



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
Staff met with the City of Brookhaven Best Practices Discussion	Third Party Management and Enforcement System Exploration: <i>GRANICUS</i>	Staff met with Commissioners for feedback & AIR BNB and City/County Partnerships Discussion - How will DeKalb county work with AIRBNB?	Community Councils – Clarity on feedback and Survey as is applies to Land Use and Zoning: Parking requirements, Supplemental Regulations, Public Notification, etc.	Planning Commission – Clarity on feedback and Survey as it applies to Land Use and Zoning 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)

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.