



# CITY OF DAHLONEGA

## City Council Public Hearing Agenda

August 03, 2020 5:30 PM

Gary McCullough Chambers, Dahlonega City Hall

---

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

---

CALL TO ORDER

NEW BUSINESS:

*Public Hearing:*

1. ORDINANCE 2020-09, AN ORDINANCE TO AMEND ORDINANCE 91-9 OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS AT: SUBPART B: LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING, ARTICLE VIII APPEARING AS SO IDENTIFIED IN THE CODE OF THE CITY OF DAHLONEGA, GEORGIA FOR THE PURPOSE OF REGULATING SHORT TERM RENTALS.

ADJOURNMENT



## STAFF REPORT FOR PLANNING COMMISSION

PETITIONER: CITY OF DAHLONEGA  
ADDRESS: 465 RILEY ROAD  
CITY: DAHLONEGA, GA 30533  
TELEPHONE: (706) 482-2708  
CASE NO: REZN-02-20-0003  
TYPE OF AMENDMENT: TEXT

PLANNING COMMISSION'S  
RECOMMENDATION: PLANNING COMMISSION RECOMMENDED TO  
APPROVE

COMMUNITY DEVELOPMENT  
DEPT. RECOMMENDATION: THE DEPARTMENT RECOMMENDS TO APPROVE

### NATURE OF REQUEST

This request is to create section VIII titled Short Term Rentals to establish procedures and requirements for the renting or leasing of a part or all of a dwelling, or the renting or leasing of a part or all of any structure not operating as a hotel, motel or inn where the term of occupancy, possession, or tenancy is for 30 consecutive calendar days or less.

### TEXT TO BE INSERTED OR CHANGED

#### **Article VIII: Short Term Rentals.**

##### **Sec. 8.1 – Definition/ Location Allowed/ Prohibited.**

- a. Short-Term Rental means the renting or leasing of a part or all of a detached, attached or semi-detached structure now or formerly used as a single-family dwelling, or the renting or leasing of a part or all of any structure not operating as a hotel, motel or inn where the term of occupancy, possession, or tenancy is for 30 consecutive calendar days or less. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other bargained for consideration in exchange for occupancy, possession or use of the property.
- b. Code Compliance Verification Form is a document executed by a short-term vacation owner certifying that the short-term vacation unit complies with applicable zoning, building, health and life safety code provisions.
- c. Short Term Rentals are permitted in all zoning districts **except for the Office Institutional District (O-I), Industrial District (I) and Mobile Home Park District (MHP).**

- d. Nothing contained in this Chapter shall be construed to prohibit motels, hotels, inns, bed and breakfasts and other commercial lodging uses from being located where otherwise specifically allowed.

## **Sec. 8.2 - Regulations Applicable to Short-Term Rentals.**

- a. In addition to the licensing requirements and other requirements set forth herein, the following regulations apply to Short-Term Rentals:
  - I. Inspection: Prior to the issuance of an annual license for a Short-Term Rental, a code compliance verification form must be signed by the owner stating that the property complies with or exceeds current zoning, building, health and life safety code standards and an occupation tax certificate must be obtained;
  - II. Parking requirements: Off street parking is required for every Short-Term Rental. One (1) off-street parking space is required per room qualifying as a bedroom for Short-Term Rentals. To qualify as a parking space, the minimum dimensional requirements must include a useable rectangular area of nine (9) feet wide by twenty (20) feet long, exclusive of any other area counted as a parking space. The number of vehicles allowed during a Short-Term Rental tenancy shall not exceed the number of parking spaces available on the property. For the purposes of this ordinance, any type of trailer, boat and/or recreational vehicle shall also be counted as one vehicle, separate from the vehicle used to transport the trailer, boat and/or recreational vehicle;
  - III. Trash: All trash must be disposed of properly. A limit of three (3) rolling trash cans not to exceed ninety-six (96) gallons each may be utilized for property with a Short-Term Rental license. Use of commercial or roll off dumpsters on a property with a Short-Term Rental is prohibited. Following scheduled trash pick-up, trash cans must be removed from the curb and or street area and out of plain view;
  - IV. Demarcation of Boundaries: The property boundaries of every parcel with a Short-Term Rental license must be clearly demarcated and approved by the Community Development Department;
  - V. Number of occupants: Bedrooms in short term rentals shall be limited to no more than four occupants.
  - VI. Fire Extinguishers: At least one (1) 10 lb. ABC fire extinguisher must be located on each level of the structure and must be clearly visible or marked with appropriate signage. Fire extinguishers must be certified annually by a licensed fire extinguisher company;
  - VII. Smoke Detectors and Carbon Monoxide Detectors: A smoke detector must be installed in each bedroom and on each level of the structure. All smoke detectors must be interconnected. Carbon Monoxide detectors must be installed on each level and shall be placed 5' off the ground; and

- VIII. Property Manager or Local Contract Person: All Short-Term Rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the Short-Term Rental, the property owner may designate him/herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be submitted to the Community Development Department, the Lumpkin County Sheriff's Office, the Lumpkin County Fire Department, and the City of Dahlonega's Law Enforcement Office, and to the property owners located within a 300-foot radius of the property. The name, address and telephone numbers shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to each of these agencies and neighboring property owners as specified in this Section. If the local contact person is unavailable or fails to respond, the complaining or questioning party may contact the Community Development Department. The City will then attempt to reach the local contact person. In cases where the City is unable to reach the local contact person, the penalties as set forth in this Chapter shall apply.

### **Sec. 8.3 - License Required.**

All Short-Term Rentals require an annual Short-Term Rental License. The fee for said License shall be \$100.00. An applicant must apply each year and pay the license fee annually.

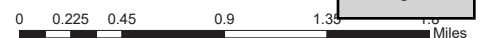
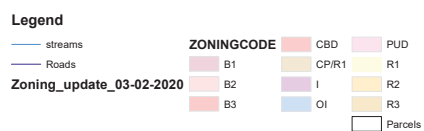
### **Sec. 8.4 - Standards for Granting a License.**

- a. The following standards shall be used to determine whether an application for Short-Term Rental will be granted or denied:
  - I. Applicant must prove ownership of the property and have obtained a City of Dahlonega occupation tax certificate;
  - II. Applicant must show compliance with requirements contained in this ordinance through inspection of books and records;
  - III. Applicant must not have been convicted of violating any provisions of this Ordinance within 18 months prior to the date of the application.

### **Sec 8.5 – Regulation and Violations Procedure.**

- a. The Community Development Department shall maintain in each short-term vacation rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term vacation rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the City shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months.

- b. If a short-term vacation rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term vacation rental certificate.
- c. The use of property in violation of the provisions of this Chapter shall constitute a violation of this Ordinance and shall be punishable as an offence in the Municipal Court of the City of Dahlonga with a minimum fine of \$250.00 per offense.
- d. A person aggrieved by the city's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the City Manager. The appeal must be filed with the City Manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the City Manager.
- e. The City Manager or appointed designee shall consider the appeal within 30 days after receipt by the City Manager of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The City Manager shall render a determination, which will constitute a final ruling on the application.
- f. Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.



**AN ORDINANCE TO AMEND ORDINANCE 91-9 OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS AT: SUBPART B: LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING, ARTICLE VIII APPEARING AS SO IDENTIFIED IN THE CODE OF THE CITY OF DAHLONEGA, GEORGIA.**

Short title: "An ordinance to regulate Short-Term Rentals."

WHEREAS, the City of Dahlonega, Georgia draws a disproportionate number of tourists to the community, and

WHEREAS, Short-Term Rentals now occur in structures other than the normal hotel and motel environments in properties that do not meet typical standards for parking and other land use restrictions; and

WHEREAS, Short-Term Rentals in properties now or formerly used as a single-family dwelling may generate instability of neighborhoods and other surrounding land use environments; and

WHEREAS, the City of Dahlonega desires to mitigate the detrimental impact of Short-Term Rentals in structures currently or previously used as single-family dwellings; and

WHEREAS, in order to mitigate the detrimental impact the City Council of Dahlonega, Georgia desires to regulate this type of Short-Term Rental;

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Subpart B, Appendix B, Article VIII, of Ordinance 91-9 appearing as so identified in the Code of the City of Dahlonega shall be amended in its entirety to read as follows:

**Article VIII: Short-Term Rentals.**

**Sec. 8.1 – Definition/ Location Allowed/ Prohibited.**

- a. Short-Term Rental means the renting or leasing of a part or all of a detached, attached or semi-detached structure now or formerly used as a single-family dwelling, or the renting or leasing of a part or all of any structure not operating as a hotel, motel or inn where the term of occupancy, possession, or tenancy is for 30 consecutive calendar days or less. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other bargained for consideration in exchange for occupancy, possession or use of the property.
- b. Code Compliance Verification Form is a document executed by a Short-Term vacation owner certifying that the Short-Term vacation unit complies with applicable zoning, building, health and life safety code provisions together with occupation tax and hotel motel tax compliance.

- c. Short-Term Rentals are permitted in all zoning districts except for the Single Family Residential District (R-1)\*.
- d. Nothing contained in this Chapter shall be construed to prohibit motels, hotels, inns, bed and breakfasts and other commercial lodging uses from being located where otherwise specifically allowed.

#### **Sec. 8.2 - Regulations Applicable to Short-Term Rentals.**

- a. In addition to the licensing requirements and other requirements set forth herein, the following regulations apply to Short-Term Rentals:
  - I. Inspection: Prior to the issuance of an annual license for a Short-Term Rental, a code compliance verification form must be signed by the owner stating that the property complies with or exceeds current zoning, building, health and life safety code standards and an occupation tax certificate must be obtained;
  - II. Parking requirements: Off street parking is required for every Short-Term Rental. One (1) off-street parking space is required per room qualifying as a bedroom for Short-Term Rentals. To qualify as a parking space, the minimum dimensional requirements must include a useable rectangular area of nine (9) feet wide by twenty (20) feet long, exclusive of any other area counted as a parking space. The number of vehicles allowed during a Short-Term Rental tenancy shall not exceed the number of parking spaces available on the property. For the purposes of this ordinance, any type of trailer, boat and/or recreational vehicle shall also be counted as one vehicle, separate from the vehicle used to transport the trailer, boat and/or recreational vehicle;
  - III. Trash: All trash must be disposed of properly. A limit of three (3) rolling trash cans not to exceed ninety-six (96) gallons each may be utilized for property with a Short-Term Rental license. Use of commercial or roll off dumpsters on a property with a Short-Term Rental is prohibited. Following scheduled trash pick-up, trash cans must be removed from the curb and or street area and out of plain view;
  - IV. Demarcation of Boundaries: The property boundaries of every parcel with a Short-Term Rental license must be clearly demarcated and approved by the Community Development Department;
  - V. Number of occupants: Bedrooms in Short-Term Rentals shall be limited to no more than four occupants.
  - VI. Fire Extinguishers: At least one (1) 10 lb. ABC fire extinguisher must be located on each level of the structure and must be clearly visible or marked with appropriate signage. Fire extinguishers must be certified annually by a licensed fire extinguisher company;
  - VII. Smoke Detectors and Carbon Monoxide Detectors: A smoke detector must be installed in each bedroom and on each level of the structure. All smoke detectors must be interconnected. Carbon Monoxide detectors must be installed on each level and shall be placed 5' off the ground; and
  - VIII. Property Manager or Local Contact Person: All Short-Term Rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to

---

\*In PUD's the text and approved site plan shall govern when and where Short-Term Rentals are permitted.

respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the Short-Term Rental, the property owner may designate him/herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be submitted to the Community Development Department, the Lumpkin County Sheriff's Office, the Lumpkin County Fire Department, and the City of Dahlonega's Law Enforcement Office, and to the property owners located within a 300-foot radius of the property. The name, address and telephone numbers shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to each of these agencies and neighboring property owners as specified in this Section. If the local contact person is unavailable or fails to respond, the complaining or questioning party may contact the Community Development Department. The City will then attempt to reach the local contact person. In cases where the City is unable to reach the local contact person, the penalties as set forth in this Chapter shall apply.

### **Sec. 8.3 - License Required.**

All Short-Term Rentals require an annual Short-Term Rental License. The fee for said License shall be \$100.00. An applicant must apply each year and pay the license fee annually.

### **Sec. 8.4 - Standards for Granting a License.**

- a. The following standards shall be used to determine whether an application for Short-Term Rental will be granted or denied:
  - I. Applicant must prove ownership of the property and have obtained a City of Dahlonega occupation tax certificate;
  - II. Applicant must show compliance with requirements contained in this ordinance through inspection of books and records;
  - III. Applicant must not have been convicted of violating any provisions of this Ordinance within 18 months prior to the date of the application.

### **Sec 8.5 – Regulation and Violations Procedure.**

- a. The Community Development Department shall maintain in each Short-Term Vacation Rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a Short-Term Vacation Rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the City shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months.
- b. If a Short-Term Vacation rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a Short-Term Vacation Rental certificate.

- c. The use of property in violation of the provisions of this Chapter shall constitute a violation of this Ordinance and shall be punishable as an offence in the Municipal Court of the City of Dahlonga with a minimum fine of \$250.00 per offense.
- d. A person aggrieved by the city's decision to revoke, suspend or deny a Short-Term Vacation Rental certificate may appeal the decision to the City Manager. The appeal must be filed with the City Manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the City Manager.
- e. The City Manager or appointed designee shall consider the appeal within 30 days after receipt by the City Manager of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The City Manager shall render a determination, which will constitute a final ruling on the application.
- f. Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

It is so ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Sam Norton, Mayor

Attest: \_\_\_\_\_  
Mary Csukas, City Clerk