

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: D1-2023-1467 TA-24-1246762

PROPOSED USE: Short-term rentals, and for other purposes.

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

RECOMMENDATION:

COMMUNITY COUNCIL: (August 2024) CC-1: Approval; CC-2: Deferral; CC-3: Approval; CC-4: Full cycle deferral; CC-5: Denial. (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: (September 12, 2024) Pending. (May 2, 2024) Two-Cycle Deferral. (Jan. 9, 2024) Two-Cycle Deferral.

PLANNING STAFF: Board's discretion.

STAFF ANALYSIS: See attached report and ordinance.

PLANNING COMMISSION VOTE: (September 12, 2024) Pending. (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: (August 2024) CC-1: Approval (2-1-0) with the following conditions: 1) if the property is rented for 180 days or more, a SLUP should be required; and, 2) the homeowner should complete an affidavit stating they reside at the home full-time and have a homestead exemption. CC-2: Deferral 8-0-0. CC-3: Approval 7-0-1. CC-4: Full cycle deferral 9-0-0. CC-5: Denial 7-0-1. (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: September 12, 2024

Board of Commissioners Hearing Date: September 26, 2024

TEXT AMENDMENT
ANALYSIS

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

APPLICANT: Department of Planning & Sustainability

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ACTIONS 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 use table proposes allowing short term rentals in all zoning districts that permit residential uses as an accessory use (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	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 originally submitted to all five community councils in December 2023. In addition to “deferral” recommendations, the initial summary of feedback received from the community council meetings is listed below:
- Allow 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 a Business License – Ordinance fails to explain proper and adequate oversight.
- How will Business License monitor STR’s being applied for and paying taxes/fees.
- Need a clear description of penalties and what they apply to as it pertains to taxes and fees.
- Need an escalation in offenses (First - \$100, Second - \$500, Third - \$1,000, Fourth - revoked).
- Ensure proper notification to surrounding neighborhood, whether through obtaining letters of support or through a SLUP.
- Need parking regulations per unit.
- Add language that Subdivision Covenants take precedence.
- Ensure proper Staffing levels in both Code Enforcement and Business License Departments, taxes generated from STR’s should funnel back into Staff.
- Require 24/Hr. contact information listed online for STR property owners.

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

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>

This text amendment was deferred from the May 2, 2024, Planning Commission, and the May 23, 2024, Board of Commissioners meeting. During this deferral period, staff actively engaged with the community, including gathering input through the Engage DeKalb platform and hosting two informational webinars in June. These webinars covered topics such as zoning, business licenses, and code enforcement, and included a Q&A session. After incorporating the feedback and further research, a revised draft ordinance was issued on July 19, 2024 (see attached).

The revised draft ordinance included **9 major changes** that reflected feedback received from the community. The changes are as follows:

Removed from Pg.1:

WHEREAS, in accordance with state law, one-half of the amount collected above the current rate will be expended for the promotion of tourism, conventions and trade shows by contract with the DeKalb Convention and Visitors Bureau, and the remaining one-half will be expended for tourism product development, including but not limited to capital costs and operating expenses for the Porter Sanford Performing Arts Center; and

Added two “whereas clauses” for clarity Pg.1:

WHEREAS, use of residential dwellings as lodgings should not interfere with the peaceful and quiet

enjoyment of residential neighborhoods; and

WHEREAS the DeKalb County Board of Commissioners finds that this ordinance will protect and preserve the health, safety, and general welfare of the County by establishing a framework of regulations for short term rentals in residential zoning districts; and

Added “agent” for clarity Sec.4.2.15 (c) pg.6:

An owner may serve as the rental "agent" and is responsible for notifying the department of a change to the rental agent and/or any such contact information within five (5) business days of said change;

Added #4 and #5 to Sec. 4.2.15(c) pg. 7 :

4. The director of the Department of Planning & Sustainability is hereby authorized to deny an application, a renewal thereof, for a short-term rental permit under this subsection pursuant to section 15-45 of this Code. Furthermore, the director shall suspend or revoke a short-term rental permit based on the determination that one or more of the conditions outlined in section 15-45 has occurred.

5. Any owner who is adversely affected or aggrieved by a final decision of the director shall have the right to appeal such denial, suspension, or revocation to the hearing officer pursuant to the procedures outlined in section 15-46 of this Code. An appeal shall be based on a claim that the director’s decision was based on an erroneous finding of a material fact or an incorrect application of this Code or other applicable laws and regulations.

Note: #4 and #5 in the previous ordinance are now #6 and #7 pg.7

Removed from Sec 4.2.15(c) pg.7:

6. No property authorized by this section for short term rentals shall list the property for such use for more than 180 days per calendar year as measured from January 1 to December 31.

Removed “and” from Sec. 4.2.15 (Heading) pg.6:

Bed and breakfast inn and home stay and short-term rentals.

Now reads: Bed and breakfast inn, home stay and short-term rentals.

New Definition Sec. 9.1.3 pg. 7

Breakfast may also be provided to the customer at no extra cost.

Now reads: Breakfast is provided to the customer at no extra cost.

New Signature pg.9:

Presiding Officer: Robert Patrick

Now Reads: Presiding Officer Mereda D. Johnson

This item has been deferred several times since the January 9, 2024, Board of Commissioners meeting. The community has presented concerns to staff regarding additional neighborhood protections, enforcement and staffing concerns, and a clearer definition of homestead exemption requirements. Due to ongoing concerns starting in November of 2023 with the original draft ordinance, staff is recommending “As the Board desires” to allow for the board to ensure that all perspectives are considered and that the proposed amendments accurately reflect the community's needs and concerns.

STAFF RECOMMENDATION: AS THE BOARD DESIRES