

## **ARTICLE XVI: SHORT-TERM LODGING FOR LESS THAN 30 DAYS**

### **Section 16-1. Purpose, definitions, licenses.**

#### *16-1.1 Purpose.*

- A. The purpose of this article is to establish land use regulations within the scope of the zoning powers of the municipal authority to govern lodging facilities and online booking for home and room rentals for less than 30 days in the city. The intent of this article is to promote economic development in the vacation rental industry while minimally impacting existing residential uses.
- B. This article is intended to regulate hotels, motels, inns, and vacation type rental arrangements including, but not limited to, bed and breakfast facilities, entire home rentals, homestay lodging, and vacation room rentals. This article does not apply to boardinghouses, lodging houses, or rooming houses.

#### *16-1.2 Applicability.*

- A. It shall be unlawful for any owner of any property within the City of Stone Mountain to rent or operate, a hotel, motel, inn, vacation home facility, room rental facility, homestay lodging facility, or a bed and breakfast facility contrary to the procedures and regulations established in this article, other provisions of this Code, or any applicable state law.
- B. The restrictions and obligations contained in this article shall apply to short term rental facilities at all times during which the facility is marketed and used as such.
- C. The allowance of a short term rental facility pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. The City of Stone Mountain shall not be responsible for enforcement of such covenants, agreements, or arrangements.
- D. A property that has been advertised or listed via the internet or other media sources (e.g. [www.vrbo.com](http://www.vrbo.com), [www.airbnb.com](http://www.airbnb.com), etc.) for short-term or vacation lodging shall be prima facie evidence the property is being used as a short-term lodging.

#### *16-1.3 Definitions.*

- A. *Bed and Breakfast/Inn.* A lodging establishment in a detached residential unit or house in which the resident owner/operator offers accommodations of **no less than three and no more than six** lodging rooms and meal service to overnight guests for compensation for a period of less than 30 days. A bed and breakfast facility is not a rooming house or a boarding house.
- B. *Homestay.* A residential facility or home offering an individual bedroom within the residential establishment that serves as a host's principal residence, including any single-family or accessory apartment, that provides **no more than two** lodging rooms for compensation for a period of less than 30 days that does not include serving food. A homestay is not a rooming house or a boarding house.
- C. *Hotel/Motel.* A commercial lodging establishment other than a bed and breakfast or short term rental facility where lodging rooms are made available for overnight guests for compensation for a period of less than 30 days. Lodging rooms in a hotel are accessed via internal corridors of a building, while motels provide access to lodging rooms directly from the exterior of the facility. A hotel/motel is not a rooming house or a boarding house.

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- D. *Lodging Room.* A room that is used for temporary occupancy, less than 30 days, for a fee.
  - E. *Owner.* An individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.
  - F. *Vacation Home Facility.* A residential home, with commercial enterprise, offering whole house rental with no more than **six** lodging rooms for a period of less than 30 days that does not include serving food. A Vacation Home Facility is not a rooming house or a boarding house.
  - G. *Property Manager.* A person designated by the owner who has access and authority to assume management of the vacation home facility and take remedial measures while the vacation home facility is occupied.
  - H. *Short-term rental.* An entire dwelling unit, or a lodging room, group of rooms, other living or sleeping space, or any other space within a dwelling or property, made available for rent by guests for less than 30 consecutive days that does not include serving food. A short-term rental includes Homestay and Vacation Home Facilities. A short-term rental is not a rooming house or a boarding house.
  - I. *Short-term rental host.* A person or entity in valid legal possession of a short-term rental unit who rents such unit to guests.
  - J. *Booking service.* A person or entity who, directly or indirectly:
    - 1. Provides one or more online, computer or application-based platforms that individually or collectively can be used to:
      - (a) List or advertise offers for short-term rentals; and
      - (b) Either accept such offers or reserve or pay for such rentals; and
    - 2. Charges, collects, or receives a fee for the use of such a platform of provision of any service in connection with a short-term rental.

## **Section 16-2. Occupancy, Operational and Parking Restrictions.**

- A. A bed and breakfast/inn facility must meet the following restrictions:
  - 1. Provide no more than **six** lodging rooms with a minimum of 70 square feet per room. Occupancy of a lodging room shall require at least 40 square feet per individual.
  - 2. No occupancy shall exceed **14 consecutive days** for any individual at a bed and breakfast facility. Guests may not re-register for at least 30 days from the termination of their previous stay.
  - 3. The owner of a bed and breakfast facility shall live in the bed and breakfast facility, on the property, or live adjacent to the property on which the bed and breakfast is located.
  - 4. Bed and breakfast facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.
  - 5. Change in ownership shall be reported to the city and shall be subject to new permitting requirements.
  - 6. No separate kitchen facilities for lodging rooms are allowed.
  - 7. Owners shall maintain records related to guest stays for two years following the end of the calendar year in which an individual rental stay occurred, including the date of each stay and the number of guests, the costs for each stay, including relevant taxes, and records related to their short-

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term rental permit with the City. These records shall be provided to the City on a yearly basis upon renewal of the short-term rental permit, or upon the City's request at any time.

8. Bed and breakfast home facilities shall be required to have a smoke alarm in each lodging room and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial permitting and during renewal of the same.

9. Except where permitted by law, no parking shall be allowed on the street or in the front yard of bed and breakfast facilities. One parking space shall be maintained for each lodging room with a minimum width of eight feet and a minimum length of 15 feet.

B. A homestay lodging room must meet the following restrictions:

1. Provide no more than **two** lodging rooms with a minimum of 70 square feet per room. Occupancy of a lodging room shall require at least 40 square feet per individual.
2. Occupancy by guest(s) shall not exceed **14 consecutive days** during any 90-day period. Guests may not re-register for at least 30 days from the termination of their previous stay.
3. The owner of a homestay lodging room shall be living at the residential home during the entire rental and occupancy of the lodging room.
4. Homestay lodging room shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.
5. Homestay lodging rooms shall be required to have a smoke alarm in the lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

C. A hotel/motel shall meet all applicable local, state, and federal laws, ordinances, rules, and regulations.

D. A vacation home facility must meet the following restrictions:

1. Provide no more than **six** lodging rooms with a minimum of 70 square feet per room. Occupancy of a lodging room shall require at least 40 square feet per individual.
2. Occupancy by guest(s) shall not exceed **14 consecutive days** during any 90-day period. Guests may not re-register for at least 30 days from the termination of their previous stay.
3. The owner of a vacation home facility shall live within the corporate boundaries of DeKalb County, Georgia or have a designated property manager, as defined and regulated in this article.
4. Vacation home facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.
5. Vacation home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

E. Operational Regulations –homestay, vacation home facility, short-term rentals.  
For purposes of this subsection, homestay lodging rooms, vacation home facilities and any other type of short-term rental shall be referred to as “short-term rental.”

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1. Owners shall maintain records related to guest stays for two years following the end of the calendar year in which an individual rental stay occurred, including the date of each stay and the number of guests, the costs for each stay, including relevant taxes, and records related to their short-term rental permit with the City. These records shall be provided to the City on a yearly basis upon renewal of the short-term rental permit, or upon the City's request at any time.
  2. All short-term rentals shall be subject to nuisance and noise ordinances and regulations of the city.
  3. An owner and booking service shall include their current, valid permit number on all offerings, listings, or advertisements for short-term rental stays.
  4. All short-term rentals shall have a working fire-extinguisher.
  5. All short-term rentals shall include a conspicuously posted evacuation diagram identifying all means of egress from the unit and building in which it is located.
  6. All short-term rentals shall include a conspicuously posted list of the physical address of the short-term rental, the location of the fire-extinguisher, and emergency phone numbers for police, fire, and poison control.
  7. Each owner and agent or representative of any owner shall provide the enforcement official with access to each short-term rental and the books, records, documents, papers, tax returns, and bank accounts at any time during normal business hours as the enforcement official may determine are necessary or convenient for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.
  8. Booking Services Regulations
    - (a) It shall be unlawful for a Booking Service to collect a fee for facilitating booking transactions for short-term rental units located in the City if the short-term rental unit and its owner have not been issued a current, valid short-term rental permit by the City.
    - (b) Booking Services shall not list or advertise a short-term rental without posting the short-term rental permit number.
    - (c) Upon notification by the City that a short-term rental host does not have a valid permit number, the booking service must promptly remove the host's listings from their platform, unless the City receives a written objection to removal from the host within seven (7) days of the City's notification to the Booking Service. If the host objects to removal, the City shall, within 30 days of the written objection, review any documentation presented by the host, and either affirm or reverse its determination regarding the host's permit's invalidity. A Booking Service shall remove a listing within 48 hours after the City reviews any objection by a host and notifies the booking service of a final determination by the City. If no timely objection is filed, the Booking Service shall immediately remove the listing following the objection period.
    - (d) Within sixty (60) days of the effective date of this ordinance, each Booking Service operating in the City shall submit to the City a report related to all short-term rentals that have occurred in the City for under the Booking Service from January 1, 2024-December 31, 2025. Such report shall include the physical location of each short-term rental unit, including any separate unit designation for each physical location (i.e. multiple rooms in one physical location); the date of each short-term rental stay; the number of guests during each stay; the costs for each stay, including any and all taxes charged; the full name of each person or corporate entity offering the short-term rental unit for rent; and the owner of the short-term rental unit.
    - (e) Beginning on September 1, 2026, each Booking Service shall submit to the City the same report containing the same information as set forth in subsection (d) above, but for the period of January 1, 2026-August 31, 2026. On the first of each month thereafter, each Booking Service shall submit to the City a monthly report containing the same information as set forth in subsection (d) above for the preceding month. For example, on October 1, 2026, the report shall be submitted for the period of September 1, 2026-September 30, 2026; on November 1, 2026, the

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report shall be submitted for the period of October 1, 2026-October 31, 2026. This monthly report shall be required to be submitted to the City each month thereafter.

(f) All reports for the period of January 1, 2026 going forward shall be submitted with any and all taxes owed to the City for the period of the report. Therefore, the September 1, 2026 report shall be submitted with all taxes owed to the City for the period of January 1, 2026-August 31, 2026. Each monthly report thereafter shall be submitted with the taxes owed for the preceding month.

9. Except where permitted by law, no parking shall be allowed on the street or in any unpaved portion of the front yard of any lot occupied by a short-term lodging use. Parking regulations relative to the zoning district in which the facility is located shall apply.

### **Section 16-3. Signage.**

No signage shall be permitted for any bed and breakfast/inn, homestay, vacation home facility, or any other short-term rental. This does not include hotels and motels.

### **Section 16-4. Licenses, transferability, enforcement.**

#### *16-4.1 Permits and Licenses.*

No owner of property within the City of Stone Mountain shall make available for occupancy or use a bed and breakfast, homestay, vacation home facility or any other short-term rental without a short-term rental permit and a home occupational tax certificate. This does not apply to hotels and motels.

- A. The city shall not issue more than 60 short-term rental permits annually. Once the city has issued 60 short-term rental permits, no additional permits shall be issued for that year. Applications to renew will be prioritized over new applications. New applications will be issued in the order in which they were received. All short-term rental permits shall expire on December 31. Short-term rental permits shall be effective from January 1 through December 31, unless otherwise revoked. No short-term rental permit will be automatically renewed. Failure to obtain a short-term rental permit by March 1 of each year may subject the applicant to late fees.
- B. Vacation home facilities shall be limited to those properties zoned village center mixed-use (VCM) and properties with an approved special use permit or conditional use permit from city council.
- C. A bed and breakfast, homestay, vacation home facility and any other short-term rental shall obtain both a short-term rental permit and a home occupational tax certificate from the city and renew each on an annual basis.
- D. Fees for lodging in a bed and breakfast, homestay, vacation home facility and any other short-term rental are subject to the city's hotel-motel excise tax as set forth in Article II of Chapter 12, and all other applicable local and state taxation ordinances.
- E. The owner of a bed and breakfast, homestay, vacation home facility, and any other short-term rental shall obtain a separate short-term rental permit from the city for each rental facility (not room) and must renew each such permit on an annual basis.
- F. The short-term rental permit application shall be furnished on a form specified by the city, accompanied by a non-refundable short-term rental permit fee in an amount to be established by city council. Such application shall include:
  - 1. Name, address, phone number, and email address of the property owner(s) of record for which a permit is sought and the physical address of the short-term rental property. If there is more than

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one owner of the property, all other owners must provide written consent for the property to be used as a short-term rental, and such written consent must be provided as part of the application for the short-term rental permit.

2. The property manager designation form which shall include name, address, phone number, and email address.
3. A floor plan showing all bedrooms and bathrooms with the approximate square footage of each bedroom. If there are any bedrooms or bathrooms that will not be offered as part of the short-term rental, the floor plan shall be so marked.
4. A site plan of the overall property identifying parking spaces for renters.
5. A short-term rental property located within a subdivision where a functioning homeowners association exists shall provide a notarized statement from the applicant that short-term renting is not prohibited under the covenants of the HOA/subdivision.
6. Proof of homeowners insurance for the property to be used as a short-term rental.
7. Signed acknowledgement that the owner(s) has read all regulations pertaining to the operation of a vacation home facility and their agreement to abide by all applicable regulations.
8. The name of each booking service the owner intends to contract with or has contracted with for the short-term rental.
9. A signed acknowledgment that the owner shall use his/her best efforts to assure that the 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 that the owner has read and understands all applicable city ordinances regarding short-term rental property.
10. Written consent that the city may contact the identified booking service to obtain information from the booking service and for the booking service to provide information that may be required in this Article.
11. Documentation that a certified third-party inspector has verified that the home meets IPMC standards.

*16-4.2 Property manager required.*

- A. A property manager shall be designated for each bed and breakfast, homestay, vacation home facility, and other type of short-term rental. Such designation form shall be kept on file with the city at all times that a short-term rental is in operation or being offered for use as a short-term rental. The property manager designation form shall include name, address, phone number, and email address of the designated property manager
- B. The property manager shall be required to respond to the location of the facility 24 hours a day, seven days a week, and within one hour after being notified by the city.
- C. An owner may designate himself/herself as the property manager.
- D. If the property manager changes, the owner shall notify the city immediately and submit a new property manager designation form.

*16-4.3 Transferability.*

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- A. Short-term rental permits issued under this ordinance shall not be transferred, assigned, or used by any person other than the owner to whom it is issued, or at any location other than for which it is issued.
  - B. A short-term rental permit terminates upon transfer of the property to another owner. The property shall not continue thereafter to operate as a short-term rental until such time as the new owner complies with this Article

*16-4.4 Enforcement.*

- A. Short term rental permits and occupational tax certificates for short term rental may be suspended or revoked for any of the following reasons:
  - 1. An applicant furnished fraudulent or untruthful information in the application for a permit, or omitted information required in the application for a permit, or failed to pay all fees, taxes, or other charges imposed under the provisions of the City Code, in which case the city may immediately suspend or revoke the short-term rental permit.
  - 2. Any short-term rental unit for which there are three final adjudications of violations of any section of the City Code by a property owner, guest, or individual otherwise related directly to the property within any rolling 365-day period, shall constitute a violation of the terms of the short-term permit, and upon the third such adjudication, the short-term permit shall automatically terminate. For any permit that is terminated due to code violations, a property owner shall be ineligible for a short-term rental permit for a period of two years.
  - 3. Any short-term rental permit holder having his or her permit suspended or revoked under this section may appeal to the city council in accordance with section 2-1.10 Procedures for appeal of administrative decision.
  - 4. Failure to renew a short-term rental permit or home occupation tax certificate.
- B. Any violations of the City's Code not specifically enumerated herein, including, but not limited to, any violation of the property maintenance code or noise control ordinance, shall subject the permit holder to citation with possible fines, fees, and other penalties as allowed by law.
- C. Each day a bed and breakfast, homestay, vacation home facility or any other short-term rental is marketed or rented for overnight accommodation without the necessary short-term rental permit required under this article shall constitute a separate violation.
- D. Failure of the owner or property manager to respond to calls or complaints regarding the condition of the property, operation of the facility, or conduct of occupants and/or guests of the facility in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or property manager act as a peace officer or place himself or herself in an at-risk situation.
- E. Failure of any Booking Service to submit the reports required in this Article shall subject said Booking Service to fines as follows:
  - 1. Failure to submit report for the period of January 1, 2024-December 31, 2025: \$1,000 fine.
  - 2. Failure to submit report for the period of January 1, 2026-August 31, 2025: \$1,000 fine.
  - 3. Failure to submit monthly reports: \$500 per report.
- F. In the event a Booking Service fails to submit the reports or more information is deemed necessary by the City and the Booking Service fails to provide the information upon the written request of the City, the City may access this report and/or all necessary and relevant records from the Booking Service in

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response to valid legal process, including, but not limited to, an investigation warrant or subpoena from the Stone Mountain Municipal Court.

- G. Failure of a Booking Service to remove a listing as set forth in this Article shall be fined \$1,000 per incident.