

**CITY OF PINE LAKE, GEORGIA
TOWN HALL
BEACH HOUSE
JUNE 5, 2024 @ 7:00PM
4580 LAKESHORE 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.

**Welcome and Introduction of Council
Mayor Brandy Hall**

**MAYOR
BRANDY HALL**

Mayor and Council welcome public discussion regarding:

Draft Ordinance 2024-05 – To amend the zoning code of the City to authorize the operation of residential short-term rentals within the city as a special use in the R-1 Single Family Residential District and in the Commercial (C) District Transitional Commercial Subarea. (Draft Attached)

COUNCIL MEMBERS

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

Recap – Spring 2024 Mayor and Council Retreat

**Announcements and Thank You
Mayor Brandy Hall**

ADMINISTRATIVE STAFF

ChaQuias Miller-Thornton
City Manager
Acting City Clerk

Sarai Y'Hudah-Green
Chief of Police

Ned Dagenhard
Assistant City Clerk

Susan Moore
City Attorney

Adjournment

**CITY OF PINE LAKE
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P.O. BOX 1325
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ORDINANCE NO. 2024-05

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF PINE LAKE TO AUTHORIZE THE OPERATION OF RESIDENTIAL SHORT-TERM RENTALS WITHIN THE CITY OF IN PINE LAKE AS A SPECIAL USE IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND THE COMMERCIAL (C) DISTRICT TRANSITIONAL COMMERCIAL 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, 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 licensed 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, 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

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

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 revising the definition of "Family" as follows:

"Family: One or more persons occupying a single dwelling or lodging unit, 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 that do not contain independent kitchen facilities may be occupied by a total of two or less roomers per room, who may also board with the family who may be compensated for accommodating the roomer, for ~~any period~~, including daily, weekly or monthly or annual periods.

- 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 2.

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 3.

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.

A. Definitions

Short-term rental shall mean the use of an owner-occupied residential dwelling unit or portion of such dwelling unit or a legal accessory dwelling unit where, in exchange for compensation, accommodations are provided for lodging for a period not to exceed thirty (30) consecutive days.

Short-term rental agent shall mean a person or organization designated by the owner on the short-term rental certificate 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 guests, tourists, vacationers or any other person who, in exchange for compensation, occupies a short-term rental.

Short-term rental owner shall mean the owner of record of the property.

Short-term rental certificate shall be the certificate issued by the City Clerk to the owner or designated agent of a short-term rental unit who have submitted the necessary documentation and met the requirements set forth in this Chapter for establishment and operation of a short-term rental unit.

B. General provisions.

The following provisions shall apply to the establishment and operation of short-term rental units:

1. Permit required. No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental, as defined in this Code, without first obtaining a permit from the city clerk and complying with the regulations contained in this section. No permit issued under this chapter may be transferred or 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.

2. Maximum capacity. Maximum capacity of a short-term rental establishment shall be four (2) guestrooms and four (4) guests, subject to inspection and approval by the DeKalb County Health Department and the DeKalb County Fire Marshal, as applicable.

3. Length of stay. The length of stay for any lodger shall not exceed thirty (30) consecutive days.

4. Cooking facilities. Guests of the short-term rental shall have access to a full kitchen within the unit rented which is independent of other units rented or occupied.

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

6. Off-street parking. Adequate off-street parking shall be provided. Paved parking shall not be required; however, pavers and decorative stone shall be acceptable surfaces. "Grasscrete" products or other pervious materials shall also be acceptable. Gravel such as "57 Stone" typically used for commercial or industrial applications shall not be permitted. The minimum number of parking spaces shall be two (2) for the occupant of the premises and one (1) additional space for each guest room.

7. Ownership and occupancy. The owner of a short-term rental, or his or her agent, shall be resident on the premises. An officer of a corporation that is the owner of a short-term rental, or a partner in the case of a partnership, shall be resident on the premises.

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

9. Hotel/Motel tax and other taxes. Short-term rental establishments shall be subject to payment of hotel and motel 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 shall be made available to the city upon request to verify compliance with regulations.

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

A. No person or entity shall rent, lease or otherwise make available for compensation a short-term rental as defined in Section 11-11 without first obtaining a short-term rental license pursuant to regulations contained in this Chapter.

B. No licensee shall transfer the right to operate a short-term rental under any license issued pursuant to this Chapter to any other person or entity by lease, agreement, contract or any other agreement.

C. No license issued under this Chapter may be used or shall have any legal effect at any location other than those for which such certificate has been issued.

D. At any one time there shall be no more than five (5) licensed short-term rentals in the City of Pine Lake.

E. Nothing in this Chapter 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.

Section 11-13. - Application for short-term rental license.

- A. Applicants for a short-term rental license shall submit an application for a short-term rental license to the City Clerk annually. The application shall be accompanied by a non-refundable application fee in the amount of \$100.00. Such application shall include:
1. Address of the unit to be used as a short-term rental;
 2. Name, address, phone number and email address of the short-term rental owner or agent, which shall constitute his or her 24-hour contact information;
 3. Short-term rental owner and agent's signed acknowledgement that he or she has reviewed this Chapter and understands its requirements;
 4. Number and location of parking spaces allotted to the short-term rental unit;
 5. Short-term rental owner and agent's agreement to use best efforts to assure that 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;
 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 Chapter 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 Clerk or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Chapter.

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

1. Written rules posted in the short-term rental unit, including:
 - a. Acknowledgement that it shall be unlawful to allow or to generate any noise or sound exceeding the limits set forth in the Pine Lake Noise Ordinance. Owners are encouraged to provide a noise-monitoring device.
 - b. Acknowledgement that the maximum occupancy of a short-term rental unit is limited to two adults per bedroom and the location and number of on-site parking spaces.
 - c. Acknowledgement and agreement that violations of this Chapter may result in immediate termination of the agreement and eviction from the short-term rental unit 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 license applicant has provided notification via certified United States mail to each adjacent property owner of their intent to secure a short-term rental license.
 - a. This notification shall include the mailing address of the unit to be used as a short-term rental and the name, address, phone number and email address of the short-term rental owner or agent.
 - b. This notification shall be given to each owner of property adjacent to the property for which the applicant is applying to operate a short-term rental.
 - c. This notification shall be sent via certified United States mail to the address of record for the adjacent properties. For purposes of this section, it shall not be necessary for the applicant to identify and include the name of the specific owner of record of the adjacent property in such notification. The short-term rental agent shall notify the City of Pine Lake of any change in rental agent within ten (10) business days.

Section 11-13. - Short-term rental agent.

- A. The owner of a short-term rental unit shall designate a short-term rental agent on the application for a short-term rental certificate. 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:
 1. Be available at all times to address any problems arising from use of the short-term rental unit;

2. Post his or her name and emergency contact phone number in a readily visible location in the short-term rental unit;
3. Receive and accept service of any notice of violation related to the use or occupancy of the premises;
4. Monitor the short-term rental unit for compliance with this Chapter; and
5. List the short-term rental certificate number on each online listing.

Section 11-14. - Grant or denial of application.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions, regulations and requirements of this Chapter 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 false statement or misinformation provided in the application shall be grounds for revocation, suspension or imposition of penalties, including denial of future applications.

Section 11-15. - Short-term rental regulation procedure.

A. The owner of a short-term rental premises shall be entitled to place any sign on the premises as allowed by the Pine Lake Sign Ordinance. A legible copy of the short-term rental unit certificate shall be posted within the unit and include the following information:

1. Name, address, phone number and email address of the short-term rental owner or agent;
2. Short-term rental unit certificate number;
3. Maximum occupancy of the short-term rental unit;
4. Trucks parked or stored on the premises. No trucks having a Gross Vehicle Weight Rating (GVWR) greater than 10,000 pounds shall be parked or otherwise stored on the property;

C. The Pine Lake Police Department may notify the owner and agent of a short-term rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental unit agent results in a citation for a code violation or other legal infraction.

D. The Pine Lake Police Department may maintain a record of all violations of City code occurring at or relating to a short-term rental unit. When a short-term rental property has accumulated three (3) violations for the same property within a twelve month period, the City shall revoke any existing licenses and reject all applications for that particular property for a period of twelve (12) consecutive months. Any additional properties listed on the same license that do not have three (3) consecutive violations within a 12-month period shall remain valid, and the short-term rental agent may continue to serve as the agent. Short-term rental agents shall be afforded an opportunity for appeal revocation of the license and special use permit to Mayor and City Council. Fully adjudicated violations shall be assessed a

\$250.00 penalty per violation. Each day a short-term rental unit 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 an official of the City of Pine Lake to revoke, suspend or deny a short-term rental certificate 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 4.

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 5.

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

SECTION 6.

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