

AN ORDINANCE TO AMEND CHAPTER 27, ZONING, OF THE CODE OF THE CITY OF BROOKHAVEN

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the short-term rental regulations of the City are necessary.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

The identified sections of Chapter 27, Zoning, are amended to read as shown in the attached mark-up.

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this 23RD day of July 2019.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Sandra Bryant, Deputy City Clerk

SEAL

TA19-23 MARK-UP An Ord to Amend Ch 27 Zoning (short-term rental fee)

Sec. 27.629. Lodging

c. Short-term Rental

The use of an owner-occupied residential dwelling unit or portion of such dwelling unit for lodging. The following supplemental regulations apply to short-term rentals:

1. *Permit required.* No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental, as defined in this code, without first obtaining a permit from the department of community development and complying with the regulations contained in this section. No permit issued under this chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.
2. *Application for permit.* Applicants shall submit, on an annual basis, an application for a short-term rental permit to the department of community development. Such application shall include:
 - a. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. Applicants shall be limited to owner-occupiers receiving a current homestead exemption through DeKalb County;
 - b. The address of the dwelling unit to be used as a short-term rental;
 - c. The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
 - d. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;
 - e. The number and location of parking spaces allotted to the premises;
 - f. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 - g. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term rental permit. The department of community development shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
 - h. If the rental agent changes, the property owner shall notify the city within five business days.
 - i. Application fees shall be as established by the city council.
3. All short-term rentals shall be subject to excise tax pursuant to Chapter 24 of the Code of the City of Brookhaven.
4. All short-term rentals shall be subject to nuisance and noise regulations pursuant to Chapter 16 of the Code of the City of Brookhaven.
5. The City Manager or their designee shall conduct a reasonable search of the City's records to determine if the applicant property has been the subject of two or more citations for a violation of the Code of the City of Brookhaven in the preceding calendar year. If the search reveals two or more citations, without regard to a finding of adjudication of guilt, the permit shall not be renewed.
6. No property authorized by this subsection for short term rentals may list the property for such use for more than 180 days per calendar year.