

GOVERNMENT OF THE CITY OF SOUTH FULTON

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MEMORANDUM

TO: Planning Commission

FROM: Derek R. Hull, CDRA Director

SUBJECT: City Initiated Zoning Ordinance Text Amendments for Short-Term Rental and Rooming Houses

MEETING DATE: December 7, 2022

CC: Corey Adams, City Clerk

BACKGROUND

The City of South Fulton enacted the official Zoning Ordinance on December 8, 2020. The Ordinance was developed out of the general principles of the Fulton County Zoning Ordinance. The City, to its credit, has implemented several text amendments to ensure the ordinance addresses local land use conditions that may otherwise be overlooked at a county or regional level.

The Community Development and Regulatory Affairs Department will bring forward recommendations to amend the Zoning Ordinance through text amendments for clarifications, corrections, and additions to the ordinance. Many of the text amendments provide further clarification to conflicting and sometimes confusing land use restrictions and development standards and may address trends related to changes in lifestyle preferences and to comply with federal and state laws.

Due to the changing composition of housing units and with increasing concerns related to safety, compatibility and use intensity, the City has undertaken several text amendments to further regulate Short-Term Rental and Rooming Housing uses.

The COSF Zoning Ordinance offers the following definitions related to Short-Term Rental and Rooming Houses:

As defined in Title 12 Licenses, Permits and Business Regulation, Chapter 3, entitled Short-Term Rentals:

Sec. 12-3001. - Intent; purpose.

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the city at-large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rental units; and to implement regulations to protect the integrity of the city's neighborhoods.

Short-Term Rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a **period of time not to exceed 30 consecutive days**. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude hotels/motels with the capacity to provide separately enclosed sleeping accommodations for more than 30 separate renters at a time, group residences and guest houses.

Rooming Housing is classified in Sec. 3-3003. - Multifamily rental housing Sec. 3-3003.1. – Definitions

Multifamily rental dwelling is any structure, building, or other facility containing four or so more multifamily rental units that is leased to a tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, **rooming houses**, group homes, and flats.

Multifamily rental unit means **any one area, room**, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

A **Rooming House** as defined in ARTICLE 9. – GLOSSARY of the Codes of South Fulton Sec. 904.18. - R. is a residential use other than a hotel or motel in which lodging may be provided to **non-household members for periods of 30 days or longer**, and which does not include the provision of meals.

Within the City of South Fulton, Rooming Housing were only permitted in A-1 Apartment Dwelling Zoning District through a Special Use Permit (SUP). Although A-1 is no longer a valid Zoning District, the intent of permitting this use was to review each application through the lens of a multifamily dwelling. In short, Rooming Houses were treated like apartments based on occupancy load, where you could have a large number of residents living in one residence.

ANALYSIS

A review of the current Zoning Ordinance Use Table Sec. 207.06. - allows for Short-Term Rental as a permitted use in all Residential Zoning Districts. Although the City has specific guidelines for regulating Short-Term Rental, the ordinance does not specify the maximum occupancy load and this can pose unintended consequences related to building classification type, safety, parking, neighborhood character, and enforcement. In this instance, single-family housing units

can take on the character of multifamily developments if the occupancy exceeds a certain level; moreover, with the turnover rate of residents based on the 30-day maximum occupancy provisions, Short-Term Rentals provide a constant flow of new occupants similar to that of a hotel and this might heighten concerns of safety in established neighborhoods.

Unlike Short-Term Rental, Rooming Housing uses allow for longer occupancies. The code allows for occupants of a Rooming House to reside for 30 days or longer. Currently the City does not have any Zoning Districts which permit Rooming Housing uses since the A-1 (Apartments) Zoning District has become inactive. This can and has potentially created a number of illegal uses across the City if the current ordinance is not updated to provide regulations and oversight to this popular “shared housing” concept. Additionally, Rooming Housing uses are hard to track because they appear to be single-family homes from the outside, but many properties have undergone extensive, interior remodeling to convert living areas (living rooms, dens, game rooms, and family rooms) into sleeping quarters. These new sleeping quarters are rented out to long-term tenants through lease agreements and memberships, increasing the occupancy load higher than what was anticipated at the time of permitting and issuance of the Certificate of Occupancy.

To address the growing interests in shared housing concepts, CDRA is offering the following text amendments to better regulate Short-Term Rental and Rooming Housing uses. The intent of the text amendments is to ensure the public health, safety and general welfare when considering these types of uses and to regulate such uses through long-term and enforceable conditions

STAFF RECOMMENDATIONS

- Amend Chapter 3. - SHORT-TERM RENTALS of Title 12 of the Code of Ordinances City of South Fulton, GA and add Rooming Houses to all sections and apply all applicable criteria and standards related to regulations and enforcement;
- Allow Short-Term Rental uses in the following Zoning Districts: AG-1, R-1 and R-2 (larger lot coverage areas) and R-6, TR, A, A-L and CUP that are similar in character to Multifamily Rental Dwellings to regulate the number of occupants;
- Allow Rooming Housing uses in the following Zoning Districts: TR, A, A-L, and CUP that are similar in character to Multifamily Rental Dwellings to regulate the number of occupants;
- Require Special Use Permit for all Short-Term Rental and Rooming House uses to allow for the examination of potential impacts, assess and impose building and safety provisions for occupants, and provide conditions to mitigate impacts created by increased occupancy levels and allow for annual license renewal after obtaining an approved Special Use Permit;
- Require property inspections every two (2) years to ensure that appropriate development standards (fire safety provisions, business license permits, parking and other provisions) have been maintained and updated;
- Remove Sec. 12-3006 and Sec. 12-3007. G- SHORT-TERM RENTALS- of Title 12 of the Code of Ordinances City of South Fulton, GA **Grant or Denial** of application and require

uses to be permitted with a Special Use Permit and all the applicable requirements that govern such permit as outlined in the City of Fulton Zoning Ordinance.

- Amend Chapter 3. - SHORT-TERM RENTALS of Title 12 of the Code of Ordinances City of South Fulton, GA (d)Expiration and renewal to include the revised language: All legally established and new Short-Term Rental and Rooming Housing uses that have been approved by a Special Use Permit, are permitted to renew licenses annually. ~~shall expire on December 30 of the year approved, with the exception that original applications filed in 2018, upon approval, shall be valid through December 30, 2019.~~ A request to renew a Short-Term Rental or Rooming House license shall be filed on renewal forms to be supplied by the city and accompanied by a \$200.00 nonrefundable renewal fee. A ~~applicant~~ Business Owner with a current license or an approved Special Use Permit who files a renewal application by December 15 of the year which the license is set to expire may continue operations until the renewal licensed is approved or denied.

PLANNING COMMISSION RECOMMENDATIONS:

CDRA staff provided a discussion to the Planning Commission at the Oct. 26, 2022 meeting. In accordance with the City of South Fulton Zoning Ordinance public notice requirement, staff submitted a public notice of the upcoming Public Hearings at Planning Commission and City Council that included proposed changes for Short-Term Rental and Rooming Houses.

The Planning Commission will hold a virtual meeting on November 14, 2022 at 6:00 p.m. to discuss these and other text amendments to the Zoning Ordinance and corrections to the 2021 Comprehensive Plan.

CDRA staff will prepare a staff report addendum to summarize the comments from the Planning Commission meeting on Nov. 14, 2022 and provide to Mayor and Council for the City Council meeting on November 15, 2022.