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Staff Recommendation

Date of Report: May 23, 2022

Report by: Joellen Wilson

Public Hearing Dates:

Planning Commission May 26, 2022

Mayor and Council June 13, 2022

GENERAL APPLICATION

City Zoning Ordinance Article 10, Section 1002 accommodates text amendments initiated by planning department, planning commission or city council. Planning department staff recommends the 2011 Lilburn Zoning Ordinance text shall be amended to clarify code sections. Text amendments to Article 6, Section 602 – Use Table, Article 14, Definitions, and a new section within Article 7 – Specific Use Provisions, Section 739 – Short-Term Rentals to address Short-Term Rentals, to provide for an effective date, and for other purposes.

ATTACHMENT A

Modify Section 602, Use table as follows:

SPECIFIC USES	R1	R2	MU*	TC	CB	O-I	IA	U.S . 29	Section Referen	Comment/ Condition
*Upon Master Concept Plan approval										
RESIDENTIAL USES										
ACCESSORY USES										
Dwelling Use										
Accessory Use - Attached or-detached	P	P	P	C	C			C	Art. 7	In CB and MU, also includes apartment above or behind commercial or office use in the same building.
Amateur Radio Transmitter	P	P	P	P	P	P	P	P		
Caretaker or Watchman Quarters					P	P				As an accessory use.
Community Amenity Recreation Facility (subdivision)	P	P	P	C	P			P		Permitted as part of a mixed-use commercial project in CB under U.S. 29 Overlay in MU.
Conservation and/or Common Area	P	P	P	P	P	P	P	P		Permitted when integrated into site plan as non-primary use.
Dormitory			P			P				Permitted as ancillary supporting use to a hospital use, medical facility, or associated educational facility.
Residential										
Home-based Occupation	P	P	P	P	P	P		P		Permitted in residential units in CB under U.S. 29 Overlay
Pet House Structure	P	P	P	P						Restricted to rear yard setback area. No kennels.
Private Tennis Court	P	P	P	P					Art. 7	Administrative conditional approval required for lighting.
Storage Shed	P	P	P	P						Rear yard only.
Subdivision Tennis Courts and/or Pool	P	P	P		P			P	Art. 6, 603	
Swimming Pool (private)	P	P	P	P					Art. 7	Subject to structure separation and fencing requirements
Business										
Farm Stand Sale of Products Produced on Premises	C			S		C				Requires a temporary use permit and subject to minimum lot size and setback requirements.
Personal Hair Salon	S	S								Single family residence only.
Short Term Rental	C	C	C	C	C			C	Art. 7	Prior residential SUP required in CB and US29. Compliance inspection and additional business licensing requirements
Agricultural										
Non-commercial Keeping of Fowl/Livestock	C								Art. 7	Subject to minimum lot size and setback requirements on private lot.
Non-commercial Agriculture	C									Subject to minimum 1 acre minimum lot size, R-1 minimum setback, and floodplain requirements on private lot.
Agriculture/Livestock Accessory Buildings and Uses	P						P			Includes ponds, fishing lakes, barns, storage/back sheds. Subject to minimum lot size and setback requirements.
Private Horse Stables and Riding for Residents	S								Art. 6, 603	Subject to minimum lot size and setback requirements.

II

Add Section 739, Short-Term Rentals as follows:

Section 739. Short-Term Rentals.

739-1. Definitions. Short-Term Rentals, as defined in Article 14, Definitions, are permitted in R-1, R-2, MU zoning districts and CB districts only with residential use, within the Town Center Overlay and the US 29 Overlay subject to the following conditions:

739-2. Permitting and Application Requirements. No person shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling as a short-term rental without first obtaining a short-term rental permit and a business license in compliance with the regulations contained in Article XV, Short-Term Rental, of Chapter 14, Businesses, of Lilburn City Code. The allowance of short-term rentals pursuant to this section shall not prevent enforcement of additional restrictions in restrictive covenants or other private contractual agreements or arrangements.

739-3. Life safety and sanitation.

1. The occupancy shall be limited to two adults per bedroom plus three adults per each short-term rental property. The bedrooms shall be inspected by the City of Lilburn's building official prior to issuance of a certificate of approval or compliance.
2. Short term rentals shall meet all applicable building codes. For properties served by septic, short-term rentals shall meet applicable environmental health regulations.
3. The owner and/or short-term rental agent shall maintain a house number that is visible from the street at all times.

739-4. *Parking.* Parked vehicles:

1. Shall not be parked on the city right-of-way or along any roadways at any time; and
2. Shall be parked on the property only in approved parking spaces on designated hard surfaced areas with concrete, asphalt or contained decorative stone surfacing and shall not be permitted outside such hard surfaced areas (i.e., no parking in yards or neighbors' properties).

739-5. *Signs prohibited.* There shall be no signs permitted in conjunction with a short-term rental in residential districts. Signs on vehicles are not permitted.

739-6. *Taxes.* Short-term rental owners are subject to state sales tax, city taxes, included but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

III

Add a definition to Article 14 as follows:

Article 14. Definitions

Short-Term Rental: an accommodation for transient guests where, in exchange for compensation, a residential dwelling is rented in whole or in part 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 purposes of this definition, a residential dwelling shall include all housing types and shall not include group living or other lodging uses.