

**CITY OF PINE LAKE, GEORGIA
REGULAR SESSION AGENDA
JULY 30, 2024 @ 6:00PM
COUNCIL CHAMBERS, 459 PINE DRIVE, PINE LAKE, GA 30072**

NOTE: All attendees are reminded to silence cellular phones and other devices that may cause interruption of the session proceedings.

CALL TO ORDER – WORK SESSION MEETING

ANNOUNCEMENTS/COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

ADOPTION OF THE MINUTES

- Regular Session – June 25th, 2024
- Special Called Meeting – July 18th, 2024
- Work Session – July 9th, 2024

OLD BUSINESS – None.

1. Draft Ordinance 2024-05 – An Ordinance Amending the Zoning Code of the City of Pine Lake to Authorize the Operation of Short-term Rentals within the City as a Special Use un the R-1 Single Family Residential District and the Commercial District Transitional Subarea – Discussion – **Potential First Read**
 - Presentation of draft Ordinance 2024-07 - An Ordinance Amending the Code of the City of Pine Lake to Impose a Three Percent Tax on the Furnishing of Lodgings; to Provide for Reporting and Submission of Taxes; To Provide for Enforcement; To Provide for Repeal of Conflicting Ordinances; to Provide an Effective Date of this Ordinance, and for Other Purposes. **This item will transfer to a New Business line item for the August 13, 2024 work session.**
2. Executive Session to discuss Personnel

PUBLIC COMMENTS – 3 minutes each please

REPORTS AND OTHER BUSINESS

- **Staff**
- **Reports/Comments**
 - Mayor
 - City Council
- **Information for “The Pine Lake News” eblast.**

ADJOURNMENT

MAYOR

Brandy Hall

COUNCIL MEMBERS

Jean Bordeaux, Mayor pro tem
Jeff Goldberg
Tom Ramsey
Thomas Torrent
Augusta Woods

ADMINISTRATIVE STAFF

ChaQuias Miller-Thornton
City Manager

Sarai Y’Hudah-Green
Chief of Police

Ned Dagenhard
Assistant City Clerk

Susan Moore
City Attorney

**CITY OF PINE LAKE
425 ALLGOOD ROAD
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PINE LAKE, GA 30072**

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www.pinelakega.net

**CITY OF PINE LAKE
REGULAR MEETING MINUTES
June 25th, 2024 at 6:00 PM
Council Chambers
459 Pine Drive, Pine Lake, GA**

Call to Order: Mayor Brandy Hall called the Regular Meeting to order at 6:14pm.

Present: Mayor Brandy Hall, Mayor Pro Tem Bordeaux, Council Member Jeff Goldberg (*via teleconference*), Council Member Thomas Torrent, Council Member Tom Ramsey, and Council Member Augusta Woods. Also present were City Manager ChaQuias Miller-Thornton, Chief of Police Sarai Y'hudah-Green, City Attorney Susan Moore, Public Works Special Projects Manager Bernard Kendrick, and Assistant City Clerk Ned Dagenhard.

Announcements/Communications

None.

Adoption of the Agenda of the Day

Council Member Woods moved to adopt the Agenda of the Day; Council Member Torrent seconded.

No discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

Adoption of the Minutes

- **Regular Session – May 28th, 2024**
- **Work Session – June 11th, 2024**
- **Special Called Session – June 18th, 2024**

Council Member Ramsey moved to approve the Minutes from the May 28th, 2024 Regular Session, the June 11th, 2024 Work Session, and the June 18th, 2024 Special Called Session; Mayor Pro Tem Bordeaux seconded.

No discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

New Business

**CITY OF PINE LAKE
REGULAR MEETING MINUTES
June 25th, 2024 at 6:00 PM
Council Chambers
459 Pine Drive, Pine Lake, GA**

- 1. Ordinance 2024-03 – An Ordinance to Amend the Official Zoning Map of the City of Pine Lake Code of Ordinances Regarding Zoning – 4599 Rockbridge Road, Stone Mountain, GA 30083, Tax Parcel ID 18 015 01 022 – First Read**

Mayor Pro Tem Bordeaux performed the First Read of Ordinance 2024-03.

City Manager Miller-Thornton added that an exhibit to this item—an updated zoning map—would be available upon final adoption.

No action was taken by City Council.

- 2. Ordinance 2024-04 – An Ordinance to Amend the Official Zoning Map of the City of Pine Lake Code of Ordinances Regarding Zoning – 4687 Rockbridge Road, Stone Mountain, GA 30083, Tax Parcel ID 18 016 06 115 – First Read**

Council Member Ramsey performed the First Read of Ordinance 2024-04.

Council Member Torrent asked for confirmation that the only difference between items 1 and 2 are the respective parcel addresses. The City Manager responded in the affirmative.

No action was taken by City Council.

- 3. Draft Ordinance 2024-05 – An Ordinance Amending the Zoning Code of the City of Pine Lake to Authorize the Operation of Short-term Rentals within the City as a Special Use un the R-1 Single Family Residential District and the Commercial District Transitional Subarea – Discussion**

Mayor Hall introduced the item by reading the title, and describing the conversation as a discussion prior to a first read.

Mayor Pro Tem Bordeaux presented City Council with a spreadsheet, roughly outlining where each member of the body fell on a number of issues related to the ordinance draft.

A discussion took place, the contents of which focused on potential residency requirements for STR licensees.

At 7:00pm, Council Member Woods motioned for a recess.

City Council entered a Public Hearing to invite public comment on the Notice of Property Tax Increase and the proposed 2024 millage rate.

At 7:08pm, Council Member Ramsey motioned for the Regular Session to resume.

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REGULAR MEETING MINUTES
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Mayor Hall called the meeting to order.

Discussion of New Business Item 3 resumed. The discussion focused primarily on administration of the STR licensing and multifamily apartment-style use.

No action was taken by City Council.

4. Ordinance 2024-06 – To Set the 2024 Millage Rate – Second Read and Adoption

Council Member Ramsey performed the Second Read of Ordinance 2024-06.

Mayor Pro Tem Bordeaux moved to adopt Ordinance 2024-06 to set the millage rate at 19.400 mils; Council Member Ramsey seconded.

Mayor Hall introduced the topic, citing the receipt of a state tax rebate as having “saved” the city from incurring a budget deficit in FY2023. City Manager Miller-Thornton explained that while the City of Pine Lake relies heavily on its residential tax base, City Council has begun development of an economic strategy to stimulate its commercial corridor. Additionally, the Administration Department has begun to work with DeKalb County Department of Planning and Sustainability to ensure that all new builds and renovations are being accurately captured in property evaluations as applicable. The City Manager added that adoption of a rate lower than the proposed 19.4 mils would not allow the City to maintain present service delivery.

Mayor Hall called for a vote.

Members voted 4-1-0. Mayor Pro Tem Bordeaux, and Council Members Ramsey, Torrent, and Woods voted in favor of the measure; Council Member Goldberg voted against; no members abstained. The motion carried.

5. Tennis Court Project Administration

Mayor Pro Tem Bordeaux moved to return Tennis Court Project Administration to the Pine Lake Administration; Council Member Ramsey seconded.

A discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

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6. Agreement for Pedestrian Bridge Replacement – Bid No. 2024-001 – between the City of Pine Lake and Cline Service Corporation

Mayor Pro Tem Bordeaux moved to approve the Agreement for Pedestrian Bridge Replacement - Bid No. 2024-001; Council Member Woods seconded.

No discussion took place.

All members voted in favor, and the motion carried.

Reports/Comments

Mayor

Mayor Hall thanked City Council for their continued diligent work on “an array of complex issues.” The Mayor added that this STR legislation scaffolds back to economic development and taxation. Mayor Hall also extended special thanks to Mayor Pro Tem Bordeaux for putting together the spreadsheet “out of 8 million emails.”

City Council

Council Member Goldberg expressed thanks to Mayor Hall and City Manager Miller-Thornton for allowing him to participate via teleconference.

Pine Lake News

2024 Millage Rate: A millage rate of 19.400 has been adopted by the Council. [See Notice](#)

Lake Reopened for Swimming: As of June 26th, 2024, the Pine Lake beach is open for swimming. [See Notice](#).

June 18th Lake Management Strategy Report: During a June 18th Special Called meeting, Public Works Special Projects Manager, Bernard Kendrick, updated Mayor and Council on the status of the lake and wetlands.

We have seen reduced water levels in the lake and the Eastern wetlands in recent months. Upon inspection Mr. Kendrick has determined that two transfer pipes from the creek into our water flow control system were nearly filled with sediment which impeded flow. Public Works will be clearing the pipes as soon as possible. This will allow water to be directed to the wetlands or to the lake.

In consideration of the high e-coli levels in the lake Mr. Kendrick is recommending that we add five additional testing locations at the points of entry and exit of water

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into the system. These additional tests will help to inform decisions about where to route water coming into the system from Snapfinger creek. For example, when water coming into the system tests high for E.coliform we would not want to add it directly to the lake, which would raise the level of e-coli throughout.

June 25th, 2024, Update: The clogged pipes have now been cleared and water is flowing through the system. Because of high e-coli levels coming in from Snapfinger creek, water will not be channeled directly into the lake. Water will be directed to the wetlands to help mitigate the e-coli and other contaminants. This means that you will see water slowly restored to the Eastern wetlands, but very little increase in the lake level. As test results improve, creek water can be directly channeled to the lake to aid in getting the lake back to normal levels. The good news is that the e-coli levels in the swimming area have now come down to normal.

Upcoming Events

JULY 4th PLAIN & City of Pine Lake Picnic: Thursday July 4th noon til 2 pm Join PLAIN & the City of Pine Lake for a BBQ picnic party in the park! Burgers and hot dogs will be provided, bring a side or dessert to share! FREE for all, compliments of the City & PLAIN.

Adjournment

Council Member Ramsey moved for adjournment at 7:46pm.

Ned Dagenhard
Assistant City Clerk

ChaQuias Miller-Thornton
Acting City Clerk

CITY OF PINE LAKE
SPECIAL CALLED SESSION MINUTES
July 9th, 2024 at 6:00 PM
Council Chambers
459 Pine Drive, Pine Lake, GA

Call to Order: Mayor Brandy Hall called the Special Called Meeting to order at 6:00pm.

Present: Mayor Brandy Hall, Mayor Pro Tem Bordeaux, Council Member Jeff Goldberg, Council Member Thomas Torrent, Council Member Tom Ramsey, and Council Member Augusta Woods. Also present were City Manager ChaQuias Miller-Thornton, Chief of Police Sarai Y'hudah-Green, City Attorney Susan Moore, and Assistant City Clerk Ned Dagenhard. Public Works Special Projects Manager Bernard Kendrick was not in attendance.

New Business

- 1. Ordinance 2024-03 – An Ordinance to Amend the Official Zoning Map of the City of Pine Lake Code of Ordinances Regarding Zoning – 4599 Rockbridge Road, Stone Mountain, GA 30083, Tax Parcel ID 18 015 01 022 – Second Read and Consideration of Adoption**

Council Member Ramsey motioned to adopt Ordinance 2024-03; Mayor Pro Tem Bordeaux seconded.

Council Member Ramsey performed the Second Read of Ordinance 2024-03.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

- 2. Ordinance 2024-04 – An Ordinance to Amend the Official Zoning Map of the City of Pine Lake Code of Ordinances Regarding Zoning – 4687 Rockbridge Road, Stone Mountain, GA 30083, Tax Parcel ID 18 016 06 115 – Second Read and Consideration of Adoption**

Council Member Torrent motioned to adopt Ordinance 2024-04; Council Member Woods seconded.

Council Member Torrent performed the Second Read of Ordinance 2024-03.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

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SPECIAL CALLED SESSION MINUTES
July 9th, 2024 at 6:00 PM
Council Chambers
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Adjournment

Mayor Pro Tem Bordeaux moved for adjournment at 6:02pm.

Ned Dagenhard
Assistant City Clerk

ChaQuias Miller-Thornton
Acting City Clerk

**CITY OF PINE LAKE
WORK SESSION MINUTES
July 9th, 2024 at 6:00 PM
Council Chambers
459 Pine Drive, Pine Lake, GA**

Call to Order: Mayor Brandy Hall called the Special Called Meeting to order at 6:02pm.

Present: Mayor Brandy Hall, Mayor Pro Tem Bordeaux, Council Member Jeff Goldberg, Council Member Thomas Torrent, Council Member Tom Ramsey, and Council Member Augusta Woods. Also present were City Manager ChaQuias Miller-Thornton, Chief of Police Sarai Y'hudah-Green, City Attorney Susan Moore, and Assistant City Clerk Ned Dagenhard. Public Works Special Projects Manager Bernard Kendrick was not in attendance.

Announcements/Communications

None.

Adoption of the Agenda of the Day

Council Member Ramsey moved to adopt the Agenda of the Day; Mayor Pro Tem Bordeaux seconded.

No discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

New Business

1. Draft Ordinance 2024-05 – An Ordinance Amending the Zoning Code of the City of Pine Lake to Authorize the Operation of Short-term Rentals within the City as a Special Use in the R-1 Single Family Residential District and the Commercial District Transitional Subarea – Discussion

City Council re-entered a the discussion of Short Term Rental policy. The conversation began with the invitation for City Attorney Moore to speak to the legal context regarding her recommendation not to include residency requirement language in the policy. The City Attorney continued that community investment may otherwise be evoked through license and/or permit limitations.

The Mayor, City Council, and City Manager discussed each aspect of the Special Use Permitting guidelines, as the decided vehicle for Short Term Rental regulation.

Aspects of the continued discussion included the number of licenses to be held by one party; whether accessory dwelling units would be listed under the same property and license as the principal dwelling; what constitutes a bedroom, shared space, and kitchen; how/whether to prioritize license renewals; and compliance

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enforcement.

No action was taken by City Council.

Reports and Other Business

ChaQuias Miller-Thornton — City Manager (Director of Administration, Courts, and Public Works)

Please refer to the Pine Lake website to access the latest City Manager report. Please email neddagenhard@pinelakega.net to request a copy or call (404) 999-4931 to schedule an appointment to review the copy on file.

Chief Sarai Y'Hudah-Green — Chief of Police, Public Safety

Please refer to the Pine Lake website to access the latest Police/Public Safety report. Please email neddagenhard@pinelakega.net to request a copy or call (404) 999-4931 to schedule an appointment to review the copy on file.

Bernard Kendrick – Special Projects Manager, Public Works

Please refer to the Pine Lake website to access the latest Public Works report. Please email neddagenhard@pinelakega.net to request a copy or call (404) 999-4931 to schedule an appointment to review the copy on file.

Reports/Comments

Mayor

Mayor Hall thanked all discussion participants for their hard work regarding development of STR legislation. The Mayor referenced the many hours of deliberation over the course of several weeks, and congratulated City Council, City Manager Miller-Thornton, and City Attorney Moore on putting forth a cohesive draft.

City Council

Council Member Torrent briefly discussed hotel-motel taxation with City Attorney Moore.

Council Member Goldberg thanked the governing authority for permitting him to join the previous City Council Meeting via teleconference. Council Member Goldberg added that he has heard complaints regarding City Council Meetings being held at 6:00pm.

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Pine Lake News

Upcoming Events

JULY 11th PLAIN Community Recycling Event: Saturday July 11th noon until 2pm at Clubhouse parking lot. PLAIN volunteers collect your recyclable materials and take them to be recycled so you don't have to!

JULY 25th Meeting of Poplar Park ad Hoc Committee: A planning meeting will be held at Poplar Park (weather permitting) to map out plans for improvements to the park. In case of inclement weather, meeting will be held in the Clubhouse

Adjournment

Council Member Torrent moved for adjournment at 8:03pm.

Ned Dagenhard
Assistant City Clerk

ChaQuias Miller-Thornton
Acting City Clerk

ORDINANCE NO. 2024-05

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF PINE LAKE TO AUTHORIZE, REGULATE AND LIMIT THE OPERATION OF RESIDENTIAL SHORT-TERM RENTALS WITHIN THE CITY OF IN PINE LAKE AS A SPECIAL USE IN THE R-1 DISTRICT AND THE COMMERCIAL DISTRICT TRANSITIONAL SUBAREA; AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINE LAKE TO LICENSE, REGULATE AND LIMIT THE OPERATION OF RESIDENTIAL SHORT-TERM RENTALS WITHIN THE CITY OF IN PINE LAKE IN THE R-1 DISTRICT AND THE COMMERCIAL DISTRICT TRANSITIONAL SUBAREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE OF THIS RESOLUTION, AND FOR OTHER PURPOSES.

WHEREAS, The City of Pine Lake ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents and businesses located within the corporate limits of the City and to provide for the public health, safety and welfare of residents, businesses and the community at large; and,

WHEREAS, the City is charged with promoting and preserving the environment and quality of life that are important and valuable assets of the City central to the City's identity, activities, economics and culture; and

WHEREAS, short-term rentals (STRs) may provide additional income to a property owner; and

WHEREAS, the City's land use and zoning ordinances do not allow the use of property in the R-1 zone to as STRs except as allowed under the definition of "family" for roommate or house share arrangements; and

WHEREAS, the City's land use and zoning ordinances allow bed and breakfasts in the Commercial Transitional zone and allow hotels and inns in the Village Commercial zone; and

WHEREAS, there are currently no hotels, motels, inns, lodges, rooming houses, bed and breakfasts, or other businesses by whatever name known located within the City compliant with the City's land use regulations and properly permitted for use as short term rentals; and

WHEREAS, the proliferation of short-term rentals in a community can exacerbate the existing shortage of affordable long-term housing; and

WHEREAS, a property regularly used as a short-term rental rather than a residence acts as a hotel and introduces a commercial use into an area where it may be incompatible; and

WHEREAS, according to the 2020 United States Decennial Census, there are 400 housing units and 429 households within the City limits; and

WHEREAS, the Mayor and City Council want to mitigate any negative impact caused by use and occupancy of short-term rentals on a community as small and densely populated as the City of Pine Lake and prevent the residential character of the City from being changed by the conversion of housing units into commercial, transient accommodations; and

WHEREAS, the market for and regulation of STRs continues to evolve rapidly and the Mayor and City Council desire to be able to respond to changing conditions by use of annual permits; and

WHEREAS, the Mayor and City Council seek to strengthen and foster community identity and preserve the residential character of the R zoning districts;

NOW THEREFORE, THE COUNCIL OF THE CITY OF PINE LAKE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Article 5, Section 5-3 of the City of Pine Lake Zoning Code is amended by clarifying and revising the definition of "Accessory dwelling" as follows:

"Accessory dwelling: A secondary dwelling unit located on the same lot as the principal dwelling unit, the use of which is incidental to that of the principal building on the same lot. An accessory dwelling unit must be one of the following dwelling types:

- a. In-home accessory dwelling: Located within a principal single-family dwelling, including a unit above an attached garage.
- b. Garage accessory dwelling: Located above a detached garage.
- c. Outbuilding accessory dwelling: Located in an accessory building that is not a garage."

SECTION 2.

Article 5, Section 5-3 of the City of Pine Lake Zoning Code is further amended by revising the definition of "Family" as follows:

"Family: One or more persons occupying a single dwelling or lodging unit such as a hotel room, provided that, unless all members are related by blood, marriage, civil union or adoption, no such family shall contain over four persons, with the following exceptions.

- In a single-family and duplex dwelling unit a maximum of two rooms may be occupied by a total of two or less individuals ~~roomers~~-per room, who may also board with the family who may be compensated for accommodating the renter ~~roomer~~, for any period, including daily, weekly or monthly or longer periods. The purpose of this provision is to allow a limited number of long-term roommates to share a dwelling rather than to permit transient or short-term lodging use.
- Accessory dwellings, as permitted under R Districts and other districts, are considered a separate dwelling, which are permitted to house no more than three persons unrelated by blood, marriage, civil union or adoption; and may not house boarders in addition to the family.
- Group homes meeting the definition of this ordinance are considered a "family"
- The term "family" shall not be construed to mean fraternity, sorority, club, student center, and similar uses, and is distinguished from persons occupying lodging in a hotel, inn or boarding/rooming house as herein defined."

SECTION 3.

Said article and section is further amended by revising the definition of “Lodging” as follows:

“Lodging: Living quarters for a family which are rented, leased, or otherwise provided by the owner for a definite period of time, which includes hotels, inns, and rooming/boarding houses, and is not permitted in any R-district. This definition shall exclude the limited lodging permitted under the definition of “family” and shall exclude compliant “short-term rentals”. See Family.”

SECTION 4.

Said article and section is further amended by inserting the definitions of “Short-term rental”, “Short-term rental agent”, “Short-term rental guests”, “Short-term rental owner”, “Short-term rental license” and “Short-term rental special use permit” after the definition of “Self-storage” and before the definition of “Sidewalk arcade” as follows:

“Short-term rental shall mean the use of a single family or duplex residential dwelling or a legal accessory dwelling to a single family or duplex residential dwelling which, in exchange for compensation, accommodations are provided for lodging for a period not to exceed thirty (30) consecutive days. On any lot there shall be no more than two dwelling units available for short-term rental consisting of no more than the primary single family or duplex residential dwelling and one accessory dwelling.

Short-term rental agent shall mean a natural person designated by the owner on the short-term rental permit application and authorized by the owner to respond to questions, concerns or emergencies at the short-term rental property. Such a person shall be available to contact at all times.

Short-term rental guests shall mean renters, tourists, vacationers or any other natural person who, in exchange for compensation, occupies a short-term rental.

Short-term rental license shall mean the annual license issued or renewed by the City to the owner of a short-term rental pursuant to Chapter 38, Article VII of the Code of Ordinances of the City of Pine Lake.

Short-term rental owner shall mean the owner of record of the property and any person who, directly or indirectly, controls, is controlled by or under common control with the owner of record.

Short-term rental permit shall be the permit issued by the City to the owner of a short-term rental unit for the establishment and operation of that particular short-term rental.”

SECTION 5.

Article 8 of the City of Pine Lake Zoning Code is amended by inserting in the chart in Section 8-3 under “Lodging Uses” that “Short-term rentals” are allowed with a Special Use permit (SUP) in the Transitional Commercial District and are prohibited (X) in the Village Commercial District.

SECTION 6.

Article 11 of the City of Pine Lake Zoning Code is amended by inserting a new Section 11-11, "Special Use Permit for Short-term Rental", to read as follows:

"11-11. Special Use Permit for Short-Term Rental.

- A. Definitions: See Article 5, Section 5-3 of the City of Pine Lake Zoning Code.
- B. General provisions.

In addition to all other provisions applicable to special use permits, the following provisions shall apply to the establishment and operation of a short-term rental:

1. Permit required. No person shall rent, lease or otherwise exchange for compensation a short-term rental, as defined in this Code, without first obtaining a special use permit and a separate license from the City and complying with the regulations contained in this article and in Chapter 38, Article VII. No permit issued under this Section and Section 11-12 may be transferred, 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. Each license is a limited, short-term license and subject to annual renewal. Such license shall be applied for only after receipt of a special use permit for a short-term rental.

2. Maximum capacity. Maximum capacity of a short-term rental shall be eight (8) guests.

3. Length of stay. The length of stay for any short-term rental guest shall not exceed thirty (30) consecutive days. At least a seven (7) day period must interrupt consecutive thirty (30) day short-term rental occupancy.

4. On any lot there shall be no more than two dwelling units available for short-term rental consisting of no more than the primary single family or duplex residential dwelling and one accessory dwelling to the single family or duplex residential dwelling . If so stated in the application and approved, the special use permit may apply to both dwellings on the lot.

5. A short-term rental owner may only hold a permit applicable to one lot at any one time.

6. Residential character. The residential character and exterior appearance of a dwelling in which short-term rentals may be established shall not be altered.

7. Ownership and occupancy. The short-term rental agent shall occupy a dwelling within Dekalb, Gwinnett, Fulton, Cobb, Rockdale or Clayton County any time such rental is occupied by guests.

8. Zoning districts allowing short-term rentals. Short-term rentals shall be allowed only in an R-1 Single-family Residential District or in the Commercial (C) District Transitional Commercial Subarea, subject to the standards of this article and the approval of a special use permit.

9. Lodging tax and other taxes. Short-term rentals shall be subject to payment of hotel and lodging accommodations taxes as applied to other lodging facilities and to all other applicable taxes, licenses and fees.

10. Business and accounting records of the short-term rental must be maintained by the short-term rental property owner and the short-term rental agent for a minimum of five years and shall be made available to the City upon request to verify compliance with conditions of special use permit and short-term rental license.

11. A short-term rental owner holding a permit is not authorized to transfer the right to operate a short-term rental under any permit issued pursuant to this article to any other person or entity by lease, sale, agreement, contract or any other means.

12. No permit issued under this article may be used or shall have any legal effect at any location other than those identified on the application and for which such permit has been issued.

13. At any one time the number of permitted short-term rentals in the City of Pine Lake shall not exceed 5% of the residential housing units in the City of Pine Lake according to the most recent United States Decennial Census. Once that number has been reached, no additional short term rental permits will be issued and new permits will only be available if an existing permit is revoked or lapses. Where two short-term rentals are approved on one lot, they shall count as two short-term rentals for the purposes of this provision.

14. Nothing in this article shall be deemed to alter, affect, supersede or conflict with the requirements of any state or federal law or the City of Pine Lake Code of Ordinances.

15. Short-term rental agent.

- a. The owner of a short-term rental shall designate a short-term rental agent on the application for a short-term rental permit. A short-term rental owner may also serve as the short-term rental agent.
- b. The duties of the short-term rental agent shall be as follows:
 - i. Be available at all times to address any problems arising from use of the short-term rental;
 - ii. Occupy a dwelling in DeKalb, Gwinnett, Fulton, Cobb, Rockdale or Clayton county at any time the short-term rental is occupied by guests;
 - iii. Post such natural person's name, dwelling address and emergency contact phone number in a readily visible location in the short-term rental;
 - iv. Receive and accept service of any notice of violation related to the use or occupancy of the short-term rental; and

- v. Monitor the short-term rental for compliance with this Chapter.

16. The short-term rental owner shall submit any documentation required by O.C.G.A. § 50-36-1 and any other applicable state law, as well as any other information that this article requires the short-term rental owner or agent to provide to the City of Pine Lake as part of an application for a permit. The City Manager or their designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this article.

17. The short-term rental owner shall attach the following exhibits to the application described in this section:

a. Written rules to be posted in the short-term rental, including:

- i. Acknowledgement that it shall be unlawful to violate ordinances of the City of Pine Lake;
- ii. Acknowledgement and agreement that violations of this article or ordinances of the City may result in immediate termination of the agreement and eviction from the short-term rental by the owner or agent, as well as the potential liability for payment of fines levied by the City; and
- iii. Information about dates, methods and procedures applicable to trash and garbage pick-up.

b. Evidence that the short-term rental permit owner has provided notification via certified United States mail to each adjacent property owner of record of their intent to secure a short-term rental permit. This notification shall include the physical address and mailing address of the unit to be used as a short-term rental and the name, physical address, mailing address, phone number and email address of the short-term rental agent.”

SECTION 7.

Article 11 of the City of Pine Lake Zoning Code is further amended by inserting a new Section 11-12, “Short-term Rental Regulations”, to read as follows:

Section 11-12. - Short-term rental regulations.

- A. The owner of a short-term rental shall not be entitled to place any sign on the premises. A legible copy of the short-term rental permit shall be posted within the short-term rental and include the following information:
 - 1. Name, physical address, mailing address, phone number and email address of the short-term rental agent;
 - 2. Short-term rental unit license number; and
 - 3. Maximum occupancy of the short-term rental.
- B. The short-term rental owner shall notify the City of Pine Lake in writing of any change in rental agent within ten (10) business days of such change.

- C. The Pine Lake Police Department may notify the owner and agent of a short-term rental of all instances in which behavior of the rental guest or the conduct of his or her short-term rental agent results in a citation for a code violation or other legal infraction. The Pine Lake Police Department may maintain a record of all violations of City code occurring at or relating to a short-term rental.
- D. The City may notify the owner and agent of failure to comply with this Article. For such noncompliance the City may revoke any existing permit and reject all short-term rental permit applications for that particular short-term rental or submitted by the owner of that property for a period of twelve (12) consecutive months. Each day a short-term rental is out of compliance with this ordinance shall be deemed a separate violation.
- E. Except as provided herein, any person violating the provisions of the City Code shall be punished as provided by Section 1-9 of the City of Pine Lake Code of Ordinances. With respect to violations that are continuous with respect to time, each day the violation continues shall be deemed a separate offense.
- F. A person aggrieved by a decision of the City Manager of the City of Pine Lake to revoke, suspend or deny a short-term rental permit may appeal the decision in writing to the Mayor and City Council. An appeal must be filed within thirty (30) calendar days following the adverse action and shall contain a concise and complete statement of the reasons for the appeal. The Mayor and City Council shall consider and respond to the appeal in writing within thirty (30) calendar days of receipt. The decision of the Mayor and City Council may be appealed to the Superior Court of DeKalb County. Except as otherwise provided in this section, Article 14 of the Zoning Code of the City of Pine Lake shall apply.”

SECTION 8.

Article 14 of the City of Pine Lake Zoning Code is amended by inserting a new Section 14-7 regarding appeals to read as follows:

“14-7. Authority to approve form and accept service.

The City Manager shall have the authority to approve or issue any form or certificate necessary to perfect an appeal and is designated and authorized to accept of any such petition for review. Service of a petition for review may be made by service on the City Manager.

SECTION 9.

Chapter 38 of the Code of Ordinances of the City of Pine Lake is amended by adding a new Article VII titled “Short-term Rental License” and including the following:

“38-100.

- A. Applicants for a short-term rental license shall submit an application for a short-term rental license to the City Manager. The application shall be accompanied by a non-refundable application fee in the amount of \$100.00. Such application shall include:

1. Physical address of the short-term rental;
2. Name, physical address and, if different, mailing address, phone number and email address of the short-term rental owner;
3. Name, physical address and, if different, mailing address, phone number and email address of the short-term rental agent, which shall constitute such natural person's 24-hour contact information;
4. Short-term rental owner and agent's signed acknowledgement that they have reviewed this Chapter and understands its requirements;
5. Short-term rental owner and agent's agreement to use best efforts to assure that use of the short-term rental will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
6. Any documentation required by O.C.G.A. § 50-36-1 and any other applicable state law; and
7. Any other information that this Article requires the short-term rental owner or agent to provide to the City of Pine Lake as part of an application for a license. The City Manager or their designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Article.

B. The short-term rental owner applying for the license shall attach the following exhibits to the application described in this section:

1. Written rules posted in the short-term rental, including, but not limited to:
 - a. Acknowledgement that it shall be unlawful to violate ordinances of the City of Pine Lake;
 - b. Acknowledgement and agreement that violations of this Article may result in immediate termination of the agreement and eviction from the short-term rental by the owner or agent, as well as the potential liability for payment of fines levied by the City; and
2. Evidence that the short-term rental permit owner or agent has provided notification via certified United States mail to each adjacent property owner of their intent to secure a short-term rental license. This notification shall include the physical address and, if different, the mailing address of the unit to be used as a short-term rental and the name, physical address, mailing address, phone number and email address of the short-term rental owner and agent.

C. Each license is a limited, short-term license subject to annual renewal. Such license shall be applied for only after the property owner has received a special use permit for operation of the short-term rental.

D. No license issued under this Article may be transferred, 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 has been issued. A license

holder is not authorized to transfer the right to operate a short-term rental under any license issued pursuant to this Article to any other person or entity by lease, sale, agreement, contract or any other means.

E. On any lot there shall be no more than two dwelling units available for short-term rental consisting of no more than the primary single family or duplex residential dwelling and one accessory dwelling to such single family or duplex residential dwelling. If so stated in the application and approved, the short-term rental license may apply to both dwellings on the lot.

F. A short-term rental owner may only hold a license applicable to one lot at any one time.

G. At any one time the number of licensed short-term rentals in the City of Pine Lake shall not exceed 5% of the residential housing units in the City of Pine Lake according to the most recent United States Decennial Census. Once that number has been reached, no additional short term rental licenses will be issued and new licenses will only be available if an existing license is revoked or lapses. Where two short-term rentals are approved on one lot, they shall count as two short-term rentals for the purposes of this provision.

Section 38-101. - Short-term rental agent.

- A. The owner of a short-term rental shall designate a short-term rental agent on the application for a short-term rental license. A short-term rental owner may also serve as the short-term rental agent.
- B. The duties of the short-term rental agent shall be as follows:
 - i. Be available at all times to address any problems arising from use of the short-term rental;
 - ii. Occupy a dwelling with DeKalb, Gwinnett, Fulton, Cobb, Clayton or Rockdale county at any time the short-term rental is occupied by guests;
 - iii. Post such natural person's name and emergency contact phone number in a readily visible location in the short-term rental unit;
 - iv. Receive and accept service of any notice of violation related to the use or occupancy of the short-term rental; and
 - v. Monitor the short-term rental for compliance with this Article.

Section 38-102. - Grant or denial of application.

Review of an application shall be conducted by the City Manager in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions, regulations and requirements of this article or federal or state law or local ordinance related to operation of a short-term rental, or otherwise fails to demonstrate the ability to comply with local, state and federal law through operation of the proposed short-term rental. Any material false statement or misinformation provided in

the application shall be grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

Section 38-103. Annual license renewal.

Each short-term rental license shall be for the calendar year unless otherwise specifically provided. The license shall be due and payable annually within 30 days of January 1st of each year and shall, if not paid by May 1st of each year, be subject to a penalty of ten percent of the tax or fee due. For any new short-term rental operating in the City before July of any year, the license shall be delinquent if not obtained immediately upon beginning business and a penalty imposed of \$250.00 if not paid within ninety days from the date business is commenced. Any license not renewed prior to May 1st shall be suspended and may be revoked by the City Manager.

Section 38-104. Grounds for suspension, revocation or probation.

A. Any license that has been issued by the city may be suspended, revoked or denied renewal for due cause as hereinafter defined. "Due cause," for purposes of this section shall include, but not be limited to:

1. Conviction (to include a plea of guilty or nolo contendere) by local, state or federal authorities of the short-term rental owner or agent for any felony, or any misdemeanor involving moral turpitude, or any law, regulation or ordinance involving tax law violations;
2. Any violation of this article by the short-term rental owner or agent;
3. Material falsification of any fact given in application for a license issued under this article or bearing upon the licensee's qualification therefor, or any act which may be construed as a subterfuge in an effort to circumvent any of the qualifications for a license under this article;
4. The licensed short-term rental owner or agent fails to properly account for, file, report and/or maintain any records and/or remit or pay any renewal license fee imposed, sales taxes, or excise taxes required under the City ordinances;
5. Conduct of the licensed business in such a manner as to require excessive police monitoring or response to preserve the public order and secure compliance with federal, state and local laws and ordinances, including in section 38-106(c) below;

B. With respect to this section, it shall be presumed that the act was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aide in such occurrence, or in the exercise of due diligence could not have discovered or prevented such activity.

Sec. 38-105. - Notice of hearing; hearing; appeal.

A. Action to suspend, revoke, or reject renewal shall be commenced by the City Manager making written recommendation to the mayor and city council and giving written notice to the licensee, either by certified mail, return receipt requested, or by personal service upon licensee or such licensee's rental

agent at the licensed location, stating the grounds therefor, and the date, time and place such matter will be heard by the mayor and city council. Notice shall be served at least ten business days prior to the date of the hearing. Included in the notice shall be an advisement of the licensee's right to be heard before the council. Any licensee requiring subpoenas to compel the attendance of city witnesses or documents at the hearing shall file a written request with the city clerk at least five business days prior to the hearing. Hearings may be continued for good cause only.

B. Hearings shall only be as formal as necessary to preserve order and shall be compatible with the principles of justice. The city attorney or their designee shall present the city's case and shall bear the burden of proving by a preponderance of the evidence that due cause exists to suspend, revoke or probate the license. The licensee may be represented by legal counsel, may confront and cross-examine witnesses, and shall have the right to call witnesses and present evidence in their behalf. A hearing record shall be maintained by the city; however, either party may arrange for transcription by a court reporter at their sole expense. Hearings shall be presided over by the mayor who shall preserve order and rule upon all matters of evidence. Irrelevant, immaterial and unduly repetitious evidence shall be excluded.

C. All final decisions to suspend, revoke, or place a licensee on probation shall be made by the mayor and city council, in writing, with the reasons therefore stated. Notice of a final decision shall be given the licensee within three business days following the date of the hearing.

D. Appeals from an action by the mayor and city council to revoke, suspend or probate a license pursuant to this chapter shall be in accordance with state law to the Superior Court of DeKalb County.

Section 38-106 - Short-term rental regulations.

A. The owner of a short-term rental shall not be entitled to place any sign on the premises. A legible copy of the short-term rental license shall be posted within the unit and include the following information:

1. Name, physical and mailing address, phone number and email address of the short-term rental owner or agent;
2. Short-term rental unit license number; and
3. Maximum occupancy of the short-term rental.

B. The short-term rental owner shall notify the City of Pine Lake of any change in rental agent within ten (10) business days of such change.

C. The Pine Lake Police Department may notify the owner and agent of a short-term rental of all instances in which behavior of the rental guest(s) or the conduct of the short-term rental agent results in a citation for a code violation or other legal infraction. The Pine Lake Police Department may maintain a record of all violations of City code occurring at or relating to a short-term rental. When a short-term rental has accumulated three (3) violations for the same within a twelve-month period, the City may revoke any existing license and reject all applications for that particular short-term rental and the short-term rental owner for a period of twelve (12) consecutive months. Short-term rental owners or

agents shall be afforded an opportunity to appeal revocation of the license to Mayor and City Council. Each day a short-term rental is out of compliance with this ordinance shall be deemed a separate violation.

D. Except as provided herein, any person violating the provisions of the Code shall be punished as provided by Section 1-9 of the City of Pine Lake Code of Ordinances. With respect to violations that are continuous with respect to time, each day the violation continues shall be deemed a separate offense.”

SECTION 9.

To the extent any portion of this ordinance is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.

SECTION 10.

All City ordinances and rules inconsistent with this ordinance are hereby repealed.

SECTION 11.

This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Pine Lake.

SO ORDAINED this _____ day of _____, 2024.

Brandy Hall, Mayor

ATTEST:

ChaQuias M. Thornton, City Manager and
Acting City Clerk

APPROVED AS TO FORM:

Susan Moore, City Attorney

ORDINANCE NO. 2024-07

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PINE LAKE TO IMPOSE A THREE PERCENT TAX ON THE FURNISHING OF LODGINGS; TO PROVIDE FOR REPORTING AND SUBMISSION OF TAXES; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE, AND FOR OTHER PURPOSES.

WHEREAS, The City of Pine Lake ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents and businesses located within the corporate limits of the City and to provide for the public health, safety and welfare of residents, businesses and the community at large; and,

WHEREAS, the City is charged with promoting and preserving the environment and quality of life that are important and valuable assets of the City central to the City's identity, activities, economics and culture; and

WHEREAS, the collection of revenues is essential to the City's ability to provide services and facilities to the residents and businesses of the City; and

WHEREAS, the City is enacting an ordinance to authorize and regulate short-term rentals within the City;

NOW THEREFORE, THE COUNCIL OF THE CITY OF PINE LAKE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

The City of Pine Lake Code of Ordinances is amended by inserting in Chapter 26 a new Article VI entitled "Lodging Taxes" and providing as follows:

"Article VI. Lodging Taxes.

Sec. 26-150. - Application of section.

An excise tax is to be charged within the City limits upon the furnishing for value to the public of any room, lodging, or accommodations furnished by any person or legal entity licensed by or required to pay taxes to the City for operating within the City a hotel, motel, inn, lodge, tourist camp, tourist cabin, short-term rental or any other place in which rooms, lodgings, or accommodations are regularly furnished for value. The tax shall not be applied to rooms furnished for one or more days to state or local government officials and employees traveling on official business, to rooms furnished to persons due to the destruction of their home or residence by fire or other casualty, or for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy. In all respects, this article shall be applied and administered in accordance with Title 48, Chapter 13, Article 3 of the Official Code of Georgia now in effect or as amended in the future.

Sec. 26-151. - Amount of tax; due date.

The tax is to be levied and collected at the rate of three percent of the charge to the public for the furnishing of rooms, lodgings, or accommodations. The tax collections are to be remitted to the City Clerk on a quarterly basis within 30 days following the end of each quarter. The person responsible for collection of the tax shall remit to the City Clerk the tax collected during the previous quarter less a three percent collection fee. If remittance of the tax collected is not made within 30 days following the end of the quarter, the person responsible for collecting the tax shall not be allowed to retain the statutory collection fee.

Sec. 26-152 - Penalty for delinquent taxes.

There is hereby imposed a penalty upon the person responsible for collection of the tax, if the tax is not remitted within 30 days following the end of each quarter. The penalty for failure to comply with this article shall be assessed in the amount of ten percent of the tax determined to be due and payable under the provisions of this article for the first 30 days or fraction thereof a delinquency and an additional one percent of the tax determined to be due for each additional month or fraction thereof of delinquency.

Sec. 26-153. - Recordkeeping; records inspection.

In order to aid in the administration and enforcement of the provisions of this article and to collect all of the tax imposed, all owners and innkeepers are hereby required to keep a record of all sales and charges for rooms and lodging and the taxes collected for a period of at least five years. The records shall be open for inspection by any duly authorized agent of the City at all reasonable hours during the day.

Sec. 26-154 Owner or Innkeeper to collect taxes.

The owner or innkeeper of the lodging facility shall collect the excise taxes as set forth in this chapter and shall remit the same to the City as hereinafter provided. "Innkeeper" is defined as set forth in Section 48-13-50.2 of the Official Code of Georgia Annotated in effect now or as amended in the future.

Sec. 26-155 - Returns and payment of taxes.

The owner or innkeeper liable for the taxes set out herein shall on or before the 20th day of each month, for the preceding calendar month, transmit to the City clerk a statement showing the gross sales and gross taxes collected by authority of this chapter. Along with said statement, the owner or innkeeper shall submit payment to the City clerk for the net taxes due.

Sec. 26-156. - Compensation for collecting tax.

For the purpose of compensating the owner or innkeeper for collecting, accounting for and remitting the tax levied by the chapter, such owner or operator shall be allowed three (3) percent of the amount of the tax due and accounted for and remitted to the City in the form of a deduction when submitting the report and paying the amount due but only if the amount due was not delinquent at the time of payment.

Sec. 26-157. - Penalty for failure to make return for payment.

When any owner or innkeeper shall fail to make any return or pay the full amount of the tax required by this chapter, there shall be imposed a specific penalty to be added to the tax in the amount of five (5) percent or five dollars (\$5.00), whichever is greater, if the failure is for not more than ten (10) days, with an additional five (5) percent or five dollars (\$5.00), whichever is greater, for each additional ten (10) days or fraction thereof during which the failure continues.”

SECTION 2.

To the extent any portion of this ordinance is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.

SECTION 3.

All City ordinances and rules inconsistent with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Pine Lake.

SO ORDAINED this _____ day of _____, 2024.

Brandy Hall, Mayor

ATTEST:

APPROVED AS TO FORM

ChaQuias M. Thornton, City Manager and
Acting City Clerk

Susan Moore, City Attorney

DRAFT