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Planning Commission Work Session Agenda

Monday, May 22, 2023 – 5:30pm

Perry City Hall – Council Chambers, 1211 Washington Street, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Citizens with Input
5. New Business
 - Capital Improvement Projects Update
 - Short-term Rental regulations draft
6. Other Business
7. Adjournment

All meetings of the Planning Commission are open to the public.

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1-13. Definitions.

~~*Bed and breakfast inn* means an owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations are provided to transients for compensation. Meals may or may not be provided. The short-term rental of rooms in an owner-occupied dwelling is classified as a bed and breakfast inn. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations.~~

Short-term residential rental means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. A short-term residential rental may or may not be owner-occupied. This use type is regulated under the visitor accommodations use category in article 4, use regulations.

Remove "Bed and breakfast inn" from the Table of Uses

~~4-3.3. (B) *Bed and breakfast inn.* Bed and breakfast inns shall be permitted by special exception provided the following requirements are met.~~

- ~~(1) The proposed use of the property will not adversely affect the immediate neighborhood.~~
- ~~(2) The proposed use of the property will not create noise, light or traffic conditions detrimental to the neighboring residents.~~
- ~~(3) No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to the dwelling for the purpose of providing a bed and breakfast inn.~~
- ~~(4) No meals other than breakfast may be served by the resident owner to paying guests.~~
- ~~(5) The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~
- ~~(6) The resident owner shall comply with all business license and revenue collection ordinances of the City of Perry and the State of Georgia.~~
- ~~(7) The building shall comply with all requirements for dwellings included in the International Residential Code.~~
- ~~(8) The resident owner provides one (1) off-street parking space for every guest room.~~
- ~~(9) The principal use of any such structure or structures shall be residential.~~

2-3.6. *Short-term Rental Permit.* (This is currently the section addressing Conditional Use, which is being deleted)

- (A) *Purpose.* The purpose of a short-term rental permit is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the regulation of short-term rental property located in residential zoning districts. The intent of a short-term rental permit is to preserve the neighborhood character of residential subdivisions within the City of Perry and to minimize adverse impacts to the housing supply caused by the conversion of residential units to visitor accommodation use.
- (B) *Applicability.* An owner who desires to use its property located in a residential zoning district as a short-term rental shall obtain a short-term rental permit prior to using, allowing the use of, or advertising the use of said property as a short-term rental.
- (C) *Procedure.*
 1. *Initial application.* Application for short-term rental permit shall require a special exception pursuant to section 2-2.2. The owner shall demonstrate compliance with the standards in sections 2-3.5 and 4-3.5.
 2. *Renewal of permit.* The administrator is authorized to issue a renewal permit for short-term rental pursuant to the provisions of this section.
 3. *Inspection required.* No permit or renewal permit shall be approved for a short-term rental until the City has inspected the premises and found the premises to comply with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a reinspection fee may be charged for each subsequent inspection.
- (D) *Standards.* A short-term rental permit shall be issued only upon a finding that the owner has demonstrated compliance with all of the goals, policies, and standards of this ordinance and, in particular, with the standards in section 4-3, standards for specific uses.
- (E) *Conditions of approval.* In approving a short-term rental permit or renewal permit, City Council or the administrator may impose restrictions and conditions on the approval, the proposed use, and the premises to be used pursuant to such approval as are required to ensure compliance with the general goals and policies of this chapter or with particular standards of this ordinance to prevent or minimize adverse effects from the proposed

short-term rental on surrounding lands. The restrictions and conditions imposed must be related in both type and scale to the impact that the short-term rental would have on the public and surrounding properties. All conditions imposed shall be expressly set forth in the permit approval.

- (F) *Effect.* A short-term rental permit shall authorize the owner to operate only the particular short-term rental approved in the permit. A short-term rental permit shall not be transferred to another property or owner.
- (G) *Expiration.* A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner.
- (H) *Renewal of permit.* An application for a short-term renewal permit may be filed beginning 30 days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The Administrator may require such certifications deemed necessary and proper to ensure continuing compliance with this chapter.
1. An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (C)(1) of this Section.
 2. If a complete application for a short-term renewal permit is submitted less than 15 days prior to expiration of the current permit, the administrator in his or her sole discretion may grant a one-time extension of the current permit not to exceed ten days.
- (I) *Revocation of permit.*
1. *Grounds.* Any permit issued hereunder may be revoked by the administrator if the permit holder has:
 - a. received more than two citations for violations of this chapter or any other provision of the Code of the City of Perry within the preceding 12-month time period; or
 - b. failed or refused to comply with an express condition of the permit and remains in non-compliance ten days after being notified in writing of such non-compliance; or
 - c. knowingly made a false statement in the application; or
 - d. otherwise become disqualified for the issuance of a permit under the terms of this chapter.
 2. *Notice.* Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three days from the date of mailing.
 3. *Appeal.* The permit holder shall have ten days from the date of such revocation in which to file notice with the administrator of their appeal from the order revoking said permit. The appeal shall follow the procedures of section 2-3.20. An appeal shall not stay the denial or revocation of a permit unless otherwise directed by the administrator.
 4. *One year waiting period.* In the event an owner's short-term rental permit is revoked by the administrator, a renewal permit shall not be issued for a short-term rental on the premises for one year of the date such permit was revoked. During the waiting period, a short-term rental permit may be issued to the owner of property located within 500 feet of the premises of the revoked permit.
- (J) *Discontinuance.*
1. The owner of a short-term rental that received a special exception from the City of Perry prior to August 1, 2023, shall obtain a renewal permit pursuant to this section or discontinue the short-term rental use no later than December 29, 2023. The owner shall demonstrate compliance with the standards in section 4-3.5.
 2. If the permit for short-term rental is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

2-3.19. *Interpretations by the administrator.* (Not related to STR but needs to be included)

- (A) *Authority.* Interpretations of this chapter shall be made by the administrator, including interpretations of the text of this chapter, interpretations of the zoning district boundaries, interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district, and interpretations of procedures and application requirements for permits.
- (B) *Initiation.* A written interpretation may be requested by the city council, the planning commission, the historic preservation commission, any resident, any landowner, or any person having rights in contract in land in the city, or their authorized agent. The request shall be in writing and provide sufficient information and detail necessary to make an interpretation.
- (C) *Rendering of interpretation.* After the interpretation has been determined provide sufficient information and detail to make an interpretation, the administrator shall review and evaluate the request in light of the comprehensive plan, this chapter, the zoning district map, and other relevant codes and statutes, and the administrator shall render an interpretation. The administrator may consult with the city attorney and other city staff before rendering an interpretation.
- (D) *Form.* The interpretation shall be in writing and sent to the requestor by regular mail or email.
- (E) *Appeal.* Any person aggrieved by a written interpretation by the administrator may appeal the interpretation pursuant to subsection 2-3.20, appeals from decisions and interpretations of the administrator.
- (F) *Official record.* The administrator shall maintain a record of written interpretations that shall be available for public inspection during normal business hours.

2-3.20. *Appeals from decisions and interpretations of administrator.* (Not related to STR but needs to be included)

- (A) *Right to appeal.* Any person aggrieved or affected by a decision or interpretation by the administrator may appeal such decision or interpretation to the planning commission.
- (B) *Initiation.* An appeal pursuant to this section may be initiated with the administrator by filing a written notice of appeal within ten business days of the date of mailing of the written decision or interpretation.
- (C) *Contents of appeal.* The written notice of appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of that decision or interpretation, and all supporting materials relating to the decision.
- (D) *Record.* Upon receipt of a written notice of appeal, the administrator shall transmit all the papers, documents, and other materials relating to the decision or interpretation appealed to the planning commission. These materials shall constitute the record of the appeal.
- (E) *Scheduling of notice and hearing.* The planning commission shall conduct a public hearing on the appeal at the first regular meeting that allows sufficient time to prepare the record and meet notice requirements.
- (F) *Hearing by the planning commission.* At the hearing, the person making the appeal may appear in person or by agent or attorney and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The administrator shall be given an opportunity to respond, as well as any other city staff or other person the planning commission deems necessary. After the conclusion of the hearing and within 45 days of the public hearing, the planning commission shall affirm, partly affirm, modify, or reverse the decision or interpretation, based on the record and the requirements and standards of this chapter. The concurring vote of a majority of the members of the planning commission shall be necessary to reverse any decision or interpretation on appeal.
- (G) *Effect of appeal.* An appeal pending before the planning commission stays all proceedings in furtherance of the action appealed from unless the administrator certifies to the planning commission after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the planning commission or by a court of record on application, on notice to the administrator, and on due cause shown.

- (H) *Appeal from the planning commission.* A person having a substantial interest affected by a decision of the planning commission may appeal the decision as provided by Georgia law. The appeal shall be filed within 30 days after the written decision of the commission is mailed.

4-3.5. *Short-term rental.* The standards in this subsection are required for all short-term rental properties located in residential zoning districts.

- (A) *Definitions.* As used in this subsection, the following definitions apply:

Advertise means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

Booking Service means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

Hosting Platform means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the Owner or to the Hosting Platform.

Occupant means any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to pay rent, provide in-kind services, or be named in any lease, contract, or other legal document to be considered an occupant.

Premises means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

- (B) *Short-term rental permit required.* An annual short-term rental permit or renewal permit is required pursuant to Sec. 2-3.6.
- (C) *Designation of local responsible party required.* The owner shall designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one hour of a call from administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release the owner of any liability under this chapter.
- (D) *Proof of insurance required.* The owner shall provide documentation of host protection or other liability insurance commensurate with the operations of the short-term rental that provides coverage of up to \$1 million per occurrence. A certificate of insurance must be on file with the administrator. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be provided to the administrator within 30 days.
- (E) *Hotel occupancy taxes; Request for occupancy history.* The owner shall remit all hotel occupancy taxes required under State law and Chapter 15 of the Code of the City of Perry. Upon request of the administrator or the City of Perry Finance Director, the owner of the premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

- (F) *Occupational tax certificate required.* The owner shall obtain and maintain a City of Perry occupational tax certificate for the period(s) covered under the short-term rental permit or renewal permit.
- (G) *Separation of short-term rentals.* A short-term rental shall not be located within 500 feet of a permitted short-term rental, measured from property line of the permitted short-term rental to the property line of a proposed short-term rental.
- (H) *Short-term rentals per premises.* No more than one short-term rental shall be permitted per premises.
- (I) *Restrictions on the number of occupants.* The owner or person shall not rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental. Regardless of the number of bedrooms on the premises, it shall be unlawful for more than ten persons, including children, to occupy a short-term rental at any one time, or to exceed the maximum occupancy shown on the short-term rental permit. A visual inspection by a city employee of more than ten persons at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.
- (J) *Parking restrictions.* The maximum number of motor vehicles allowed at a short-term rental shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner or person to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, utility trailer, or commercial vehicle, unless expressly authorized in the short-term rental permit or renewal permit.
- (K) *Minimum stay required.* An owner or person shall not rent or lease a short-term rental for a period of less than 24 hours.
- (L) *Physical conversion of premises prohibited.* The owner or person shall not convert a garage to living space, remodel, renovate, enlarge, or otherwise modify premises to add additional bedrooms for use as a short-term rental. It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premises parking without prior approval from the administrator.
- (M) *Sound equipment restrictions.* The owner or occupant shall not use or allow the use of amplified sound equipment that produces sound audible beyond the property line of the premises between the hours of 10:00 p.m. and 9:00 a.m.
- (N) *On-premises curfew requirements.* The owner or person shall not allow the congregation of occupants outside on the premises between the hours of 10:00 p.m. and 9:00 a.m.
- (O) *Trash pickup requirements.* The owner or occupant shall not allow trash and refuse to accumulate in an unsanitary manner. If the owner or person does not remove trash and refuse from the premises after each individual occupancy, the owner or occupant shall place all residential solid waste curbside for collection and disposal by the city, or its authorized representative, no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile toter shall be removed from curbside no later than 8:00 a.m. on the day after collection.
- (P) *Advertising, promoting, or allowing of special events prohibited.* An owner or occupant shall not advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as an 'event venue' or 'convention center' as defined in this chapter).
- (Q) *Notice to occupants of short-term rentals.* An owner or person operating a short-term rental shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises in a form developed by the administrator. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on amplified sound, and curfew times.

- (R) *Permit to be displayed.* A copy of the approved short-term rental permit shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental.
 - (S) *Use of assigned permit number required.* The owner or person shall not advertise a short-term rental in any medium without including the current permit number assigned by the administrator.
 - (T) *Use of unauthorized permit number prohibited.* An owner or person shall not use, advertise, or promote or allow the use, advertisement or promotion of a short-term rental using a permit number not assigned to the owner or person, or to a different address, or to a different dwelling unit.
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Requirements of application (create application form)

In addition to an application for special exception, every complete application for a short-term rental permit shall include the following information with such detail and in a form approved by the administrator:

1. The name, address, contact information and authenticated signature for the owner of the premises;
2. The name, address and contact information of the designated local responsible party as required in Section 4-3.5(C);
3. Proof of insurance as required in Section 4-3.5(D);
4. Copy of the application for occupational tax certificate;
5. A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental, including any proposed parking of motor homes, recreational vehicles, or boats;
6. A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces, and emergency evacuation routes;
7. The maximum number of occupants proposed at any given time;
8. Plan for trash collection;
9. The name and contact information for the homeowner's association, if any, of which the premises is covered by the dedicatory instruments;
10. A copy of the proposed host rules for the short-term rental; and
11. Other certifications and information deemed necessary and proper to ensure compliance with this chapter.