

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 short-term rentals and for other purposes. This text amendment is County-wide.

PETITION NO: D2-2023-1467 TA-24-1246762

PROPOSED USE: Short-term rentals, 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 short-term rentals and for other purposes. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: (April 2024) CC-1: Two-cycle deferral; CC-2: No vote taken; CC-3: Two-cycle deferral; CC-4: Two-cycle deferral; CC-5: Approval. (December 2023) CC-1: Full cycle deferral; CC-2: Deferral; CC-3: Deferral; CC-4: Full cycle deferral; CC-5: Deferral.

PLANNING COMMISSION: (May 2, 2024) Two-Cycle Deferral. (Jan. 9, 2024) Two-Cycle Deferral.

PLANNING STAFF: Two-Cycle Deferral.

STAFF ANALYSIS: This proposal was submitted to all five community councils. In addition to “deferral” recommendations, the initial summary of feedback received is listed here: Allowing substantial time for feedback to generate in Engage DeKalb from the community. Text Amendment appeared to be based upon an “Honor System” for example, expecting property owners to apply for Business License – Ordinance fails to explain proper and adequate oversight. How will Business License monitor STR’s being applied for and paying taxes/fees. Clear description of penalties and what they apply to as it pertains to taxes and fees. An escalation in offenses (First - \$100, Second -\$500, Third - \$1,000, Fourth - revoked). Proper notification to surrounding neighborhood, whether through obtaining letters of support or through a SLUP. Parking regulations per unit. Add language that Subdivision Covenants take precedence. Proper Staffing levels in both Code Enforcement and Business License Departments, taxes generated from STR’s should funnel back into Staff. 24/hour contact information listed online for STR property owners. Based on the insights gained from meeting with stakeholders and the need for additional community engagement sessions, Staff proposes a “Two-cycle deferral to the September 2024 zoning agenda” to incorporate the feedback and update the proposed text amendment effectively. This deferral will allow us to ensure that all perspectives are considered and that the proposed amendments accurately reflect the community's needs and concerns.

PLANNING COMMISSION VOTE: (May 2, 2024) Two-Cycle Deferral 7-0-0. Jon West moved, Vivian Moore seconded for a two-cycle deferral to the September 2024 zoning agenda, per staff recommendation. **(Jan.**

9, 2024) Two-cycle deferral 9-0-0. Jon West moved, Sarah Zou seconded for a 2-cycle deferral to the May 2024 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (April 2024) CC-1: Two-cycle deferral 3-0-0; **CC-2:** No vote taken; **CC-3:** Two-cycle deferral (12-0-0) to allow for additional time for this item to be vetted and for previous comments to be clarified; **CC-4:** Two-cycle deferral 10-0-0; **CC-5: Approval 9-0-0. (Dec. 2023) CC-1: Full Cycle Deferral 7-0-0.** Full cycle deferral, with request that the following feedback be issued to appropriate departments: 1. A separation of a single room STR verse an entire unit STR. A single room STR is more of a hotel. 2. SLUP to inform neighborhood *versus* notification to the neighbors that a property owner has applied for a Business License to operate an STR. CC 1 felt a SLUP was necessary. 3. Parking regulations per unit. 4. Clear description of penalties and what they apply to as it pertains to taxes and fees – page 5 shows no escalation in offense from your 1st to 5th (\$100, \$500, \$1,000, revoked). 5. Too based upon the “honor system” – how will DeKalb know who is paying for a BL or not, who is tracking that? 6. A portion of the funds should circulate to Staff this appropriately through Business License Department and Code Enforcement. 7. Change language in legal and proper payment to "property owner" or "representative". **CC-2: Deferral 10-0-0.** Comments included: not enough restrictions, not enough enforcement, and revenue should be allocated to administration of ordinance. **CC-3: Deferral 6-1-0.** CC-3 recommended deferral until a better draft is crafted which considers information that will be coming from the community via Engage DeKalb, including information on how the proposed tax revenues will be distributed. **CC-4: Full cycle deferral 11-0-0. CC-5: Deferral 8-0-0.**



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: January 9, 2024

Board of Commissioners Hearing Date: January 25, 2024

TEXT AMENDMENT ANALYSIS

AGENDA NO.: 2023-1467 ZONING CASE NO.: TA-24-1246762 COMMISSION DISTRICTS: All

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, TO AMEND SECTION 4.1.3 (USE TABLE) AND TO AMEND SECTION 4.2.15 (BED AND BREAKFAST INN, HOME STAY, AND SHORT-TERM RENTAL) RELATED TO THE INTRODUCTION OF REGULATIONS OF SHORT-TERM RENTAL ACCOMODATIONS.

REASON FOR REQUEST:

As initiated by District 5 Commissioner, Mereda Davis Johnson, and following subsequent discussions of the Planning, Economic Development, and Community Services (PECS) Committee, the County is exploring an ordinance regulating short-term rentals. This multi-faceted proposal represents the collaboration of the following departments: Planning & Sustainability, Law, Code Compliance Administration, Finance, and the Solicitor-General’s Office. Short-term rentals are currently not regulated, yet they exist and consideration of how to manage them, particularly, within single-family zoning districts is needed.

This proposal introduces a new term and definition. *Short term rental* is: “the rental of a room, lodging or overnight accommodations for a period not exceeding thirty (30) consecutive days.” This term shall encompass the rental of a vacation home, residential dwelling, guestroom, or other overnight lodging that an owner advertises through a marketplace facilitator such as but not limited to Airbnb.com, Booking.com, Hometogo.com and or VRBO.com. Staff has explored and researched how short-term rentals (STR) would fit in DeKalb County. The implementation of the short-term rental ordinance included a regulatory review of cities and counties in the metro area and nationwide show a similar process. The cities of Atlanta, Savannah, and Brookhaven all allow short-term rental by right and have a requirement for a business license. The taxation is at 8%. In summary, the proposed regulatory framework consists of the following:

- Zoning
 - By-right, residential, accessory use (administrative approval)
 - Supplemental Regulations
 - Limited use duration (180 days per calendar year)
- Application fee (new fee required)
- Business License required
- Taxation - 8%

The proposed use table proposes allowing short term rentals in all zoning districts that permit residential uses (RE; RLG; R-100; R-85; R-75; R-60; RSM; MHP; RNC; MR-1; MR-2; HR 1, 2, 3; OI; OIT; M; MU-1; MU-2; MU-3; and MU4-5).

KEY:	P - Permitted use											
	Pa - Permitted as an accessory use											
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC
Housing and Lodging												
Bed and breakfast	SP	SP	SP				SP	SP	SP	SP		
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP
Boarding/Rooming house								SP	P	P		
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP			
Dormitory												
Extended stay hotel/motel												
Fraternity house or sorority house								SP	P	P		
Hotel/Motel												
Short term rental	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa
Nursing care facility or hospice								P	P			

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
Housing and Lodging													
Bed and breakfast	P	P		P	P					P	P	P	✓
Bed and breakfast, home stay													✓
Boarding/Rooming house													
Convents or monasteries	P	P								P	P	P	✓
Dormitory	Pa	Pa		Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Extended stay hotel/motel	SP			SP	SP					SP	SP	SP	✓
Fraternity house or sorority house	SP									P	P		
Hotel/Motel	P			P	P	P				P	P	P	
Short term rental	Pa	Pa					Pa		Pa	Pa	Pa	Pa	✓
Nursing care facility or hospice	P	P		P	P				P	P	P	P	

This proposal was submitted to all five community councils. In addition to “deferral” recommendations, the initial summary of feedback received is listed below:

- Allowing substantial time for feedback to generate in Engage DeKalb from the community.
- Text Amendment appeared to be based upon an “Honor System” for example, expecting property owners to apply for Business License – Ordinance fails to explain proper and adequate oversight.
- How will Business License monitor STR’s being applied for and paying taxes/fees.
- Clear description of penalties and what they apply to as it pertains to taxes and fees.
- An escalation in offenses (First - \$100, Second -\$500, Third - \$1,000, Fourth - revoked).
- Proper notification to surrounding neighborhood, whether through obtaining letters of support or through a SLUP.
- Parking regulations per unit.
- Add language that Subdivision Covenants take precedence.
- Proper Staffing levels in both Code Enforcement and Business License Departments, taxes generated from STR’s should funnel back into Staff.
- 24/hr contact information listed online for STR property owners.

Since the initial feedback in January (2024) Staff has initiated meetings with several stakeholders:

January 2024	February 2024	March 2024	April 2024	May 2024
<p>Staff met with the City of Brookhaven</p> <p>Best Practices Discussion</p>	<p>Third Party Management and Enforcement System Exploration: <i>GRANICUS</i></p>	<p>Staff met with Commissioners for feedback & AIR BNB and City/County Partnerships Discussion - How will DeKalb county work with AIRBNB?</p>	<p>Community Councils – Clarity on feedback and Survey as it applies to Land Use and Zoning:</p> <p>Parking requirements, Supplemental Regulations, Public Notification, etc.</p>	<p>Planning Commission – Clarity on feedback and Survey as it applies to Land Use and Zoning</p> <p>Staff is planning a STR Public Engagement Lunch Webinar (Virtual) for the first week of May (Information Session) and last week of May (Interactive & Feedback Session)</p>

Based on the insights gained from meeting with stakeholders and the need for additional community engagement sessions, Staff proposes a two-cycle deferral to incorporate the feedback and update the proposed text amendment effectively. This deferral will allow us to ensure that all perspectives are considered and that the proposed amendments accurately reflect the community's needs and concerns.

STAFF RECOMMENDATION: TWO-CYCLE DEFFERAL.