance naming the city as an additional insured. The minimum limits of insurance coverage shall not be less than \$1,000,000.00 per occurrence.
- (d) All applications shall be filed with the city manager, or his designee, who may require such additional information as needed to assess the proposed extent and intensity of the production within the city.
- (e) The application shall contain a detailed narrative of the scope of production activities.
- (f) Applications shall contain drawings, maps or plats to illustrate locations, property boundaries, existing material improvements, planned temporary improvements, curb cuts and driveways, adjoining streets, traffic patterns, and similar information helpful to assess

- the impact of the proposed activity.
- (g) When activity is to occur in or near residential areas, personal notice of intent to secure a permit and the place, date and time of the proposed film activity shall be provided by the applicant to all residential properties within 500 feet of the outside boundaries of the location(s) where production activity is to occur within three days of filing the application; to the extent feasible, written acknowledgment of the notice shall be obtained from the resident(s) or resident's agent(s).
 - (h) *Permits.* All applications shall be approved with specific terms and conditions, or denied, by the city manager, or his designee, in writing. If approved, the city shall issue a permit to the applicant, in writing, with all terms and conditions clearly set forth therein. Applications shall be approved within five business days of receipt by the city a completed application. If the application is denied, the city manager, or his designee, shall state, in writing, the reason(s) for denial. An aggrieved applicant may appeal to the city council at the next regular meeting occurring more than five days following receipt of a written denial.
 - (i) Permits may be denied, in whole or in part, due to prior scheduled events or activities sanctioned or permitted by the city under other provisions of this Code.
 - (j) Any material variation from the approved scope of work permitted shall be grounds for permit revocation, unless the permit is modified in advance by the permittee.

SECTION 3. Section 35-39 is hereby amended to read as follows:

Sec. 35-9. Fees and waivers.

- (a) Application fees for film production permits shall be set by resolution of the mayor and city council. Application fees are nonrefundable and must be paid, in full, at time of application.
- (b) Daily permit fees are required for each calendar day on which production activity physically occurs within the city shall be paid upon the last day of scheduled activity; if a production is scheduled for a duration in excess of a calendar month, the accrued daily fee shall be due and payable on the last day of each month in which production activity occurred. Daily permit fees shall be set by resolution of the mayor and city council.
- (c) Additional fees and charges may be assessed based upon specific requirements, including fees for the monitoring of public safety or special services by a city department, based upon labor, time and equipment necessary to provide the service. When using city-owned buildings or property other than public road rights-of-way, for production activities, a separate rental fee or charge may be negotiated.
- (d) Application fees and daily permit fees for use of city services or facilities may be reduced or waived for charitable or nonprofit organizations holding § 501(c) status from the I.R.S., or for other governmental agencies. All waivers shall require approval of the city manager.
- (e) Reduction or waiver of daily permit fees may be approved by the city council for commercial productions providing a greater than normal economic benefit to the community, as determined on a case-by-case basis.
- (f) A rush fee may be assessed if an applicant fails to submit the application at least five business days prior to the first scheduled event or day of filming.
- (g) If a producer fails to obtain the proper permits, the city manager or his designee may assess additional fines.

SECTION 4. Section 240-7(b)(2)(c) is hereby amended to read as follows:

- c. *Low Impact Film Location [1.4.2]*. Any building used for residential occupancy may conduct a Low Impact Film Location use if:
1. The primary use of the unit is residential;
 2. The following standards are complied with in full at all times:
 - (i) A Home-Based Occupational Tax Certificate must be obtained by a primary resident who resides on premises at the property located within the City of Chamblee.
 - (ii) All film activities, preparation, and wrap-up shall be conducted entirely within the property lines of the licensed Home-Based Business address.
 - (iii) No street, road, alley, or sidewalk shall be closed, barricaded, or other obstruction erected within a public right-of-way.
 - (iv) Outside operations, storage, display, materials, products, or equipment shall be kept within the property limits and shall not be obtrusive to any adjacent properties.
 - (v) No accessory buildings shall be used in connection with the Low Impact Film Location use unless the accessory building is used as an accessory dwelling unit or detached garage.
 - (vi) No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the Low Impact Film Location.
 - (vii) Up to 10 visitors (including film cast and crew) are permitted on the premises during the permitted film activity time.
 - (viii) No on-street parking associated with the Low Impact Film Use shall be permitted.
 - (ix) Normal hours of film activity shall be 9:00 a.m. to 6:00 p.m. daily.
 - (x) Noise shall be kept to a minimum and shall not violate the provisions of Chamblee Code section 34-27, Sound level limitations.
 - (xi) Filming shall be oriented away from adjacent or nearby properties and shall not include any other nearby properties.
 - (xii) Lighting for filming should be oriented away from adjacent or nearby properties and shall not interfere with the safe movement of vehicular traffic.
 - (xiii) No film activity may involve the use of explosives, fireworks or any type of pyrotechnics, fire, smoke-making machines, or other special effects.

SECTION 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This amendment shall become effective immediately upon its adoption in conformance with the Zoning Procedures Law.

SECTION 6. If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

The foregoing was proposed by Council member _____ with a motion that the same be adopted. Said motion was seconded by Council member _____. Same was then put to a vote and _____ Council members voted in favor of the Ordinance and _____ Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this _____ day of _____, 2024.

Cherron Bouie
City Clerk, City of Chamblee, Georgia

Approved this _____ day of _____, 2024

Brian Mock
Mayor, City of Chamblee, Georgia

Approved as to form:

City Attorney
First Reading: _____
Second Reading: _____