Public Hearing: YES ☒ NO ☐ **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to identify repeated nuisance properties and establish pathways for notice, corrective action, and related administrative fees. This text amendment is County-wide.

PETITION NO: D2-2026-0629 TA-26-1248066

PROPOSED USE: Text amendment re: Chronic Nuisance Properties.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Whitney Fuller, Zoning Administrator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for a text amendment to identify repeated nuisance properties and establish pathways for notice, corrective action, and related administrative fees. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: (Oct. 2026) CC-1: Withdrawal; **CC-2:** Withdrawal; **CC-3:** Withdrawal; **CC-4:** No Quorum-Withdrawal; **CC-5:** Withdrawal. **(April 2026) CC-1:** No Quorum; **CC-2:** Approval; **CC-3:** Approval; **CC-4:** Approval; **CC-5:** Deferral.

PLANNING COMMISSION: (Nov. 5, 2026) Withdrawal without Prejudice. **(May 5, 2026)** Approval.

PLANNING STAFF: (November 2026) Withdrawal without Prejudice. **(08.13.2026 BOC)** Two-Cycle Deferral.

STAFF ANALYSIS: The proposed text amendment would create a formal regulatory framework within the Zoning Ordinance for identifying, administering, and enforcing Chronic Nuisance Property conditions in DeKalb County. The amendment is intended to address properties that generate repeated violations of public safety, health, and welfare regulations and that create recurring burdens on County resources, surrounding neighborhoods, and the general public. The proposed amendment establishes new definitions for "Chronic Nuisance," "Chronic Nuisance Property," "Nuisance Incident," and "Responsible Party." A property may be designated as a Chronic Nuisance Property when three (3) or more documented nuisance incidents occur within any one hundred eighty (180) day period, or five (5) or more documented nuisance incidents occur within any twelve (12) month period. Covered incidents may include repeated noise violations, disorderly conduct, unlawful gatherings, assaults requiring law enforcement response, illegal commercial activity in residential areas, public health and safety code violations, and similar documented recurring violations. The amendment further authorizes the Director of Planning and Sustainability, or designee, to serve as the administrative coordinator for implementation in cooperation with County departments including Planning and Sustainability, Code Compliance, Police Services, Fire Rescue, and Sanitation. The proposed process includes progressive enforcement measures beginning with written warning notices, corrective action requirements, subsequent notices for repeat incidents, and formal designation where repeated violations continue. In addition, the amendment authorizes administrative fees and cost recovery for repeated nuisance responses and coordinated County enforcement actions. Fees are proposed

on an escalating schedule with an aggregate cap of five thousand dollars ($5,000). The amendment also provides additional remedies where applicable, including actions involving business licenses, permits, Special Land Use Permits, and other land use approvals, subject to all required notice and appeal procedures under County Code. The proposed amendment advances the County's authority to protect the public health, safety, and welfare, while creating a clearer and more consistent enforcement framework for properties exhibiting repeated nuisance behavior. The amendment also promotes accountability by placing responsibility on property owners, operators, tenants, managers, and other responsible parties exercising control over a site. Staff finds the proposed text amendment to be consistent with sound zoning administration practices, neighborhood protection objectives, and the County's broader planning goals related to safe, stable, and well-maintained communities. By establishing transparent thresholds, progressive enforcement steps, interdepartmental coordination, and due process rights, the amendment provides a reasonable and measured tool for addressing chronic nuisance conditions. Recent interdepartmental discussions identified the need to confirm a new lead department and resolve questions concerning enforcement, penalties, fee recovery, potential property liens, and restrictions on licenses and permits. Additionally, establishing a fee recovery program must be refined through a legal and administrative process. Continued leadership and coordinated efforts with Planning & Zoning, Fire, Public Safety, and Code Compliance to address documents must be established**.** Once departmental leadership is confirmed and legal questions are addressed, participating departments can establish a coordinated approach and timeline for advancing revised regulations. A recommendation of ***"Withdrawal without Prejudice"*** would allow the designated lead department to coordinate with Planning and Sustainability, Code Enforcement, Public Safety, Fire and the Law Department before advancing a revised proposal.

PLANNING COMMISSION VOTE: (November 5, 2026) Withdrawal without Prejudice 6-0-0. Motion was made by Commissioner Moore, seconded by Commissioner Cooper for withdrawal without prejudice, per Staff recommendation. **(May 5, 2026) Approval 5-2-1.** Commissioner West moved, Commissioner Osler seconded for Approval, per Staff recommendation. Commissioners Moore and Costello opposed; Commissioner Cooper abstained. (1st Motion made by Commissioner Costello for approval per Staff recommendation, with the modification to the amount of the fine to be $5,000 for the first violation and increase thereafter, failed for a lack of a second.)

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Oct. 2026) CC-1: No Quorum. Members present voted for Withdrawal (4-0-0); **CC-2:** Withdrawal (12-0-0) for more discussion; **CC-3:** Withdrawal (8-0-0); **CC-4:** No Quorum; members present voted for withdrawal (6-0-0); **CC-5:** Withdrawal (8-0-0). **(April 2026) CC-1:** No Quorum. Members present voted for Approval. **CC-2:** Approval 12-0-0; **CC-3:** Approval 8-0-0; **CC-4:** Approval 9-0-0; **CC-5:** Deferral 10-0-0.

DeKalb County Government Services Center
178 Sams Street, Decatur, GA 30030
404-371-2155

Planning & Sustainability Public Hearings

Planning Commission Hearing Date: November 5, 2026
Board of Commissioners Hearing Date: November 19, 2026

STAFF ANALYSIS

CASE NO.:	**TA-26-1248066**	**File ID #: 2026-0629**
Address:	County-Wide	Commission Districts: All Districts
Parcel ID(s):	N/A	
Request:	Application of the Director of Planning and Sustainability to identify repeated nuisance properties and establish pathways for notice, corrective action, and related administrative fees, and for other purposes. This text amendment is County-wide.	
Property Owner(s):	N/A	
Applicant/Agent:	Director, Planning & Sustainability	
Acreage:	N/A	
Existing Land Use:	N/A	
Surrounding Properties:	North: South: East: West: (N/A)	
Adjacent Zoning:	North: South: East: West: (N/A)	
Comprehensive Plan:	Consistent [X] Inconsistent [ ]	

STAFF RECOMMENDATION: WITHDRAWAL WITHOUT PREJUDICE

BACKGROUND

The proposed text amendment would create a formal regulatory framework within the Zoning Ordinance for identifying, administering, and enforcing Chronic Nuisance Property conditions in DeKalb County. The amendment is intended to address properties that generate repeated violations of public safety, health, and welfare regulations and that create recurring burdens on County resources, surrounding neighborhoods, and the general public.

The proposed amendment establishes new definitions for “Chronic Nuisance,” “Chronic Nuisance Property,” “Nuisance Incident,” and “Responsible Party.” A property may be designated as a Chronic Nuisance Property when three (3) or more documented nuisance incidents occur within any one hundred eighty (180) day period, or five (5) or more documented nuisance incidents occur within any twelve (12) month period. Covered incidents may include repeated noise violations, disorderly conduct, unlawful gatherings, assaults requiring law enforcement response, illegal commercial activity in residential areas, public health and safety code violations, and similar documented recurring violations.

The amendment further authorizes the Director of Planning and Sustainability, or designee, to serve as the administrative coordinator for implementation in cooperation with County departments including Planning and Sustainability, Code Compliance, Police Services, Fire Rescue, and Sanitation. The proposed process includes progressive enforcement measures beginning with written warning notices, corrective action requirements, subsequent notices for repeat incidents, and formal designation where repeated violations continue.

In addition, the amendment authorizes administrative fees and cost recovery for repeated nuisance responses and coordinated County enforcement actions. Fees are proposed on an escalating schedule with an aggregate cap of five thousand dollars ($5,000). The amendment also provides additional remedies where applicable, including actions involving business licenses, permits, Special Land Use Permits, and other land use approvals, subject to all required notice and appeal procedures under County Code.

The proposed amendment advances the County's authority to protect the public health, safety, and welfare, while creating a clearer and more consistent enforcement framework for properties exhibiting repeated nuisance behavior. The amendment also promotes accountability by placing responsibility on property owners, operators, tenants, managers, and other responsible parties exercising control over a site.

Staff finds the proposed text amendment to be consistent with sound zoning administration practices, neighborhood protection objectives, and the County's broader planning goals related to safe, stable, and well-maintained communities. By establishing transparent thresholds, progressive enforcement steps, interdepartmental coordination, and due process rights, the amendment provides a reasonable and measured tool for addressing chronic nuisance conditions.

STAFF ANALYSIS

Recent interdepartmental discussions identified the need to confirm a new lead department and resolve questions concerning enforcement, penalties, fee recovery, potential property liens, and restrictions on licenses and permits. Additionally, establishing a fee recovery program must be refined through a legal and administrative process. Continued leadership and coordinated efforts with Planning & Zoning, Fire, Public Safety, and Code Compliance to address documents must be established**.** Once departmental leadership is confirmed and legal questions are addressed, participating departments can establish a coordinated approach and timeline for advancing revised regulations.

RECOMMENDATION

A withdrawal without prejudice would allow the designated lead department to coordinate with Planning and Sustainability, Code Enforcement, Public Safety, Fire and the Law Department before advancing a revised proposal.

DRAFT 2

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 27, ARTICLE 9, SECTION 3 AND ARTICLE 7, SECTION 7 OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988 TO ADD REGULATIONS FOR CHRONIC NUISANCE PROPERTY AND FOR OTHER PURPOSES.

Chapter 27 Article 9.1.3 CHRONIC NUISANCE PROPERTY 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 Board of Commissioners finds that certain properties, through repeated violations of noise, parking, and other public safety regulations, may create ongoing disruptions that negatively impact surrounding neighborhoods, strain County resources, including Police, Fire, Code Enforcement Services, and undermine the general welfare, health, and safety of the public; and

WHEREAS, the County has authority under its Police Powers and Home Rule Authority granted by the Constitution of the State of Georgia to abate nuisances, recover costs, and regulate land use and business activity; and

WHEREAS the County desires to implement a structured mechanism to exercise this authority; and

WHEREAS, the County seeks to align its planning and zoning ordinance with enforcement practices, including the establishment of administrative fees to ensure compliance and deter continued nuisance activity; and

WHEREAS, the County seeks to establish clear definitions for Chronic Nuisance and Chronic Nuisance Property to ensure consistent interpretation, enforcement, and administrative action.

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 Article 9, Section 3 (Defined Terms) of Chapter 27, of the Zoning Ordinance of DeKalb County to establish the definition of Chronic Nuisance, Chronic Nuisance Property, and Nuisance Incident; and by amending Article 7, Section 7 to establish enforcement, violation, and administrative fees as follows:

Section. 9.1.3. – Definitions.

Chronic Nuisance. A pattern of repeated nuisance incidents and or violations associated with a property that adversely impacts the public health, safety, or welfare, as evidenced by the frequency and documentation of such incidents within the timeframes established in this section and section 7.7.19 of Chapter 27.

Chronic Nuisance Property. Any parcel, dwelling, or structure on which three (3) or more documented nuisance incidents and or violations occur within any one hundred eighty (180) day period, or five (5) or more documented nuisance incidents occur within any twelve (12) month period, as documented by County departments.

Incident, Nuisance. Any documented violation of County ordinances or applicable state law occurring on or associated with a property, including but not limited to:

- Disorderly conduct, loud parties, or unlawful gatherings
- Repeated noise ordinance violations
- Alcohol or drug related offenses
- Assaults or disturbances requiring law enforcement response
- Code violations affecting public health or safety
- Illegal commercial activity in a residential zone (including unpermitted short-term rentals)

Responsible Party. The property owner, operator, manager, business license holder, lessee and or any person or entity exercising control over the property or activities conducted on site.

Sec. 7.7.19 Chronic Nuisance Property Enforcement

a. The Director of Planning and Sustainability, or designee, is authorized to administer and enforce the provisions of this section and shall serve as the central administrative coordinator for implementation of the Chronic Nuisance Property provisions.

   The provisions of this section shall be administered and enforced through coordinated interdepartmental action by the County, including but not limited to the following departments, divisions, or their successor counterparts:

   i. Planning and Sustainability

   ii. Code Compliance

   iii. Police Services

   iv. Fire Rescue

   v. Sanitation

Sec. 7.7.20. Fee Assessment

a. For failure to abide by this section the Department of Planning and Sustainability may impose administrative fees and other escalating corrective measures

   a. No assessment for the first nuisance incident

   b. An assessment of $1,000 is issued for a 2nd nuisance incident within any one hundred eighty (180) day period.

   c. An assessment of $2,000 is issued for the third (3rd) nuisance incident within any one hundred eighty (180) day period.
   d. An assessment of $3,000 is issued for the fourth (4th) nuisance incident
   e. An assessment of $4,000 is issued for the fifth (5th) nuisance incident
   f. An assessment of $5,000 is issued for the sixth (6th) nuisance incident

b. Such costs may be assessed against the responsible party as an administrative fee per response, per incident, and billed directly to the responsible party and where authorized by law against the property

c. Failure to pay assessed fees within the time prescribed by the County may result in additional enforcement action as authorized by this Code and applicable law

d. The total administrative fees shall not exceed five thousand dollars ($5,000.00)

Sec. 7.7.21. Notice of Violation and Designation

a. The first nuisance incident shall constitute a formal written warning notice by one (1) or more of the departments, divisions, or their successor counterparts listed in this subsection.

b. The written notice shall:
    a. Identify the documented nuisance incident(s)
    b. Inform the responsible party that continued violations may result in designation as a Chronic Nuisance
    c. Provide information regarding applicable corrective actions and compliance requirements
    d. The County may require the responsible party to undertake and maintain reasonable measures necessary to prevent the reoccurrence of nuisance activity.
    e. Such corrective measures may include, but may not be limited to:
        i. Immediate termination of any unlawful use, activity, tenancy, occupancy, or operation occurring on subject property
        ii. Return the property use to compliance with this code and all other applicable provisions
        iii. Preparation and implementation of a security and or on-site management plan
        iv. Provision of on-site security personnel, property management, or other operational controls
        v. Implementation of additional corrective measures reasonably related to the nuisance activity identified by the County
        vi. The responsible party shall comply with all corrective measures within the prescribed time by the County. Failure to comply with these requirements shall constitute a separate violation of this Code, and each day such noncompliant condition continues may be deemed a separate offense.
        vii. Upon designation of a property as a Chronic Nuisance Property, the County is authorized to recover all reasonable costs and administrative fees incurred in responding to nuisance activity. Such costs may include, but are not limited to, expenses associated with first responder services, enforcement actions, inspections, and coordination across County departments. Fees shall be assessed based on either the actual costs incurred or a standardized fee schedule adopted by the County for administrative efficiency.

c. The property may be designated as a Chronic Nuisance Property by the Director of Planning and Sustainability, or designee.

d. A written notice shall be issued to the responsible party, as defined in section 9.1.3 of Chapter 27, stating that, per the definition of Chronic Nuisance Property, the repeated pattern of violations at this property has jeopardized the general welfare of the public and burdened County resources. Cost recovery measures and administrative fees will be

assessed, as set forth in this section. The responsible party shall be notified of such designation and associated fees in a written notice along with a prescribed time by which payment shall be remitted.

e. The designation of a Chronic Nuisance Property, and any associated administrative fee, shall be subject to appeal under Section 7.5.7 of this Chapter.

Sec. 7.7.22. Revocation of Licenses, Permits and Entitlements

a. In addition to any other measure authorized by this Code, where a Chronic Nuisance Property is operated as a business, and or commercial use, the County may pursue action against any license, permit, approval, or entitlement associated with the property or use.

Such actions may include, but are not limited to:

i. Suspension or Revocation of Business License held by the responsible party in connection to the property pursuant to Section 46 of Chapter 15

ii. Prohibition on reapplication for any revoked business license, permit, or land use approval for a period of not less than twelve (12) months and not more than twenty-four (24) months from the effective date of revocation

iii. Revocation of Special Land Use Permit (SLUP), special exception or other land use approval associated with the subject property

iv. Zoning classification may be restored by the County, where nuisance activity is materially inconsistent with the basis upon which a recent rezoning approval was granted

v. The designation of a Chronic Nuisance Property, and any associated administrative fee, shall be subject to appeal under Section 7.5.6 of this Chapter.

vi. Any suspension, revocation, denial of renewal, or other action taken with respect to a business license pursuant to Chapter 15 of this code shall be subject to appeal in accordance with Section 15-46.

vii. Any revocation of a Special Land Use Permit (SLUP), special exception, other land use approval, or zoning classification under this chapter shall be subject to appeal in accordance with Section 7.4.10 of Chapter 27. associated with the subject property

Sec. 7.7.23. Property Liens and Collections

a. Any unpaid fines, administrative fees, response costs, or other charges assessed pursuant to this section may constitute a debt owed to the County.

b. The County may collect such unpaid balance by any lawful means available, including but not limited to:

    i. Recording a lien against the subject property

    ii. Collection activity in the same manner as other debts, fees, or charges owed to the County

    iii. Referral for civil collection as permitted by law

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

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.

ADOPTED by the DeKalb County Board of Commissioners, this _____date of 2026.

APPROVED BY

_____

Chakira Johnson, Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____day of 2026.

_____

LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

_____

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

_____

JULIANA NJOKU
Director, Planning & Sustainability
DeKalb County, Georgia

APPROVED AS TO FORM:

_____

TERRY G. PHILLIPS
County Attorney
DeKalb County, Georgia