

**CITY OF PINE LAKE, GEORGIA  
WORK SESSION AGENDA  
JULY 9th, 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**

**OLD 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

**NEW BUSINESS**

**PUBLIC COMMENTS – 3 minutes each please**

**REPORTS AND OTHER BUSINESS**

- **Staff and Committee Reports**
  - Admin, Courts, and Finance – City Manager Thornton
  - Public Safety – Chief of Police Y’hudah-Green
  - Public Works – Special Projects Manager Kendrick
- **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

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# Memo

**To:** Mayor and City Council  
**From:** ChaQuias Thornton, City Manager  
**Date:** July 3, 2024  
**Re:** Discussion of Draft Zoning Amendment – Short Term Rentals

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## Old Business Item 07/09/2024 Work Session

On 06/25/2024 during the regular session of Mayor and Council, the Body continued discussion of the preliminary draft from of the Short-Term Rental Ordinance. Council met consensus on policy issues like the number of properties that can be permitted per homeowner, the residency of the owner/agent of an STR property, requiring a property owner to be the applicant for a permit, and verification of property ownership by property tax bill and Pine Lake mailing address. During the upcoming 07/09/2024 work session, Council is to continue addressing identified policy issues as detailed on the City of Pine Lake Short Term Rental Discussion Issues document that was drafted and presented by Mayor pro tem Bordeaux.

Updated draft will be forwarded to Council and posted for public review upon receipt of the same from City Attorney Moore. **07/07/2024 - Please see most recent draft attached.**

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## History

### New Business Item 06/25/2024 Regular Session

Continued discussion of the preliminary draft form of an ordinance to establish short-term rental operations within the City is set for the 06/25/2024 regular session of Mayor and Council. The City attorney is composing updated draft to include discussion held by Council on 06/11/2024. Topics of discussion included the delegation of special use permit approval authority to the City Manager as related to STR application review and consideration of the definition of residency.

Updated draft will be forwarded to Council and posted for public review upon receipt of the same from City Attorney Moore.

### New Business Item – 06/11/2024 Work Session Meeting of Mayor and Council

As a matter of land use consideration, the preliminary draft ordinance providing for the operation of Short-term Rental establishments within the R-1 Single Family Residential District and the Commercial (C) District, Transitional Commercial subarea regulations will follow the prescribed course for zoning amendments and will adhere to the requirements of zoning procedures law.

Presentation of preliminary draft form of the Ordinance to provide for Short-Term Rental establishments in the City of Pine Lake was accomplished on 05/28/2024. Council discussion was had and public comment was received regarding the proposed land use during the 05/28/2024 regular session of Council. Townhall was held on 06/05/2024 to receive public input on Short-Term Rental operations within the City.

Several comments, suggestions, and edits have been presented by members of Council, citizens, and stakeholders. It is the expectation that, during the work session meeting to be held on 06/11/2024, Council will provide consensus regarding the comments, considerations, and edits that will become a part of the next version of the draft. Presentation of draft form of the ordinance for first read will not be accomplished until Council is confident that the draft significantly meets the purposed intent.

#### Public Hearing

Official hearing to receive public input on the ordinance authorizing STRs to operate within the city will be held on Tuesday, 06/25/2024.

Points recorded by the Administration during the town hall on the matter have been presented to Mayor and Council for record.

CMThornton

## 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 ANY DISTRICT; 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 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 amended by revising the definition of "Family" as follows:

*"Family: One or more persons occupying a single dwelling or a 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 guestrooms, used exclusively by the roomers, 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. The purpose of this provision is to allow a limited number of long-term roommates to share a dwelling unit rather than transient lodging.~~

- 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 residential dwelling unit or a legal accessory dwelling which, 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 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 guests, tourists, vacationers or any other 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.*

*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 section and in Chapter 38, Article VII. No permit issued under this chapter 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 three (3) guestrooms and six (6) guests.

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

4. Facilities. Guests of the short-term rental shall have access to a full kitchen and at least one full bathroom within the dwelling rented which is independent of other dwellings rented or occupied.

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

6. Ownership and occupancy. The owner of a short-term rental, or such owner's agent, shall occupy a dwelling within 20 miles of the short-term rental any time such rental is occupied by guests.

7. 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.

8. Hotel/Motel tax and other taxes. Short-term rentals 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.

9. Business and accounting records of the short-term rental must be maintained 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.

10. A permit holder is not authorized to transfer the right to operate a short-term rental under any permit issued pursuant to this Chapter to any other person or entity by lease, agreement, contract or any other agreement.

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

12. At any one time there shall be no more than \_\_\_\_\_ permitted short-term rentals in the City of Pine Lake. 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.

13. 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.

14. 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 premises within 20 miles of the short-term rental 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 Chapter.

15. Applicant 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 Chapter 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 Clerk or their designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Chapter.



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

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

a. Acknowledgement that it shall be unlawful to violate ordinances of the City of Pine Lake including, without limitation, the Pine Lake Noise Ordinance.

b. Acknowledgement and agreement that violations of this Chapter 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 applicant has provided notification via certified United States mail to each adjacent property owner of their intent to secure a short-term rental permit.

a. 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 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.

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 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.

C. The Pine Lake Police Department may notify the owner and agent of a short-term rental 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. 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 unit has accumulated three (3) violations for the same within a twelve month period, the City may revoke any existing permit and reject all short-term rental permit applications for that particular short-term rental for a period of twelve (12) consecutive months. Short-term rental owners or agents shall be afforded an opportunity for appeal revocation of the 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 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 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.
- E. A person aggrieved by a decision of an official 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 7.**

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 Clerk. 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 such natural person’s 24-hour contact information;

3. Short-term rental owner and agent's signed acknowledgement that they have reviewed this Chapter and understands its requirements;
4. 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;
5. Any documentation required by O.C.G.A. § 50-36-1 and any other applicable state law; and
6. 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 their 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, including, but not limited to:
  - a. Acknowledgement that it shall be unlawful to violate ordinances of the City of Pine Lake including, without limitation, the Pine Lake Noise Ordinance.
  - b. Acknowledgement and agreement that violations of this Chapter 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 applicant has provided notification via certified United States mail to each adjacent property owner of their intent to secure a short-term rental permit.
  - a. 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 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.

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 premises within 20 miles of the short-term rental 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 Chapter.

Section 38-102. - 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 38-103. Annual license renewal.

Each short term rental license holder or their agent must renew the license on an annual basis by submitting to the City Clerk within sixty (60) days of expiration of annual permit the items required in Section 11-13(A). **OR** All licenses shall expire on December 31 of the year in which issued and all subsequent years of renewal. The license holder shall apply for renewal of the license each year between September 1 and November 1 of each year.

Section 38-104.

Review of an application and renewal 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 38-105 - 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.
- C. The Pine Lake Police Department may notify the owner and agent of a short-term rental of all instances in which nuisance 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. When a short-term rental has accumulated three (3) violations for the same within a twelve month period, the City shall revoke any existing license and reject all applications for that particular unit for a period of twelve (12) consecutive months. Short-term rental owners or agents shall be afforded an opportunity for appeal revocation of the special use license to Mayor and City Council. Fully adjudicated violations shall be assessed a \$250.00 penalty per violation. 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 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.
- E. A person aggrieved by a decision of an official of the City of Pine Lake to revoke, suspend or deny a short-term rental license 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.”

**SECTION 7.**

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 8.**

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

**SECTION 9.**

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