



MEMORANDUM

TO: Decatur Planning Commission

FROM: Kc Krzic, Planning & Zoning Manager

DATE: May 2, 2024

SUBJECT: Proposed Text Amendments to Article 6, 7, and 12 of the Unified Development Ordinance for Short Term Rental

The purpose of the memorandum is to present the proposed text amendments to Article 6, 7, and 12 of the Unified Development Ordinance to create Short Term Rentals. The proposed text amendments require approval by the City Commission with recommendation from the Planning Commission. The Planning Commission is requested to provide a recommendation at their public hearing held May 14, 2024 meeting, which will be forwarded to the City Commission for further consideration at their public hearing on May 20, 2024.

Background

As short term rentals have become more accessible to both hosts and users, the prevalence of short-term rentals across the nation has skyrocketed over a short period of time.

In response to an article in the Decatur Focus in 2022, that solicited community input, the City staff gathered feedback on the positive and negative aspects of short term rentals. Next, City staff researched the best practices and policies from other jurisdictions (in State and outside of the State) to evaluate how different areas regulate their short term rentals.

City staff, with the assistance of the City Attorney, then drafted the ordinance to meet the needs and concerns heard within the City.

Proposed Amendments at a Glance

The following is a summary of the revisions to the Unified Development Ordinance.

Sec. 6.2. – Allowed Use Table	Add new commercial use of Short Term Rental
Sec. 6.3.7. – Overnight Lodging	Add Short Term Rental
Sec. 6.3.7.B.3 – Short Term Rental	Define Short Term Rental, limitation standards, creation of a local certified property manager, permitting and inspection requirements, collection of hotel/ motel tax, and revocation
Sec. 7.1.3. – Off Street Parking Requirements	Define parking associated with Short Term Rental
Sec. 12.1.1 – Defined Terms	Add new definitions

**Proposed Amendments to Article 6 and 12 of the
Decatur Unified Development Ordinance for Smoke/ Vape/ Tobacco Store**

1 **Article 6. – Use Provisions**

2 **Sec. 6.2. – Allowed Use Table**

	R-85	R-60	R-50	RS-17	RM-18	RM-22	RM-43	PO	NMU	C-1	C-2	C-3	MU	I	Def./Stds
Commercial Uses															
<u>Short Term Rental:</u>	-L	-L	-L	-L	-L	-L	-L	-L	-L	-L	-L	-L	-L	-L	<u>6.5.7.B.3.</u>
Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Not a Permitted Use															

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5 **Article 6.3.7. - Overnight Lodging**

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A. **Defined**

8 Accommodations arranged for short term stays. Overnight lodging includes the following:

- 9 1. Bed and breakfast.
10 2. Hotel, motel, lodginghouse.
11 3. Short term rental.

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Section 6.3.7.B. Standards

14 Section 6.3.7.B.3. Short Term Rental

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a. Short term rentals, whether there is a primary owner in residence or not, shall not be permitted in accessory structures, non-habitable structures, nor temporary structures, such as recreational vehicles, tents, canopies, yurts, or similar structures. Short term rentals are permitted within accessory dwellings, in accordance with 6.8.3. - Standards for Specific Accessory Uses.

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b. Short term rentals may have a maximum of four (4) guestroom or sleeping rooms. All guestrooms and sleeping rooms must meet all building and fire code regulations.

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c. Maximum overnight occupancy for short term rentals shall be two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of ten (10) persons. The short term rental owner shall ensure that all

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**Proposed Amendments to Article 6, 7, and 12 of the
Decatur Unified Development Ordinance for Short Term Rental**

- 28 contracts and online listings and advertisements clearly set forth the maximum number
29 of overnight guests permitted at the short term rental.
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- 31 d. The maximum number of day time guests and visitors allowed at any time in a single
32 short term rental shall not exceed the maximum overnight occupancy plus four (4)
33 additional visitors, or fourteen (14) persons, whichever is less.
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- 35 e. Only single dwelling units in compliance with City Code shall be used as short term
36 rentals. In duplexes, walk up flats, and stacked flats, no more than one dwelling unit per
37 building may be rented or used at a time as a short term.
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- 39 f. Parking for the short term rental shall meet the requirement of Section 7.1.3 – Off Street
40 Parking Requirements.
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- 42 g. All activities associated with the short term rental shall meet the general noise standards
43 located in Chapter 42, Article III, Noise. The short term rental owner shall ensure that all
44 rental agreements and online listings and advertisements clearly set forth rules
45 prohibiting excessive noise and disturbing sounds and alerting renters to the Noise
46 Ordinance.
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- 48 h. Outdoor amplified sound, other than household speakers, shall not be allowed at any
49 short term rental.
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- 51 i. Recycling and refuse storage bins shall be stored within screened storage areas.
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- 53 j. All short term rentals operating within the City must have a local certified property
54 manager who is available 24 hours per day, 7 days per week, during all times that the
55 short term rental is rented or used as a short term rental. Local certified property
56 managers may be professional property managers, realtors, property owners, or
57 another designated person who is a minimum of twenty-one (21) years of age. The
58 local certified property manager must be able to travel to the short term rental within
59 one (1) hour of being contacted.
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- 61 k. Prior to use as a short term rental, the owner must obtain a short term rental permit.
62 A copy of the short term rental permit listing all applicable standards and limits shall
63 be posted within the short term rental property. The owner shall post these standards
64 and limits in a prominent place within six (6) feet of the front door of the short term

**Proposed Amendments to Article 6, 7, and 12 of the
Decatur Unified Development Ordinance for Short Term Rental**

65 rental and include them as part of all rental agreements.

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67 i. All online advertisements and/or listings for the short term rental shall include the
68 following:

69 i. Maximum occupancy;

70 ii. Maximum number of vehicles;

71 iii. Notification regarding the noise ordinance;

72 iv. Notification that no outdoor amplified sound other than household speakers is
73 allowed; and,

74 v. The name, address, and phone number of the local certified property manager.

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76 m. The owner shall provide to the Zoning Administrator written authorization from any
77 homeowner’s association, property-owner’s association, community association, or
78 other similar organization that makes and enforces rules and guidelines for a
79 subdivision, planned community, condominium, townhome, or rental community to
80 which the short term rental is subject.

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82 n. The owner shall obtain a short term rental permit, register the local certified property
83 manager, and update any contact changes with the Zoning Administrator.

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85 o. The short term rental shall be subject to annual inspection to ensure compliance with
86 the International Residential Code for One and Two Family Dwellings and/ or the
87 International Building Code.

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89 p. The short term rental shall be subject to annual inspection to ensure compliance with
90 the International Fire Code.

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92 q. The owner of a short term rental shall obtain a business license for the short term rental
93 and comply with all applicable provisions of Chapter 22, Article II –Occupation Taxes.

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95 r. The owner of a short term rental shall pay a hotel/ motel occupancy tax for the short
96 term rental and comply with all applicable provisions of Chapter 94, Article III – Hotel
97 Motel Excise Tax.

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99 s. Complaints regarding short term rentals shall be directed to the local certified property
100 manager registered with the Zoning Administrator, as applicable. The local certified

**Proposed Amendments to Article 6, 7, and 12 of the
Decatur Unified Development Ordinance for Short Term Rental**

101 property manager shall be available by phone 24 hours a day during all times when
102 the short term rental is rented. Should a complaint arise and be reported to the local
103 certified property manager, the local certified property manager shall be responsible
104 for contacting the renter to correct the problem within sixty (60) minutes, including
105 visiting the site if necessary, to ensure that the complaint has been corrected.
106 Failure to respond to complaints shall be considered a violation of this section and
107 shall be cause for revocation of the short term rental permit. If the issue reoccurs, the
108 complaint will be addressed by the Zoning Administrator who may conduct an
109 investigation to determine whether there was a violation of a zoning, licensing, or short
110 term rental permit.

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112 t. A short term rental permit may be revoked or suspended by the City Commission for
113 good cause after a hearing upon at least ten (10) days' written notice to the holder of
114 the permit of the time, place, and purpose of the hearing and a general statement of
115 the charges to be considered. Good cause for the suspension or revocation of any such
116 short term rental permit shall consist of multiple violations of federal, state, or City laws
117 or ordinances by the short term rental owner and/or users and/or guests of the short
118 term rental; violation of this section or other regulations made pursuant to authority
119 granted for the regulation of short term rentals; repeated failure to respond to and/or
120 address complaints, as described in the foregoing subsection; or for irregularities,
121 omissions, or false information in the application for the short term rental permit.

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123 u. Notice of revocation or suspension hearing pursuant to the foregoing section shall be
124 as follows:

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126 i. By personal delivery to the short term rental owner or local certified property
127 manager;

128 ii. By registered or certified mail with postage prepaid deposited in the United States
129 mail addressed to the short term rental owner's or local certified property
130 managers' last known address.

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132 **Article 7. – Site Development**

133 **Sec. 7.1. – Parking and Access**

134 Sec. 7.1.3. - Off Street Parking Requirements

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Use	Parking Space Ratio
<u>Short Term Rental</u>	<u>1 per guestroom</u>

**Proposed Amendments to Article 6, 7, and 12 of the
Decatur Unified Development Ordinance for Short Term Rental**

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Article 12. – Definitions

Sec. 12.1. – Defined Terms

12.1.1. - Generally

Local Certified Property Manager. The responsible party for a short term rental who is available twenty-four (24) hours per day, seven (7) days per week during all times that the property is used for short term rental. Certified property managers may be professional property managers, realtors, property owners, or other designated persons who are at least twenty-one (21) years of age. The local certified property manager must be able to travel to the short term rental within one (1) hour of being contacted.

Short term rental. The primary use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging of less than thirty (30) consecutive days.

Short term rental owner. The owner of record of the short term rental.

**AN ORDINANCE TO AMEND ARTICLE 6, 7, and 12 OF PART IV
OF THE CODE OF ORDINANCES
OF THE CITY OF DECATUR, GEORGIA**

WHEREAS, the City Commission adopted Ordinance O-14-Z-26 in November 2014, known as the Unified Development Ordinance, which required changes in the City of Decatur’s zoning and development regulations to implement the 2010 Strategic Plan; and

WHEREAS, the Unified Development Ordinance was codified as Part IV of the 1967 City Code; and

WHEREAS, the City Commission wishes to approve amendments to Article 6 of Part IV of the Code of Ordinances of the City of Decatur to regulate Short Term Rentals; and

WHEREAS, said amendments will promote the morals, good order, security, prosperity, and the general welfare of present and future inhabitants of the City of Decatur; and

WHEREAS, required public hearings were held by the Planning Commission of the City of Decatur and the City Commission for the proposed changes to the text of the Unified Development Ordinance of the City of Decatur, all in compliance with the Zoning Procedures Law as well as the applicable provisions of the Unified Development Ordinance; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Decatur, Georgia, and it is hereby ordained by the authority of the same, as follows:

SECTION 1.

Article 6 of Part IV, Section 6.2.- Allowed Use Table is amended as follows:

Item 1.

Add Short Term Rental in after “Lodginghouse” under Commercial Uses, to read as follows:

	R-85	R-60	R-50	RS-17	RM-18	RM-22	RM-43	PO	NMU	C-1	C-2	C-3	MU	I	Def./Stds
Commercial Uses															
Short Term Rental:	L	L	L	L	L	L	L	L	L	L	L	L	L		6.5.7.B.3.
Key: P = Permitted Use L = Limited Use C = Conditional Use — = Not a Permitted Use															

SECTION 2.

Article 6 of Part IV, Section 6.3.7 – Overnight Lodging, as follows:

Item 1.

Insert Section 6.3.7.A. - Defined, to read as follows:

A. Defined

Accommodations arranged for short term stays. Overnight lodging includes the following:

1. Bed and breakfast.
2. Hotel, motel, lodginghouse.
3. Short term rental.

Item 2.

Add a new subsection 6.3.7.B.3. Short Term Rental, to read as follows:

Section 6.3.7.B.3. Short Term Rental

- a. Short term rentals, whether there is a primary owner in residence or not, shall not be permitted in accessory structures, non-habitable structures, nor temporary structures, such as recreational vehicles, tents, canopies, yurts, or similar structures. Short term rentals are permitted within accessory dwellings, in accordance with 6.8.3. - Standards for Specific Accessory Uses.
- b. Short term rentals may have a maximum of four (4) guestroom or sleeping rooms. All guestrooms and sleeping rooms must meet all building and fire code regulations.
- c. Maximum overnight occupancy for short term rentals shall be two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of ten (10) persons. The short term rental owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the short term rental.
- d. The maximum number of day time guests and visitors allowed at any time in a single short term rental shall not exceed the maximum overnight occupancy plus four (4) additional visitors, or fourteen (14) persons, whichever is less.
- e. Only single dwelling units in compliance with City Code shall be used as short term rentals. In duplexes, walk up flats, and stacked flats, no more than one dwelling unit per building may be rented or used at a time as a short term.

- f. Parking for the short term rental shall meet the requirement of Section 7.1.3 – Off Street Parking Requirements.
- g. All activities associated with the short term rental shall meet the general noise standards located in Chapter 42, Article III, Noise. The short term rental owner shall ensure that all rental agreements and online listings and advertisements clearly set forth rules prohibiting excessive noise and disturbing sounds and alerting renters to the Noise Ordinance.
- h. Outdoor amplified sound, other than household speakers, shall not be allowed at any short term rental.
- i. Recycling and refuse storage bins shall be stored within screened storage areas.
- j. All short term rentals operating within the City must have a local certified property manager who is available 24 hours per day, 7 days per week, during all times that the short term rental is rented or used as a short term rental. Local certified property managers may be professional property managers, realtors, property owners, or another designated person who is a minimum of twenty-one (21) years of age. The local certified property manager must be able to travel to the short term rental within one (1) hour of being contacted.
- k. Prior to use as a short term rental, the owner must obtain a short term rental permit. A copy of the short term rental permit listing all applicable standards and limits shall be posted within the short term rental property. The owner shall post these standards and limits in a prominent place within six (6) feet of the front door of the short term rental and include them as part of all rental agreements.
- l. All online advertisements and/or listings for the short term rental shall include the following:
 - i. Maximum occupancy;
 - ii. Maximum number of vehicles;
 - iii. Notification regarding the noise ordinance;
 - iv. Notification that no outdoor amplified sound other than household speakers is allowed; and,
 - v. The name, address, and phone number of the local certified property manager.
- m. The owner shall provide to the Zoning Administrator written authorization from any homeowner’s association, property-owner’s association, community association, or other similar organization that makes and enforces rules and guidelines for a subdivision, planned community, condominium, townhome, or rental community to which the short term rental is subject.
- n. The owner shall obtain a short term rental permit, register the local certified property manager, and update any contact changes with the Zoning Administrator.
- o. The short term rental shall be subject to annual inspection to ensure compliance with the International Residential Code for One and Two Family Dwellings and/ or the International Building Code.
- p. The short term rental shall be subject to annual inspection to ensure compliance with the International Fire Code.

- q. The owner of a short term rental shall obtain a business license for the short term rental and comply with all applicable provisions of Chapter 22, Article II –Occupation Taxes.
- r. The owner of a short term rental shall pay a hotel/ motel occupancy tax for the short term rental and comply with all applicable provisions of Chapter 94, Article III – Hotel Motel Excise Tax.
- s. Complaints regarding short term rentals shall be directed to the local certified property manager registered with the Zoning Administrator, as applicable. The local certified property manager shall be available by phone 24 hours a day during all times when the short term rental is rented. Should a complaint arise and be reported to the local certified property manager, the local certified property manager shall be responsible for contacting the renter to correct the problem within sixty (60) minutes, including visiting the site if necessary, to ensure that the complaint has been corrected. Failure to respond to complaints shall be considered a violation of this section and shall be cause for revocation of the short term rental permit. If the issue reoccurs, the complaint will be addressed by the Zoning Administrator who may conduct an investigation to determine whether there was a violation of a zoning, licensing, or short term rental permit.
- t. A short term rental permit may be revoked or suspended by the City Commission for good cause after a hearing upon at least ten (10) days’ written notice to the holder of the permit of the time, place, and purpose of the hearing and a general statement of the charges to be considered. Good cause for the suspension or revocation of any such short term rental permit shall consist of multiple violations of federal, state, or City laws or ordinances by the short term rental owner and/or users and/or guests of the short term rental; violation of this section or other regulations made pursuant to authority granted for the regulation of short term rentals; repeated failure to respond to and/or address complaints, as described in the foregoing subsection; or for irregularities, omissions, or false information in the application for the short term rental permit.
- u. Notice of revocation or suspension hearing pursuant to the foregoing section shall be as follows:
 - i. By personal delivery to the short term rental owner or local certified property manager;
 - ii. By registered or certified mail with postage prepaid deposited in the United States mail addressed to the short term rental owner’s or local certified property managers’ last known address.

SECTION 3.

Article 7 – Site Development of Part IV, Section 7.1.3.- Off Street Parking, is amended as follows:

Item 1.

Add a Short Term Rental in after “rooming, Lodging and Boarding Houses”, to read as follows:

Use	Parking Space Ratio
Short Term Rental	1 per guestroom

SECTION 4.

Article 12 – Defined Terms of Part IV, Section 12.1.1.- Generally, is amended as follows:

Item 1.

Add a new terms in alphabetical order, to read as follows:

Local Certified Property Manager. The responsible party for a short term rental who is available twenty-four (24) hours per day, seven (7) days per week during all times that the property is used for short term rental. Certified property managers may be professional property managers, realtors, property owners, or other designated persons who are at least twenty-one (21) years of age. The local certified property manager must be able to travel to the short term rental within one (1) hour of being contacted.

Short term rental. The primary use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging of less than thirty (30) consecutive days.

Short term rental owner. The owner of record of the short term rental.

SECTION 5.

This ordinance shall take effect immediately.

SECTION 6.

Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SO ORDAINED, this 20th day of May, 2024.

Signed: _____
Patti Garrett
Mayor

Attest: _____
Meredith Roark
City Clerk