

**TOWN OF TALLULAH FALLS
STATE OF GEORGIA
PLANNING & ZONING COMMISSION MEETING
TOWN HALL, 255 MAIN STREET, TALLULAH FALLS, GA
MARCH 11, 2020, 6:00 PM**

AGENDA

- I. Call to Order
- II. Approval of the Agenda (O.C.G.A. § 50-14-1(e)(1))
- III. Approval of the Minutes (O.C.G.A. § 50-14-1(e)(2))
 - Meeting January 8, 2020
- IV. Old Business
 - Discuss proposal for Short-Term Vacation Rental Regulations
- V. New Business
 - Nominate a Vice-Chairman for the Planning & Zoning Commission
- VI. Adjournment

**TOWN OF TALLULAH FALLS
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TOWN HALL, 255 MAIN STREET, TALLULAH FALLS, GA
January 8, 2020, 6:00 PM
MINUTES**

The Meeting of the Planning & Zoning Commission for January 8, 2020 was called to order at 6:00 PM by Chairman Knighton.

PRESENT: Commissioner Van Knighton, Chairman
Commissioner Keith Knudsen
Commissioner Barbara Rice

OTHERS PRESENT: Public at Large

A motion was made by Commissioner Knudsen to adopt the agenda as presented. The motion was seconded by Commissioner Rice and was unanimously approved.

A motion was made by Chairman Knighton to adopt the minutes from the November 13, 2019 meeting as presented. The motion was seconded by Commissioner Rice and was unanimously approved.

The first order of business for tonight's meeting was to consider the Zoning Map. Chairman Knighton made a motion to recommend to the City Council that the subdivision known as Hickory Nut Mountain Estates, which had been previously annexed into the city of Tallulah Falls, be included on the new official map of The Town of Tallulah Falls as Single Family Residential or R-1. Commissioner Rice seconded the motion and after discussion the motion was unanimously approved by the Commission Board.

The second order of business was to consider Short Term Vacation Rentals (STVR). Chairman Knighton made a motion that STVRs be allowed in all districts except for the Flood Hazard and Sensitive Land zones. The motion was seconded by Commissioner Knudsen. During the following discussion Commissioner Rice, Commissioner Knudsen as well as members of the public in attendance expressed several concerns about allowing STVRs in Single Family Residential, or R-1 districts. Following the discussion Commissioner Knighton amended his motion to allow STVRs, subject to conditions to be decided on at the February meeting, in all districts except for Flood Hazard, Sensitive Land and R-1 zones. Commissioner Rice seconded the motion and the motion was unanimously approved by the Commission.

Commissioner Knighton announced that he would attend the January 9, 2020 City Council meeting and give a verbal report on the Commission recommendations mentioned above and that he would request that the moratorium on licensing STVR in the Town of Tallulah Falls be extended in order to give the P & Z Commission time to consider and recommend STVR terms,

conditions and guidelines.

Chairman Knighton also announced that he had provided Commissioner Rice and Commissioner Knudsen with copies of the current Tallulah Falls STVR ordinance and samples of STVR ordinances from other Georgia communities to review before the February meeting.

The next scheduled meeting of the Planning and Zoning Commission will be Wednesday, February 12 at 6:00 PM.

There being no further business before the Commission, a motion was made by Commissioner Knighton to adjourn the meeting. The motion was seconded by Commissioner Knudsen and unanimously approved.

The meeting adjourned at 7:05 PM.

Van Knighton, Chairman

Appendix A – ZONNG

Article XXII - Short Term Vacation Rental –regulations

Section 2201 – Purpose.

The purpose of this Article is to establish regulations for the use of a residential or business structure or any part thereof as a Short Term Vacation Rental (STVR) in the Town of Tallulah Falls while minimizing the negative, secondary effects on surrounding properties, to ensure proper precautions are in place, and to facilitate the collection and payment of hotel/motel taxes as allowed by state law and City ordinances.

Section 2202 – License required

- 1) It is unlawful for any person or corporation to operate or advertise a STVR within the Town limits without a valid business license and authorization to collect motel/hotel tax;
- 2) STVR properties that have a current occupational license and are remitting hotel/motel taxes in TF prior to this ordinance enactment will be grandfathered in from having to apply for conditional use permits;

Section 2203 - Permitted uses

- 1) STVR are allowed in all Districts with the exception of R-1, Flood Hazard or Sensitive Land;
- 2) Conditional Use permits for STVRs will be issued to property owners in subdivisions zoned R-1 provided subdivision or homeowners association covenants allow or in the absence of a HOA a signed majority of homeowners in the subdivision agree to the permit.

Section 2204 – Applications

- 1) STVR conditional use permits must comply with Chapter 18, sections 18-83 through 18-93;
- 2) Acknowledge that the applicant will keep the total number of guest to that number which can safely stay in the premises and that the applicant may be subject to the State of Georgia fire and safety code regulations;
- 3) Certify that there are no deed restrictions and/or covenants on a property that prohibit the use of the property as a STVR;
- 4) Certify that the owner has commercial or specific STVR insurance on the property;
- 5) Attest by the owner that or third party that the STVR meets all applicable International Building Code, International Fire Code regulations and NFPA Safety Codes;
- 6) Operator/owner information to be provided to the Town Clerk;

- a) Full contact information for a local (lives within 25 miles) contact person or responsible person 18 years of age or older who is available 24 hours a day to respond within two hours regarding any complaint about the property or guest behavior;
- b) The 911 address for all properties owned/operated by the occupational tax license owner or responsible management company;
- c) Certify that there are no unpaid financial obligations to Tallulah Falls;
- d) Notify the Town within seven days when there is a change in property ownership, management, agent or emergency contact;
- e) No STVR license issued under this Article shall be transferred, assigned or used by any other individual other the owner or local contact person for which it was assigned or upon any other location than the one for which it was issued.

Section 2205 – STVR requirements

- 1) This section applies to all STVR properties in the Town of Tallulah Falls, Georgia and is in addition to any rules and regulations to which the property is subject via any land covenants, homeowner association covenants, subdivision rules etc;
 - a) *Parking* – Vehicles, trailers and watercraft shall not be parked on the right – of – way so as to hinder access to such and shall not be parked along any roadway which would cause safety issues, hinder access to such roadways or be in violation of any laws, subdivision rules etc.;
 - b) *Solid waste/trash* – Trash and refuse shall not be left or stored in such a way that would cause safety or sanitary issues or violate subdivision rules etc.;
 - c) *Certificate display* - Business occupation tax certificate and hotel/motel tax authorization certificate must be prominently displayed at the property;
 - d) *Length of stay* – 30 days or less;
 - e) *Occupancy* – the number of overnight guest shall not exceed the occupancy allowed under the “bedroom occupancy standard” plus two additional persons.
 - f) *Alarms and egress* – Each bedroom/sleeping quarters shall have a working smoke alarm and an emergency escape or exit complying with the requirements of the life and safety Code;
 - g) *Animals* – Pets may run at large within the curtilage of the STVR property but are required to be on leash otherwise;

Section 2206 -Suspension or revocation of short-STVR license

Immediate suspension, revocation or forfeiture of a STVR license issued by the town of Tallulah Falls shall occur only after notice and opportunity for a hearing before the City Council except in events that may be construed as life-threatening or a danger to human life.

- (a) Any STVR license issued under this Ordinance for the operation of a STVR shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the owner or subject short-term rental property.
- (b) A STVR rental license shall be immediately suspended or revoked by the City Council upon learning that an applicant furnished fraudulent or untruthful information in the application for permit, or omits information required in the application for permit, or fails to pay all fees, taxes, utilities (water-sewer) or other charges imposed under the provisions of this Article or City Codes.
- (c) A STVR rental license may be suspended by the Zoning Administrator for a violation of the fire or the life safety requirements of this Article. Such violation shall be such that an unsafe condition exists where a fundamental safety precaution or device defined in this Article or adopted Codes is rendered inoperable or does not exist.

Section 2207– Violation of this Article

Except when defined in this Article requiring an appearance before City Council, Penalty(s) for violation of this Article shall be at the discretion of the Municipal Judge who possess the authority to fix punishment in accordance with the City Charter, the City Charter, Ordinances and State Law or by a Court of Competent Jurisdiction.

- 1) **Civil Penalty** - The City Council shall possess the authority to impose a civil penalty against any entity that is licensed for short-term rentals and may include up to suspension or revocation of licensure or additionally fine and forfeiture as determined for violations of this Article. Civil penalties shall not relieve the owner, individual, business organization or partnership from mitigating specified violations and may include fines and penalties as may be prescribed by the Municipal Court or a Court of Competent Jurisdiction;
- 2) **Enforcement** -
 - (a) Penalties, including notice of code violation or citation may be imposed and the STVR licensure may be suspended or revoked in the manner provided in this subsection:
 - (b) Any complaints or response by a City agency or other agencies as defined herein regarding short-term rental shall result in a notice of the complaint and shall be directed to the local contact person or owner if the local contact person cannot be determined or located and such notice may be made electronically or in writing. The local contact person or owner is required to visit the short-rental location and shall ensure that compliance is obtained within one (1) of verbal or written notice. Additionally, notice may be delivered by emergency dispatch verbally to the owner or local contact person requiring the appropriate individual to respond to the STVR location or both as may be required by any law enforcement agency, fire department or Zoning Administrator;
 - (c) The Zoning Administrator or designee shall conduct an investigation whenever there is a reason to believe that the owner or local contact person is unsuccessful either by failure or refusal to comply with the provisions of this Article. The investigation may include an inspection of the premises, review of response and incident report(s), online searches, citations or notice(s) or interview and documentation of community members affected by the even to include photographs, sound recordings and video all of which may constitute evidence of a violation of this Article, Code or State Law. Should the investigation support a finding that a violation occurred, the Zoning Administrator shall issue written notice of the violation and the advance of the accusation to the City Council or Municipal Court as may be deemed appropriate? The notice shall be served by certified mail or personally, and shall specify which, in the opinion of the Zoning Administrator constitute grounds for the imposition of penalties or that the short-term rental licensure should be suspended or revoked.

Section 2208 - Hearing on denial, suspension or revocation

Upon receipt of such notice, that shall contain a specific date, time and place of hearing the owner or local contact person may appear in person to present evidence either to deny, confirm or mitigate the accusation. A decision of the City Council or Municipal Court may be appealed to the Superior Court of Rabun County;

Section 2209 - Severability Clause

Should any word, phrase, sentence, paragraph or Section of this Article, or the application thereof to any person, individual, business organization or partnership or circumstance shall be held invalid by a Court of Competent Jurisdiction, such invalidity shall not affect the other provisions of this Article. This Article is hereby declared severable.

Any modification of Federal or State Law or regulation which would effect a change in the provisions of this Article are hereby incorporated herein by reference made a part hereof. This Article shall take effect and shall be enforced from and after the date of adoption.

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