CITY OF EAST POINT
FULTON COUNTY, GEORGIA

AN ORDINANCE TO AMEND CODE OF ORDINANCES,
PART 11 – BUSINESS LICENSING AND REGULATIONS,
CHAPTER 9 RENTAL DWELLINGS AND RENTAL UNITS, TO ALLOW WHOLE HOUSE
LODGING IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS AS AN USE PERMITTED
WITH PRESCRIBED CONDITIONS

WHEREAS, the duly elected governing authority of the City of East Point, Georgia is the Mayor and
Council; and
WHEREAS, the governing authority desires to amend the East Point City Code of Ordinances; and
WHEREAS, the amendments contained herein will help to eliminate conflicts in ordinances pertaining to
development regulations.
WHEREAS, Sec. XX-XX authorizes local government to amend ordinances regulating land use within
their jurisdiction; and
WHEREAS, the amendment set out below is made in accordance with Sec. XX-XX of the City Ordinance; and
WHEREAS, City Council finds that the sharing economy that is being nationally embraced is growing
trend by the public to provide accommodations in their homes to travelers. Council finds the provision of such
lodging accommodations in their homes to travelers. Council finds the provision of such lodging accommodations
can be beneficial under certain circumstances, and if properly regulated, peer-to-peer lodging can provide a means
of assisting property owners to keep properties in good repair, which, in turn, stabilizes home ownership, maintains
property values, and strengthens the economy of the City; and

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WHEREAS, it is important to maintain the residential character of the neighborhoods within the city. Absent appropriate controls on the number and manner and places of operation of whole-house lodging, neighborhoods stand to be harmed by undue commercialization and disruption to the primary and overarching purpose of a neighborhood being first and foremost a residential community, where people actually live, not a place of short-term occupancy. Access to housing is not the same as access to home ownership, and inordinate reductions in the supply of housing available for standard rentals for the citizens of East Point could have a destabilizing effect on housing affordability; and

WHEREAS, the regulations set forth in this section recognize the different characteristics and built environments of different neighborhoods within the city by maintaining the residential character of neighborhoods by limiting the number of location of whole-house lodging, thereby curbing the potential of neighborhoods to become predominantly places for short-term tenants; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the Code to include regulations for whole-house lodging.

THEREFORE, BE IT ORDAINED:

SECTION 10-2062(a) of the Zoning Code, Sec. 10-2062(a) R-1A (Urban Residential District), is hereby amended to add:

“Whole-house Lodging.”

SECTION 10-2064(a) of the Zoning Code, Sec. 10-2064(a) R-2 (Two Family Dwelling District), is hereby amended to add:

“Whole-house Lodging.”

SECTION 10-2065(a) of the Zoning Code, Sec. 10-2065(a) R-3 (Multi-Family District), is hereby amended to add:

“Whole-house Lodging.”

SECTION 10-2066(a) of the Zoning Code, Sec. 10-2066(a) R-4 (Multi-Family District), is hereby amended to add:
“Whole-house Lodging.”

SECTION 10-2075(a) of the Zoning Code, Sec. 10-2075(a) R-M (Commercial Redevelopment District), is hereby amended to add: “Whole-house Lodging.”

Sec XX: Chapter XX: Whole-house lodging uses in the residential and multifamily districts.

1. Within the R-1A, R-2, R-3, R-T and CR (Urban Residential, Multifamily, Residential Townhouse and Commercial Redevelopment) zoning districts, whole-house lodging establishments are permitted subject to the following conditions.

2. Each whole-house lodging establishment shall meet the minimum separation distance of three hundred (300) feet from any other residentially-zoned whole-house lodging establishment or any properly permitted bed and breakfast lodging also within a residential zoning district, as measured from parcel line to parcel line. In the case of a duplex, triplex, quadraplex or multifamily development, this shall be measured from the parent parcel lines. The total number of permitted uses shall be limited by a cap.

Division 11; Part 11: Registration.

1. The property owner shall register each establishment annually with the city of East Point
2. The owner shall provide proof of possession of the registered premises.
3. A registration number shall be assigned to each registered establishment, which shall be clearly noted along with any advertisement for lodging.
4. Registration is limited to natural persons only and no person shall be eligible for more than one registration for a whole-house lodging in any residential district.
5. Active registrations shall not expire; however, all property owners shall renew registration on an annual basis. Registrations not renewed on an annual basis shall deem the use terminated by the property owner.

6. Registration does not vest the premises or the property owner with any rights. Registration terminates upon the transfer of the property.

7. Only one registration may be issued per property, either whole-house lodging or bed and breakfast lodging, at any given time.

8. For the initial registration process, a lottery method shall be utilized based on the cap and separations requirements. Subsequent registrations will be processed by the city manager on a first-come, first-served basis.

Chapter 2; Article A: Parking

9. A minimum of one off-street parking space, of an all-weather surface, per bedroom is required. If off-street parking is not available on site, shared parking or rented spaces in a private or municipal parking deck or lot may be used to satisfy this requirement. Proof of a shared parking plan or rental of spaces shall be included with annual registration. A shared parking plan will be enforced through written agreement among all owners on record. An attested copy of the agreement between the owners of record must be approved by the city attorney and submitted to the city for recordation on forms made available in the office of the city attorney. Recordation of the agreement must take place before issuance of a registration for any short-term lodging use to be served by the off-site parking area. A short-term lodging registration shall be revoked if required off-street parking spaces cannot be provided.

The use provisions of this section are not subject to variance by the board of adjustment.

The definition of “family” and the restriction of a minimum thirty (30) day rental period in the MF districts shall not apply to properly registered whole-house lodging uses.
Any use for which there are three (3) final determinations of violations of the City Code and/or criminal convictions related to the parcel (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty five (365) day period, shall constitute a violation of the terms of registration and shall terminate registration. For any registration that terminated due to code/criminal violations, the property owner shall be ineligible for registration for a period of three (3) years.

A property owner who terminates registration shall be ineligible for registration for a period of three (3) years at that address.

Any property owner registering a whole-house lodging shall 1) be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to tax code, building code, fire code, and environmental health regulations for the level of occupancy of the lodging and 2) not allow any party, event, classes, weddings, receptions, or other large gatherings on the premises.

Property owners registering a whole-house lodging are responsible for keeping in full force and effect during all times the unit is used as a whole-house lodging commercial general liability insurance with a total limit of not less than $300,00 each occurrence for bodily injury and property damage.

Registrants shall maintain records demonstrating the local operator, the dates of rental for the previous three hundred sixty five (365) days, and the number of renters. Such records shall be made available, upon request, to the City Manager.

Registration shall terminate upon any one of the following: discontinuance of use for a period of one hundred eighty (180) days or more, failure to renew annual registration, transfer of property.

Written notice shall be conspicuously posted inside each short-term lodging unit setting forth the following information:

The name and telephone number of the operator.

The address of the lodging, the maximum number of overnight occupants permitted, and the day(s) established for garage collection.
The non-emergency phone number of the city of East Point Police Department.

The annual registration number.

That parties, events, classes, weddings, receptions, and large gatherings are not permitted.

The operator shall ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day and the carts removed from the street or alley on the scheduled collection day, in accordance with Sections XX of the City Code.

Preparation and service of food by operators for guests shall be prohibited. No cooking shall be permitted in individual bedrooms.

Any establishments existing at the time of the adoption of this ordinance and conforming with the regulations effective prior to adoption of this ordinance for which registration cannot be accommodated due to the cap or the separation requirements shall have a one year amortization period. If, after this amortization period, the whole-house lodging establishment is unable to properly register, the use of the property as whole-house lodging must be terminated. Any such establishment shall register with temporary registration with the city manager.

Section XX: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section XX of the City Code

Section XX: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section XX: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF EAST POINT, GEORGIA AS FOLLOWS:

Section 1. The Code of Ordinances of the City of East Point, Georgia Part 11, Business Licensing and Regulations, Chapter 9 Rental Dwellings and Rental Units is deleted in its entirety and replaced with the following:

Chapter 9 – Reserved

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Section 2. This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georgia and City of East Point.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all Sections, paragraphs, sentences, clauses and phrases of this ORDINANCE are, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this ORDINANCE is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ORDINANCE.

(c) In the event that any phrase, clause, sentence, paragraph, or section of this ORDINANCE shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the ORDINANCE and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the ORDINANCE shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at the time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and shall remain in full force and effect.
Section 6. The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.

Public Hearing: ______________________
First Reading: ______________________

SO PASSED AND APPROVED this _________ day of __________ 2019.

SPONSORED BY:

__________________________________
Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM: ATTEST:

__________________________________
Brad Bowman, City Attorney
Keisha McCollough, City Clerk