

## RESIDENTIAL ENTERTAINMENT

### **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 MR-1, MR-2, HR-1, HR-2, HR-3; MU-1, MU-2, MU-3, MU-4, MU-5 exceptions include traditional family/private gatherings that have no fee involved, owner occupants, no advertising on social media and comply with the DeKalb County Noise Ordinance and all applicable fire laws.

**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 9.1.3 (Defined Terms) to establish the definition of Residential Entertainment and Owner Occupied and add new Supplemental Regulations of Article 4, Section 4.2.65 of Chapter 27, of the Zoning Ordinance of DeKalb County as follows:**

**Sec. 9.1.3. – Definitions.**

## RESIDENTIAL ENTERTAINMENT

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 used for the purpose of hosting as a large-scale commercial event; 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 dwelling unit, 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.

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 quiet 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 typical private social visits or family events.

Party House. A residential dwelling, or portion thereof, that is used, maintained, or advertised for the primary purpose of hosting social gatherings, events, or parties. A property may be deemed a party house if such use occurs on a recurring basis, involves large numbers of attendees relative to the dwelling's capacity, generates excessive noise, traffic, or parking impacts, or operates in a manner similar to a commercial event venue. This designation applies whether or not a fee is charged for entry or use of the premises. A dwelling may be classified as a party house if any of the following occurs:

- Loud noise that violates the noise ordinance or is audible at least 150 feet from the property line.
- Obstruction of a street or right of way including sidewalks, curbs, etc.
- Public intoxication or drinking in public.
- 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.

## RESIDENTIAL ENTERTAINMENT

*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.

### **Section 4.2.65 (New)**

#### **Residential Entertainment Supplemental Use Regulations**

**The following provisions apply to all Residential Entertainment Dwellings:**

- 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 (or more intense 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 traditional 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 include the following:
  1. Location of onsite parking:
  2. 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.
  3. Provision of shuttle services is permitted; however, shuttle buses shall not be parked on residential property.
  4. Event guests at a "Residential Entertainment" events 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 (*refine based on size of home or parking capacity*).
- 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.
- 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.

## RESIDENTIAL ENTERTAINMENT

- 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 public or private school, 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 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 property owners within a 500ft radius.
- n) A Special Administrative Permit must be approved by 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) and if abused will be subjected to the penalties within the Chronic Nuisance Ordinance. (To be defined and adopted)
- 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. 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 house deems itself as a (commercial) residential entertainment location.

### Health Information

Events that have catered vendors, private chefs, or sell food for public consumption will be subject to a DeKalb County Board of Health inspection of food and the food preparation area.

### Sanitation Information

Residential owners have the choice to contact the DeKalb County Sanitation customer service and/or order roll-off containers for assistance with sanitation needs such as portable restrooms, handwashing stations, and waste management services. Owners can also order a special bulk item pickup and will be responsible for cleaning and maintenance of property outside of their property affected by the Residential event.

### Alcohol Information

A residential entertainment event shall not be licensed to sell alcohol;

Servers hired to participate in the event, such as bartenders or caterers, shall be properly licensed;

Alcohol servers shall possess registered alcohol permits, ensuring they are trained in responsible alcohol service; and

## RESIDENTIAL ENTERTAINMENT

Caterers must obtain the necessary permits from the State of Georgia as well as from their County of origin (or City of origin) to provide food and beverage services at the event.

### Operating Hours

Any “Residential Entertainment” event, as defined by this ordinance, whether it is an accessory 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.

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.

### HOA

Should an HOA prohibit residential entertainment, their rules would take precedence.

### Law Enforcement Right to Entry

A law enforcement officer can enter into a residence under the following conditions without a warrant:

1. Consent: A property owner, resident, or renter voluntarily gives law enforcement permission to enter.
2. Protecting Life/Providing Aid: A law enforcement officer can enter when providing an emergency such as a domestic disturbance or attending to someone needing medical attention.
3. Preventing Destruction of Evidence: A law enforcement officer and or Code Enforcement officers can enter a residence if they believe that evidence linked to a crime is going to be destroyed.
4. Plain view doctrine: If a crime is committed in plain view, a law enforcement officer can lawfully enter a residence.

### Fines and Penalties for Violations

The Ordinance will adhere to the Chronic Nuisance Fines and Fee Structure specified in Sec. X.XX. The Administrative Fees in this structure are reflective of the administrative costs for:

- Police responses
- Code enforcement visits
- Fire/EMS dispatches

**PART 2:** All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

## RESIDENTIAL ENTERTAINMENT

**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.

DRAFT