



Planning Commission

Regular Meeting Agenda
October 9, 2023 | 6:30 PM
Peachtree City City Hall

A quorum of the Peachtree City Mayor & Council may be in attendance.

- I. Pledge of Allegiance**
- II. Additions or Deletions**
- III. Announcements and Reports**
 - 1. Introduction of new Planning Commissioner Alternate
- IV. Approval of Minutes**
 - 1. Planning Commission Meeting September 25, 2023 Minutes
- V. Public Hearing**
- VI. Old Agenda Items**
- VII. New Agenda Items**
 - 1. 23-10-01 Elections for Chairperson and Vice-Chairperson
 - 2. 23-10-02 Conceptual Site Plan, 1401 MOBA Drive, Moon Valley Nursery
- VIII. Workshop Items**
 - 1. **PW23-10-01** Continuation of discussion for zoning text amendment to create Short Term Rental permit and process
 - 2. **PW23-10-02** Planning Commission 101

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Planning Commission of Peachtree City
Abbreviated Meeting Minutes
Monday, September 25, 2023
6:30 PM

Pledge of Allegiance

Vice Chairman Scott Ritenour opened the meeting with the Pledge of Allegiance. Other Commissioners in attendance included Kenneth Hamner, Mitzi Johnston, Felicia Reeves, and Andrew Kriz. Also present were Planning Director Robin Cailloux, Senior Planner Lora Hooks, Recording Secretary Martha Barksdale, and IT Specialist Jadyn Tallman.

Additions or Deletions

None

Announcements and Reports

1. Appointment of Alternate Kriz to Unexpired Term of Commissioner Link

Ritenour welcomed City Council Member Mike King.

Planning and Development Director Robin Cailloux noted that Kriz, formerly the alternate member, was joining the Commission as a voting member.

Approval of Minutes

1. Planning Commission Meeting September 11, 2023

Johnston moved to approve the September 11, 2023, Meeting Minutes. Reeves seconded. Motion carried 5-0.

Public Hearing

1. PH-23-07 Zoning text amendment to create Short Term Rental permit and process

State law defined a short-term rental (STR) as any home or bedroom rented for less than 30 days, Cailloux explained. While Airbnb and VRBO were probably the most well-known, she said there were more than 80 platforms that coordinated these rentals.

This was a City Council-initiated text amendment proposed in order to protect the health and safety of residents and visitors and to preserve the residential character of neighborhoods.

There had been a lot of discussion with Council, beginning in April 2022. In June of that year, STR regulations were discussed again as a Council/Staff Topics item at a City Council meeting, and workshops were held in May, June, and August of 2023, with Council voting in August to proceed with the draft ordinance through the public hearing and adoption process. Tonight was the required public hearing with

the Planning Commission, and a final public hearing was scheduled for the October 19 City Council meeting.

This proposed ordinance creates an STR permitting process, which did not currently exist. All existing STRs would be required to get a permit; none would be grandfathered in. Any residential property could be an STR; the whole house could be rented or just bedrooms or a basement. It did not have to be owner-occupied.

Recreational vehicles or detached structures, such as pool houses or guest houses, could not be used as STRs. Subleasing would not be permitted. The ordinance would cap the number of STRs at 1.5% of the homes in the city, which would be 200. The permits would be issued on a first-come, first-serve basis, with renewals guaranteed each year, if done on time. These permits were a right granted to a person, not a property, so they did not carry with the property as a zoning variance did.

As a way to mitigate impact on neighborhoods, the ordinance called for the designation of a local contact person. That person must be at least 21 years old, available at all times, and able to be on the property within one hour if requested by the City. They could be a licensed managing agent but did not have to be. Information on the local contact would be mailed to all residences within 500 feet of the property and also would be posted at the property.

This draft ordinance set some minimum standards for STRs, Cailloux continued. Parties or special events would not be permitted at an STR. Parking must be off the street on a paved surface, and garbage must be screened from view.

Only bedrooms could be used for sleeping, and bedrooms had to have a functioning egress window and a minimum of 70 square feet per person with an additional 50 square feet for each sleeper at a maximum of three people to a room.

The City noise ordinance and parking requirements had to be posted on site, along with the information about the contact person.

A criminal background check would be pulled on all property owners or agents of the LLC, and it could not show any felony convictions or nolo contendere pleas within the last five years or convictions or nolos for any crime of moral turpitude in that period. There should be no misdemeanor convictions or nolo pleas (except for traffic offenses) within the past two years.

There would be inspections from the Fire Marshal and a building inspection from Code Enforcement. Permit holders would have to sign an affidavit saying they would pay the local lodging tax. Cailloux noted that State law required listing platforms to do this, but this would be for independent renters.

The City also wanted a copy of the guest occupancy agreement, and this, too, was

required by State law. The State required information on who was staying there and for how long. Peachtree City would go further, and require the agreement include information on the noise ordinance, parking requirements, special events prohibition, and the potential for citations if not following the laws.

She listed what the Fire Marshal would be looking for during the inspection, saying this checklist had been discussed at all the Council workshops. There must be clearly visible fire extinguishers on each floor, and they must be inspected annually. Cailloux noted that these were national standards. Interconnected smoke alarms were required inside and outside each sleeping area. If propane or natural gas was used on site, there must be carbon monoxide detectors on each floor and outside each sleeping area.

Safe cooking procedures must be followed including no fire pits or grills on decks, and fire pits must be at least 25 feet from combustible materials. A hose must be available near the fire pit.

There had to be safe means of egress which meant stairs shouldn't be blocked and doors had to open with one operation. Each bedroom had to have at least one functional window. Safe electrical practices must be followed, including no use of extension cords for permanent wiring. Boxes, plates, and covers must be secure and fitted.

Code Enforcement's inspection would include checking for proper pool barriers and hot tub covers. The bedroom inspection was when they would verify the safe egress window and that there were no external locks on the doors. They would also establish the maximum number of overnight residents allowed.

Other items on Code Enforcement's inspection list include paved parking, concealed garbage containers, posted house numbers and items required by the STR ordinance. There would also be a look-around for structural and safety issues such as a loose hand railing at a staircase. These were items already listed in City code.

Originally, Cailloux continued, they had said everyone would have to get their permits renewed every January. However, Staff had voiced concern about getting all those inspections done at the same time, so they had changed the proposal to say that permits could be issued at any time of the year and would be good for 365 days.

The \$400 fee included the first Fire Marshal and Code Enforcement inspections, the mailing of notices to all residences within 500 feet, and the criminal background check. The annual renewal was also \$400 and included the inspections. There was a 30-day grace period for the annual renewal, and after those 30 days, a \$75 late fee would be applied.

The enforcement policy was “three strikes and you’re out” over a 12-month period. The offenses resulted in citations and \$1,000 fines, while the third violation also meant that the permit for that location was revoked for 24 months and the owner or local contact (whoever was found guilty) could not apply for another STR permit within 24 months.

While Council had held a lot of public discussions, Cailloux stated this was the beginning of the public hearing process, when citizens could voice their opinions. There were no time constraints like there were with a rezoning. The public hearing with City Council had been advertised for October 19, but the Planning Commission had time for consideration, she remarked.

They had received one email with five pages of comments, and Cailloux said she had prepared information on those comments. She asked Ritenour if he wanted to have public input first, and the Commissioners decided that would be best.

Ritenour opened the public hearing.

Mike Murtaugh said he was okay with an ordinance, but they needed to apply common sense. He had previously run an Airbnb and had a neighbor who had one now. Murtaugh said he felt many of these regulations were created with the infamous Smokerise party house in mind. That was no longer an issue. This ordinance, he said, by requiring notification of neighbors, gave STR owners fewer privacy rights than sex offenders.

He said the ordinance pitted neighbor against neighbor, as well. Anyone who wanted to know if a house was an STR could just contact the City. He had not heard any facts about Police calls to STRs and said City Council Member Phil Prebor was fearmongering about sex offenders at STRs when there was no evidence of that. Any safety issues would come out if they were registered under a major platform. He wanted the City to restart this process using facts.

Chris Anderson said he was concerned about violations of the Fourth Amendment rights concerning property, adding the soldiers who fought for freedom would not approve of this. He felt the people’s representatives should look out for their rights to use their property as they saw fit. Peachtree City’s principled people didn’t need these regulations, he remarked; they could govern themselves.

Another resident was concerned that the City had singled out one type of business for regulation and the levying of fines. She said the platforms had sufficient rules to prevent problems. Hotels did not have these restrictions. She wanted to sit down with Council and explain the regulations already imposed by the rental platforms.

Shawn Freeman wondered why auxiliary structures could not be used as STRs? Airbnb had a lot of regulations and would like to explain those to Council. Their guests were mainly family members of Peachtree City residents; the fearmongering

was unfair. He said he would be understanding of sensible regulations but did not feel these were reasonable.

Laurel Sorensen explained she and her family depended on Airbnb income to fund renovations to their home. She said no one was more concerned than she was about who was staying in her home because her children were upstairs. She had been able to quickly remove unsuitable guests with backing from Airbnb. Sorensen also recalled that someone on Council had referred to the \$1,000 fines as “chump change,” and she said she wanted to assure them \$1,000 was a lot of money to her family. She wanted to know if a citation could be issued solely based on a complaint from a neighbor.

Donna Littleton said the people who stayed at her Airbnb were often in Peachtree City to visit family or go to medical appointments. She felt the notification of neighbors was an invitation for them to spy on the house and report anything, no matter how minor. She felt this ordinance was a violation of her private property rights.

Fayette County Board of Realtors President Angela Yoder explained that part of their organization’s mission was to protect private property rights. There were still issues that needed to be addressed from the 2022 draft of this ordinance, she commented, noting that Georgia law supported the right of property owners to use their land for any lawful purpose, and this ordinance, by requiring a permit, would treat it as a privilege, not a right.

She said the ordinance violated a portion of Georgia Code that prevented rental properties from investigation and inspection without probable cause and also a section that forbade registration of any rental property for any reason.

The Board of Realtors felt the naming of a local contact person put that person in harm’s way if responding to complaints about rowdy behavior.

They supported adopting an ordinance that applied to all residences in regard to noise and parking, not one that singled out STRs. She noted that the City did not appear to impose a background check on any other type of business licensee, except for pawn brokers. Landlords with long-term leases did not have to enter into a background check.

She said the property manager technically should hold a real estate license, and it appeared that the local contact person could be considered a licensee under the language of this draft ordinance.

The Board also had concerns about Fourth Amendment rights, she concluded.

Denise Anderson remarked that, in her experience, long-term renters caused more problems than guests at an STR. She thought they could depend on STR owners

to do as she did and keep a constant eye on how things were going. The fines were too high, she continued, and she would like to see a meeting with City officials and STR owners.

This ordinance was an overreach on the City's part, Chris Woolton commented, and an intrusion on property rights. He thought the permit fees and fines were excessive and suggested they be removed if the City was determined to regulate STRs. He also remarked that everyone with an STR currently should be grandfathered in and said many senior citizens who had second homes elsewhere wanted to maintain their Peachtree City homes as STRs. Woolton said he had no problems with three strikes you're out but asked the Commissioners to not make this burdensome on STR owners.

Mark Bronson said he was the person who sent the five-page email, and he supported what had been said previously. He noted that a notice of a citation could be mailed, but it might take five days to arrive, and you could be fined \$1,000 for every one of those days.

He also wondered why a permeable parking surface would not be permitted. Providing a guest's home address was not practical, as were many other requirements, such as the prohibition on providing packaged food, such as granola bars. He, too, requested that the process be restarted.

No one else wished to speak, and Ritenour closed the public hearing.

Kriz asked Cailloux if the \$400 permitting fee covered the costs of the inspections? and she said it did not cover all the costs incurred by the City. The fee for inspections was \$100 per hour. The cost of the mailings would vary depending on the property locations. The annual monitoring service was \$7,000 per year. There also was the cost for any calls for service to the property that might be incurred.

Did the monitoring service include the background checks? Kriz wondered, and Cailloux replied it did not. There was already a system in place, so they didn't have to get anything new. Each call for service would be about \$75. He clarified with her that the background checks would be for owners, not the renters.

Did they now have an idea of how many STRs there were in Peachtree City? Hamner asked. Cailloux said the monitoring companies had done a couple of complimentary scrubblings of the websites for her and came up with a figure of 96 for one and 94 at another time.

He mentioned the incident Cailloux had reported with the fire pit, and Cailloux noted that was not in Peachtree City, but in a nearby municipality. She said she was not aware of any safety issues that had occurred at Peachtree City's STRs. Hamner asked about crimes, and she said over the past year the number was zero or close to zero.

Reeves wondered if nearby jurisdictions had similar ordinances. Cailloux said she would not call them similar. The municipalities around them either required permits or Fire Marshal inspections. The city of South Fulton was considering an ordinance. There were others, but no immediate neighbors.

How did they decide on \$400 as the amount of the fee? Reeves asked. Cailloux replied that she took the cost of inspections and divided it by the number of STRs she thought they would get.

Reeves asked for more information on the Smokerise “party house.” It was from late 2021 to early 2022, Cailloux related, when nearby residents expressed concerns to the City about disruptive behavior at the property. The City discovered this house was, at the time, owned by someone who didn’t live in the country. It had been rented out, then the renters hired a management company to rent out the property for parties. Cailloux remarked that every room at that house had a bed in it. There were multiple Police calls and calls to Code Enforcement regarding garbage and so on. It took awhile to get in touch with the property owner.

Some of the commenters, Reeves observed, seemed to feel that house was the impetus for the development of this ordinance. Cailloux noted that she started in 2017, and one of her first tasks was to draft an STR ordinance, so this had been discussed at a Staff level since before she was hired.

Johnston said her questions had been answered. Ritenour asked Cailloux if they had looked at the other jurisdictions’ ordinances when crafting this one? She said she looked at ordinances from all over the country. Some were clearly for destination/resort areas, but she also looked at what was happening in Roswell or in Sandy Springs. She wanted to get an idea of what tools were out there and what could work for Peachtree City.

Did the City have any jurisdiction over what Airbnb required? Ritenour asked. Georgia was a home rule state, Cailloux replied; the City’s power emanated from the State, and the State gave every city power to regulate land use, including how residential structures could be used. They could require more than Airbnb, Cailloux reported, noting that she had owned an STR before she worked for the City.

Would the City know if a house was being used as an STR if there was no ordinance? Ritenour continued, and Cailloux said they would have no tools to determine that other than combing through the platform listings.

Reeves said she had not had enough time to review the email they had received that day, and Johnston agreed, saying they needed more time to research and review. Cailloux noted that Council had multiple opportunities to discuss this, and she went over the email in order to address issues with which the Planning Commission might not be as familiar. Ritenour said they would finish with their

comments, then see how they wanted to proceed.

Kriz thanked the citizens for their input. This had been in the sphere for some time, he noted, referring to the number of public Council workshops.

Kriz stated he supported an ordinance because zoning had a purpose; if too much was allowed, it was a slippery slope that could potentially change the nature of the neighborhoods. He said he lived down the street from an STR, and there had been issues. This was an issue that needed to be addressed before it became a problem. The fines were a little high, he added, proposing they be reduced to \$500.

Hamner said the question at the core of this was how much did you want your local government to tell you what you could or could not do with your property? He thought there were some things in the ordinance that were appropriate, such as asking the addresses of the STRs and if the owners were legal residents of the United States.

Overall, though, he believed the ordinance as currently written was a solution in search of a problem. He cited the notification of neighbors as an example of overreach. The fines for the violations were too high, and there would be a cost to the taxpayer. It was overkill, he concluded. He called for regulation in a way that respected the rights of the property owners while still serving the community. This draft was based on fear, not facts, Hamner went on. He urged those who were developing the ordinance to look at the way STRs were currently being operated in Peachtree City and make decisions that preserved the health and safety of all residents.

Ritenour said he saw both sides and understood the desire of the owners to make money with their property. Sometimes regulation was needed, but how much was too much? The City and residents needed to reach an agreeable outcome that allowed STRs but with some oversight.

More work needed to be done, he remarked, but he wasn't sure if that meant additional discussions. He needed more time, especially to go through the comments in the email from that afternoon. Did they want to go ahead and go through those items and Staff's responses? The other Commissioners agreed that would make sense. Hamner said it would be good to look at the details brought up in the email.

The draft said an STR permit was required in each location, and the email writer suggested changing "location" to "premises," which Cailloux said was fine.

He suggested the minimum age of the local contact be 18 instead of 21, and she said Council would need to discuss that because it was a policy decision. Kriz said he felt 18 was too young, but Hamner pointed out they were legally an adult. Cailloux said she would convey their comments to Council.

The email writer recommended the applicant provide a list of properties within 500 feet, but Cailloux said that would put an excessive burden on the applicant when the City had the tools to get that information. Of course, she continued, that didn't address the big question on whether they should keep the 500-foot notification.

It was just a notification of the opening of an STR, Kriz stated. Cailloux read the exact language, noting that it said the notification would provide information on how to lodge complaints with information on called the non-emergency Police number, Code Enforcement, and the local contact person, with an advisory to always call 911 in an emergency situation.

Kriz said he liked that. He thought people within a certain amount of space, which they could discuss, should be aware of how to contact the City with an issue. They were potentially changing the character of a neighborhood by allowing a business to operate there.

Ritenour asked how this differed from calling Code Enforcement about any other issues? Kriz said they could always call Code Enforcement, but this let them know specifically what to do about issues related to the STR.

Johnston said she didn't see the need for this if the owner was also living in the residence. Her family could come and stay in her basement, but she didn't need the whole neighborhood to know. She wasn't renting to her family, Kriz pointed out.

Hamner said he had a neighbor that had a home business, but it was not singled out? Kriz said they could regulate that, but in this case, they were trying to protect neighborhoods. Again, Hamner said this ordinance was based on fear, not fact. They had already heard there was zero crime and zero health and safety issues. He asked Kriz what was he basing this on?

Kriz replied that it was one thing to have your family visit and stay in your basement, but it was another thing to have a different family come and go every week. It changed the nature of the use of the property. Their job was to think about zoning and how this would change the use of the property and the nature of the neighborhood.

While some of these regulations might be too strict, Kriz thought others were valuable and would stop the slippery slope from occurring. He agreed that some fear might be coming into play, but he had seen issues in his own neighborhood. He asked the Commissioners to consider the notification as a way of letting neighbors know their neighborhood potentially was going to change.

Reeves asked if the list of STR permit holders would be available to the public? Cailloux said it would. They could add it to the permits they included now in the monthly report and post it online, and anyone could make an open records request.

It was public information.

The email writer was not a fan of the background check requirements, Cailloux remarked. He said he would be okay with other types of background checks, but Cailloux said she was not aware of any other types other than the system the City had in place through the Police Department. Staff's recommendation was to keep it as it was if background checks were required. In addition to pawn brokers, massage business workers had to undergo background checks.

Johnston asked about what if something came up on the check, and Cailloux said they could not get a permit if there was a felony within the last five years. The Police Department had a definition of moral turpitude. After running a background check, she explained, the Police notified them either "all clear" or "not clear, need to discuss."

Ritenour asked if the City Attorney had concerns about the requirement for background checks? and Cailloux said he had not expressed any.

Going back to the 500-foot notification, Johnston asked Cailloux if she found other jurisdictions that required that? Cailloux said there were some, but not many.

Concern about giving the Planning Director the authority to determine what State permits applied to running an STR was in the email. Someone had to decide what permits would be required, Cailloux remarked; she recommended keeping it at the Director level rather than City Manager or City Council. She added that some of the language included in ordinances was there to allow for unique situations. She couldn't think of a reason why additional permits might be required, but the language was there in case it was ever needed.

The writer wanted the requirement removed that the owner swear an affidavit that taxes were being paid, but Cailloux said Council required that, and she recommended keeping it. State law required it of major platform users. This was just for the very few who did not use a major platform. Also, questioned was the phrase "other information may be required for an application by the Planning Department," but Cailloux explained that was standard language on any permit application.

Several comments were concerned with the revocation process, she said, such as the statement that any violation could trigger a revocation hearing with the City Manager. Cailloux said that came straight from the legal team, and she would not recommend any changes. Another statement in the revocation section said a permit could be revoked if there was fraud, misrepresentation or a false statement made on the application. The writer wanted the word "intentional" added.

Hamner said he believed the writer was trying to clarify what a misrepresentation was, but Cailloux said they had no way of proving intent. Minor mistakes happened

all the time, and no one would be punished for those. This section was to be used if, in the City Manager's opinion, all other sections were not working. This language, again, was from the legal team.

The writer mentioned the five-day notice through the mail, recommending 20 days, which Cailloux and the Commissioners said was fine.

Another question in the email dealt with the statement that the permit holder must cease operation during the period before the revocation hearing. Staff's thinking was that if unsafe practices were taking place at the STR, they should not be permitted to continue. Staff recommended this provision stay, and Cailloux said this might be a policy decision for Council. Ritenour confirmed this was to protect guests, and Cailloux said it was.

The permits would be revoked for 24 months, and the writer believed there should be language added about "after all appeals were exhausted." Cailloux noted that if you won an appeal, it would be over, so this language seems unnecessary.

Garbage storage should be out of view on the street for all residences, not just STRs, the email continued, and Cailloux said that was a City Council matter and outside the scope of this review. None of the Commissioners expressed opposition to that.

The draft ordinance called for a guest registry that recorded more information than the platforms collected, including current addresses of guests and a vehicle license plate number. The writer recommended that only the primary guest's name be tracked. However, Cailloux said the Police Department said this additional information would be helpful if a criminal investigation ever happened. The owners of STRs were allowed to request additional information above what the platforms requested.

Staff recommended keeping this in the ordinance, but Hamner said he was bothered by requiring current addresses. He thought the license plate would be enough, and Cailloux agreed that if they had the license plate number, the Police could get other information.

The question had come up about allowing the sale or service of food, and the writer thought fruit and pre-packaged foods should be allowed. Serving or selling food changed the classification of the STR to a tourist accommodation, Cailloux noted, and would require a Health Department inspection, possibly putting an excessive burden on the STR owners. Staff recommended keeping the restriction.

Parking only on a paved surface was questioned, but Cailloux pointed out that "paved surface" was defined in the Zoning Ordinance to include gravel and permeable surfaces, so Staff recommended keeping it as written.

Another question in the email asked if failure of the owner or contact person to respond to a call at one property would jeopardize other properties served by that contact person? Cailloux said a violation applied only to the property associated with that violation, so this could stay as it was.

A citizen had asked about what constituted a complaint, and Cailloux explained they had to be triggered by three or more complaints by two different property owners within a six-month period. The email author suggested adding the word "validated" before "complaint," and Cailloux said that was a good clarification, but it would have to be approved by legal counsel, as would all changes they were suggesting.

What exactly was meant by "validated?" Johnston asked, and Cailloux replied that Code Enforcement got a lot of complaints and when they went out to investigate, discovered they were not valid. Did they want to say "validated by Code Enforcement?" Kriz wondered, and Cailloux said maybe call it a "substantiated complaint."

That ended the point-by-point recommendations they had received by email that afternoon. Cailloux said she had recorded the Commissioners' comments and wondered how they wanted to proceed.

Ritenour commented that he needed additional time, saying he especially wanted to know more about what other jurisdictions were doing. Cailloux told him she had a spreadsheet she would share with them.

Johnston agreed that they needed more time for review, and Reeves added that access to the research on other municipalities would be a great benefit. Hamner agreed.

Ritenour told the audience that the Commissioners realized this was important to the STR owners, their neighbors and the city as a whole. They wanted to make sure they took their time in order to make the right decisions and recommendations.

The public hearing had now officially been held, and Cailloux said she recommended they bring this back at the next meeting as a workshop item where they could still listen to public comments.

Reeves moved to continue PH 23-07 to the next Planning Commission meeting. Hamner seconded. Motion carried unanimously 5-0.

Old Agenda Items

NONE

New Agenda Items

1. 23-09-03 Updated Building Elevations, Royal Condominiums, 215 Northlake Drive

Jefferson Architecture was presenting some revised elevations for the Royal Condominiums for the Commission's review, Hooks reported. This was the Partners Pizza building and was zoned Limited Use Commercial-34 (LUC-34).

She said her understanding was that part of the reason for the revisions had to do with cost, but part was to address some concerns that the owner felt the community had with the style and appearance of the warehouse-style that was employed in the elevations that were originally approved.

She presented renderings comparing the new proposal to what was approved, saying the revisions resulted in a more pedestrian-friendly development with a traditional look using contemporary styling and materials. The overall massing of the building was divided with changes in materials and color that gave the appearance of separate buildings, with the different sections stepping in and out. The colors and materials changed with each section, and each section had a different window style.

There was a distinct base, middle, and top that reduced the bulk of the building, with the middle being set back from the ground floor. There was an outdoor space for the residential level on the second floor. The fact that the middle section was set back, Hooks remarked, helped define the ground level retail as the base. Each section of the retail floor had a unique storefront and canopy design, and the wide sidewalk allowed space for outdoor dining and gathering, making the space more user-friendly, she continued. Changes to the rear of the building included removal of the exterior elevator shaft and placing it on the interior of the building footprint.

Except for the garages and the roof level, which would be Hardie siding, the building would have at least 80% brick or stone on all sides. The color palette was soft and neutral with darker brick and metal accents.

Staff was of the opinion that the revised elevations for the mixed-use redevelopment at 215 Northlake Drive met the architectural requirements of the Land Development Ordinance and recommended approval.

Jefferson Brown of Jefferson Architecture said owner Jim Royal had to leave due to a previous engagement, but said Royal had concerns after hearing comments about the previous elevations and asked them to articulate the front and make the structure less "big box," and more inviting and warm. Brown showed material samples to the Commissioners.

Hamner asked about the relocation of the elevator shaft, and Brown explained how they wanted to reduce the massing of the garages, so they pushed the elevator shaft inside to the other side of the wall. Residents leaving their garages would walk into a five-foot vestibule, enter the elevator and go up to the first floor, second

floor, or roof.

Was the area in the middle a lobby? Johnston asked. Brown said it was a lobby on the lower level to the second floor, with the building's administrative office above that. She asked about the second floor outside areas, and Brown explained it had been restructured to provide more privacy to residents. She asked about another area, and Brown replied it was an exterior mezzanine for Partners Pizza. That concept hadn't changed from the original, he added, and the footprint and square footage were the same.

Johnston noted that the garage doors were solid, and Brown said they were a wood-look material. There was a space behind the gables to hide the mechanicals, which was a difference in this plan from the previous one. The peak of the roofs would create a parapet wall to hide the units. Johnston said she thought the doors might look better with some glass.

Reeves said it was always great when an applicant responded to their comments, and she thought the new look was an improvement. Kriz agreed, and Hamner noted this was the third version they had seen, and he believed it was the best.

Ritenour commended Royal for asking Brown to rework the design, saying there were so many other opportunities than the original warehouse-type design. This was a unique opportunity and the first of its kind in Peachtree City. He said he recalled telling Brown he wanted to see more, and they had done that with this design. He liked the color differences between the units and little things like different canopies and using the front wall as a shield for the residential units. He said it was a beautiful design.

Johnston added that she appreciated the wider sidewalks and the canopies in the new design.

Kriz moved to approve New Agenda item 23-09-03 Updated Building Elevations, Royal Condominiums, 215 Northlake Drive. Johnston seconded. Motion carried unanimously.

2. 23-09-04 Building Elevations, Caliburn Advisors, 1104 N Peachtree Parkway

This parcel was in Kedron Village, zoned General Commercial (GC). While it was adjacent to SR 74, Hooks said the building was not highly visible from the road due to the landscape buffer, especially in the summer, Hooks remarked.

The plan was to refresh and modernize the existing building, constructed as a bank in 1990, by painting the brick, renovating the entrances, and replacing the shingle roof with a metal roof. Both tenant entrances would gain prominence through a new roof line and the addition of stone to one of them.

Section 725 of the Land Development Ordinance (LDO) stated innovative, high-

quality design and development was strongly encouraged to enhance property values and long-term economic assets along designated corridors, such as SR 74. It continued, saying that diversity of architectural design was encouraged but buildings within the same development should create a cohesive visual relationship.

Currently, the building at this site was of a medium peach-colored brick, Hooks said, with an asphalt shingle roof and white trim. Its neighbors, Wendy's and World of Design, already had a modern appearance. Wendy's added corrugated metal panels and a signature red blade wall in 2016, and World of Beverage was built in 2018 with bronze corrugated metal and Nichiha wood-looking accent panels. The requested renovations would make this building more cohesive with its surroundings.

Section 728 of the LDO stated facade colors should be low reflectance, and subtle, neutral, or earth-tone colors. It also said natural brick should not be painted. Hooks said the proposed primary color for the paint here was Eider White by Sherwin-Williams. Eider White, she explained, had purple undertones, which made it appear darker and more gray than a bright white. Therefore, it had a lower reflectance.

The proposed stone veneer was a light color with a mix of hues ranging from lighter soft creams and golden umbers to light coffee and sienna rusts. Paired with dark bronze colored accents, the palette would be neutral.

While the proposal met the intent of the design standards to enhance the visual appearance of the community, as well as the commercial appeal of the individual establishment, and satisfied several of the "should" statements in the ordinance, Section 728 of the LDO stated natural brick "should" not be painted, therefore approval of agenda item 23-09-04 was at the discretion of the Planning Commission, Hooks concluded.

Property owner Steve Hale said his business was wealth management. He had lived in the county for 39 years, with an office in Tyrone for the last 20. His company bought this building in May 2022 and believed it was the most in need of updating of anything in the Kedron Shopping Center.

Johnston wondered why there were regulations regarding painting brick and using non-reflective surfaces. Cailloux replied that the ban on painted brick was an aesthetic decision made at the time the ordinance was drafted years ago. Real historical brick could be damaged by painting, but that was not the case with modern brick such as this. The stipulation about low reflectance was to reduce glare.

Would this be the only lighter-colored building in Kedron Village? Johnston asked. There was a sports medicine building that faced Georgian Park, Cailloux noted, with architect Jefferson Brown saying the palettes were very similar.

Had the Planning Commission historically approved projects with painted brick? Reeves inquired, and Cailloux recalled they had recently updated the design guidelines for SR 54 west, and painted brick was allowed.

Kriz and Hamner had no questions. Ritenour said they recently had seen three properties with this white palette, and another was coming up on the agenda. Was that a current trend?

Brown said they didn't know the others were in the queue when they created this design. Architecture should communicate something about what was being done at a building and the people who were using it. They wanted colors that would not be glaring, and they looked at the neighbors for cues to create a thread through them. The question was: How do you update a pink brick building without ripping off all the brick, thereby creating a question of sustainability? Brown said the solution seemed to be to keep the bones of the building, but modernize it and make it look clean.

Kriz said he lived in Kedron and thought this would be a great upgrade. Hamner, Johnston, and Reeves all said they liked it, but Ritenour noted that, while he liked the architectural upgrades, he was not a fan of painted brick. He noted he had dealt with it several times with homeowners associations (HOA) and noted that once brick was painted there was no going back.

Kriz moved to approve 23-09-04 Building Elevations, Caliburn Advisors, 1104 N Peachtree Parkway. Johnston seconded. Motion carried 4-1, with Hamner, Johnston, Kriz, and Reeves voting in favor; Ritenour voting against.

3. 23-09-05 Building Elevations, Westpark Walk Shopping Center, 200 Commerce Drive

The next set of elevations up for review were for Westpark Walk shopping center at the intersection of SR 54 and SR 74. Hooks pointed out that the section that contained Carrabba's was under separate management and not included in this presentation. The property was zoned GC.

She displayed photos of the original building, saying there had been very few updates since it was built in 1990. The most significant was the addition of the stair tower in 2013. At that time, a portion of the sign band was removed and replaced with metal louvers, and brick accents and metal support columns were added. EIFS panels were repainted, and the green metal roof was painted. In 2016, the roof was replaced with an asphalt shingle roof due to problems with leaks; in 2017, the Tuesday Morning facade was updated to add a pop-up area for signage.

The buildings had two brick colors: red-orange field brick with blonde accent brick. A light-colored EIFS sign band, a green metal railing for the second story, and a green stripe on the roof parapet completed the earlier building design.

The center had been sold, and the new owners were unaware of the City's architectural requirements, so, without approval, they painted the brick white with a dark gray accent color. Hooks presented photos of the original look and the newly-painted structure, noting that the painting was not complete, but they planned to paint everything, including light poles and railings.

Section 728 of the Land Development Ordinance stated that natural brick "should" not be painted. Therefore, approval was at the discretion of the Planning Commission, Hooks reported. Should the Planning Commission approve the building elevations, Staff recommended a condition be added to require painting the EIFS sign band a gray color similar to the roof color, with the color to be approved by Staff.

Taylor Brown of Bridger Properties said they purchased the property in January 2023. He apologized for beginning the renovations without approval, saying they were unaware of Peachtree City's requirements.

He went on to tell Ritenour that painting the buildings white had a direct impact on tenant sales because it seemed to be an inviting color that pulled customers in. That's why it was being used so much now.

Johnston asked what color the light poles would be painted? They would be dark gray, Brown replied. She asked the location of the band mentioned in the condition, and Hooks pointed out the correction that it would be the white strip along the top above the roof and not the strip where signage is located.

His company wanted to revitalize the center after the closing of Tuesday Morning, and Brown said he believed Carrabba's had also submitted a request for exterior updates.

Ritenour wondered if this was the only commercial property where they had done major renovations, and Brown said it was not, noting they were familiar with governmental permitting for signage, but not for exterior renovations.

Johnston said she was glad to see this center get brightened up and felt a lot of other places needed brightening up as well. She supported efforts to draw business, especially when they now had to compete with all the new commercial development along Fischer Road in Coweta County.

She said she wished it wasn't quite as bright, but she liked that it was offset with some grays. Brown said it seemed bright now, but it would mellow with age. He added that the businesses at the rear said they were already seeing an uptick in customers.

Hamner said he was glad to hear that it would tone down as it aged, and he

supported the Staff recommendation about the roof band. He, too, was glad of the refreshment in appearance.

Kriz, an attorney, noted that ignorance of the law was no excuse, but said he accepted Brown's apology. It was good to see reinvestment in the community, especially in highly-visible properties such as this. He liked the refresh and felt that Staff's recommendation was appropriate.

Ritenour again said he didn't like painted brick and would not have chosen extra-white if he did decide to paint brick. He noted that this was a high-traffic intersection and felt that pollution from vehicles might make it difficult to keep clean. He did agree that the top band should be painted a darker color to match the roof.

Johnston moved to approve New Agenda item 23-09-05, Building Elevations, Westpark Walk Shopping Center, 200 Commerce Drive with the condition that the EIFS sign band be painted a gray color similar to the roof color, with the color to be approved by Staff. Kriz seconded. Motion carried 4-1, with Hamner, Johnston, Kriz, and Reeves voting in favor; Ritenour voting against.

Workshop Items

No workshop items.

At the October 9 meeting, Cailloux said there would be a workshop on the STR ordinance that was continued from this meeting. Also, the new alternate Planning Commission member would be joining them. Normally, when there was a new member, she did a Planning Commission 101 session as a refresh for both the new and returning members.

There being no further business, Kriz moved to adjourn at 9:07 p.m. Hamner seconded. Motion carried unanimously.

Martha Barksdale
Recording Secretary

Scott Ritenour
Vice Chariman

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Planning Commission

FROM: Lora Hooks, Senior Planner 10/4/2023
Robin Cailloux, Planning Director

DATE: October 9, 2023

SUBJECT: 23-10-02 Conceptual Site Plan, 1401 MOBA Drive, Moon Valley Nursery

Recommendation:

Staff is of the opinion that the proposed conceptual site plan for Moon Valley Nursery meets the City ordinances and recommends approval of agenda item 23-10-01.

Should the Planning Commission approve the conceptual site plan, Staff recommends the following understanding be considered for adoption:

1. The project design engineer must confirm that existing stormwater ponds were designed for development of Lot 6, otherwise the lot will have to comply with current requirements.

Discussion:

Southtree Commercial has submitted a conceptual site plan for the development of a tree and plant nursery at 1401 Moba Drive, also known as Lot 6 of the Mobacorp Industrial Park. Site improvements include a small office building, a product laydown yard, a worker's yard for equipment, and a parking area. The entire development will be surrounded by a wrought iron fence.

Zoning Requirements

The subject tract is a total of 3.16 acres and is zoned GI, General Industrial. A nursery is permitted in the GI district as long as there are no direct sales to the general public. Setback requirements for the GI district:

- front setback - 50 feet*
- side setback - 20 feet
- rear setback - 50 feet
- No parking or service area is permitted in the required front setback depth**

This parcel has frontage on three roadways and therefore has three 'front' yard requirements which can be challenging for development. Two variances have been

granted for this property to assist with this challenge.
The proposed development complies with the setback requirements.

*A variance was granted in 2021 to decrease the front setback on Moba Drive from 50 feet to 30 feet.

** A variance was granted in 2020 to allow parking to encroach into the front setback 25 feet adjacent to Moba Way

Site Characteristics and Development Standards

The lot is currently vacant and is located within 500 feet of a major thoroughfare. Therefore, an additional architectural review from the Planning Commission is required. Building elevation approval is required prior to the issuance of a building permit.

Parking Requirements

The proposal is for 44 parking spaces with 2 handicap spaces, which meets the minimum requirement of 41 spaces. The maximum parking permitted is 125% of the parking required, which equals 51 spaces.

PARKING CALCULATIONS				
	REQUIRED RATIO	AREA/# OF	REQUIRED	PROVIDED
Automobile Parking				
<i>Open Yard Business</i>	1/2000 SF of Floor Area	1,980 SF	1	4
	1 space for every employee	30 Employees	30	30
	1 space for every company vehicle parked on site	10	10	10
TOTAL			41	44

Tree-save Landscape Buffer

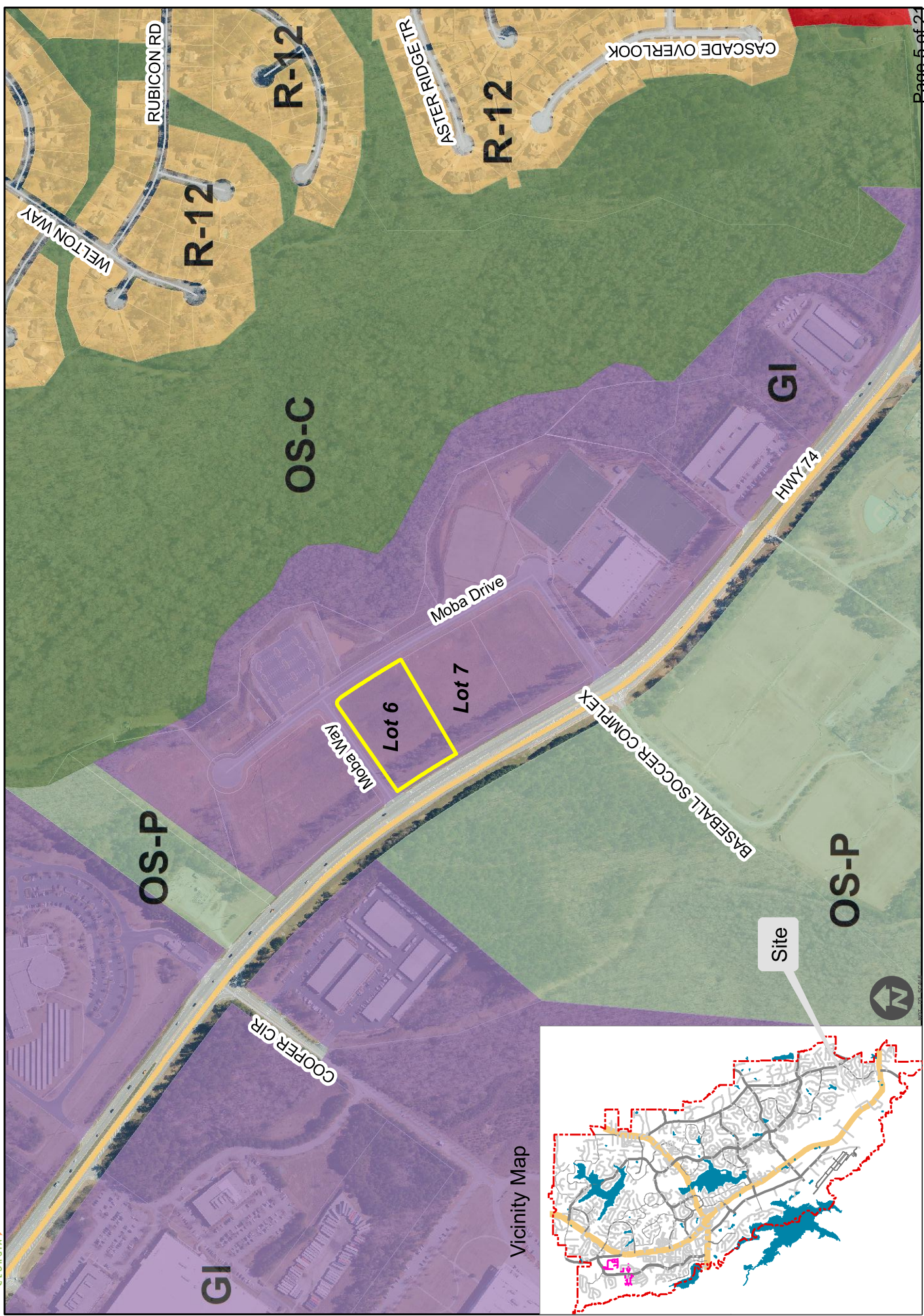
The property abuts GA Highway 74, classified as an arterial. Per section 723 of the Land Development Ordinance, the required tree-save landscape buffer is 60 feet. A buffer of 60 feet is proposed which includes existing mature pines and hardwoods as well as some newer vegetation.

Budget Impact:

No impact to the budget

Attachments:

1. Zoning Map
2. Conceptual Site Plan





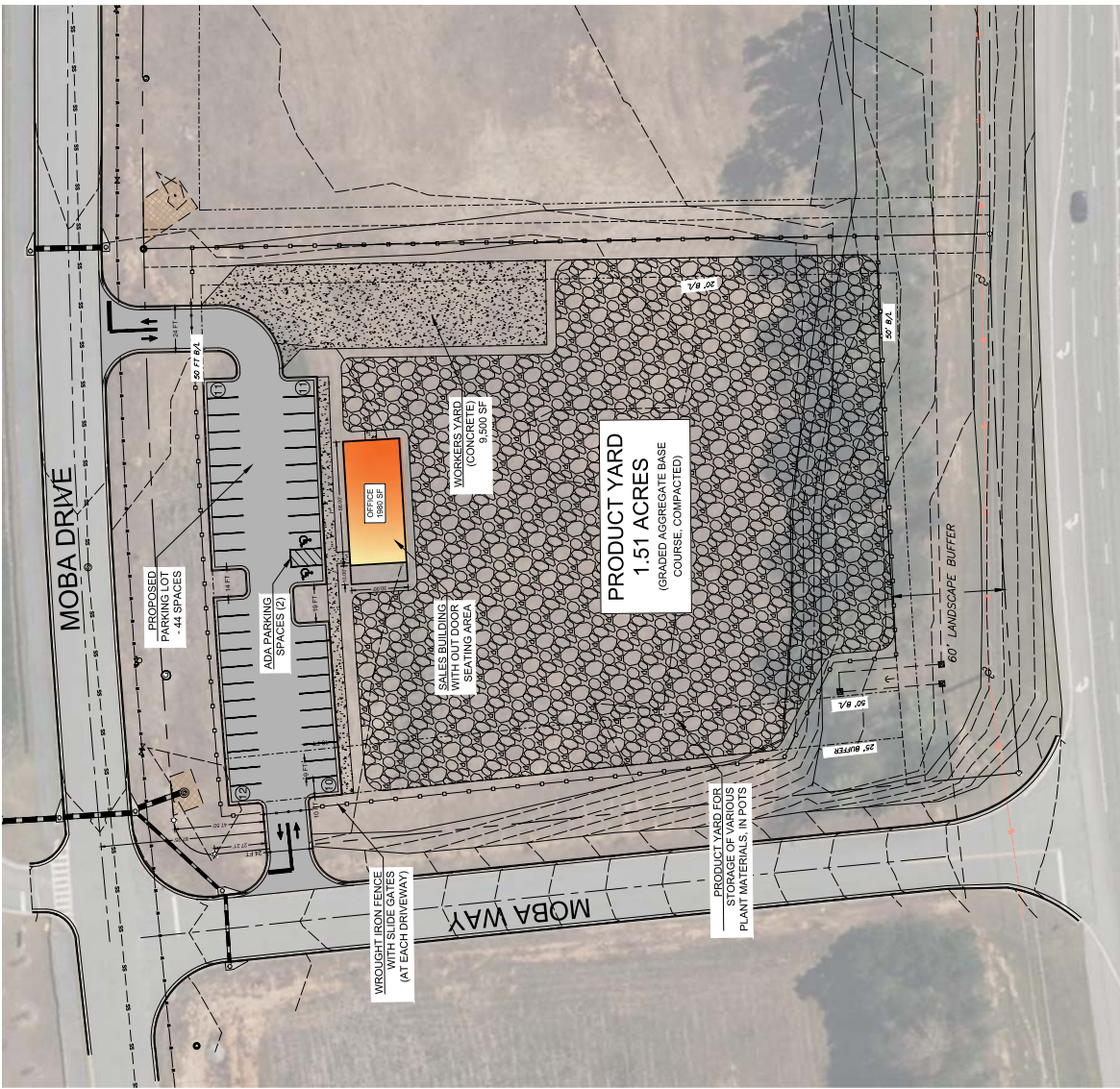
VICINITY MAP N.T.S.

SITE PLAN NOTES:

- OWNER / DEVELOPER: MOON VALLEY NURSERY, L.L.C. 201 PROSPECT PARK, SUITE A PEACHTREE CITY, GA 30289 (770) 451-0499 PHONE: 770-451-0499
- ENGINEER / SURVEYOR: INTEGRATED SCIENCE & ENGINEERING, INC. 1059 SULLIVAN ROAD, SUITE 200 ATLANTA, GA 30329 CONTACT: JASON WALLS, P.E. PHONE: 678-552-1106
- SITE DATA: PARCEL ID: 16 MOBACORP INDUSTRIAL PARK TAX PARCEL ID NUMBER: 090305 ZONING: G-1 (GENERAL INDUSTRIAL) USE: PLANT NURSERY (WHOLESALE)
- VARIANCES: A. 25 FT PARKING ENCROACHMENT PERMITTED ON MOBACORP LOT 6 B. 20 FT PARKING SETBACK REDUCED FROM 50 FT TO 30 FT ON MOBACORP LOT 6
- SETBACKS: 50 FEET (FRONT BUILDING SETBACK) 25 FEET (REAR BUILDING SETBACK) 25 FEET (REAR BUILDING SETBACK)
- BUILDING AREA: OFFICE BUILDING = 1,950 SF PLUS 300 SF OUTDOOR SEATING AREA
- PARKING SUMMARY: REQUIRED SPACES: 30 EMP + 1 T.F.A. + 10 VEH = 41 SPACES PROVIDED SPACES: 44 SPACES HANDICAP SPACES PROVIDED: 2 SPACES
- NOT PORTIONS OF THIS PROPERTY LIE WITHIN A FLOOD ZONE OF THE FLOOD INSURANCE RATE MAP. COMMUNITY PANEL 13115011E DATED SEPTEMBER 26, 2008.
- THE PROPOSED DEVELOPMENT ARE NOT PRESENT ON SITE OR WITHIN 200 FEET OF THE EXISTING STORMWATER SYSTEM.
- UTILITIES: WATER SERVICES PROVIDED BY THE PEACHTREE COUNTY WATER SYSTEM. SEWER SERVICE PROVIDED BY PEACHTREE CITY AND SEWERAGE WATER AUTHORITY. BOTH ARE PROVIDED TO THE SITE.
- STORMWATER MANAGEMENT NARRATIVE: STORMWATER MANAGEMENT PROVIDED BY EXISTING STORMWATER MANAGEMENT FACILITIES AS PART OF MOBACORP INDUSTRIAL PARK. MOBACORP INDUSTRIAL PARK HAS A STORMWATER MANAGEMENT PLAN AND PROTECTION OF DOWNSTREAM CONDITIONS. HYDROLOGY STUDY ON FILE.

NOTE: CONCEPT PLAN APPROVAL EXPIRES 12 MONTHS FROM THE DATE OF APPROVAL. A FINAL SITE PLAN SUBMITTAL HAS NOT BEEN SUBMITTED TO THE CITY TOWARD.

JASON L. WALLS, PE
CIVIL ENGINEER
GSWCC LEVEL II #16520



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Planning Commission

FROM: Robin Cailloux, Planning Director 10/4/2023

DATE: October 9, 2023

SUBJECT: PW23-10-01 Continuation of discussion for zoning text amendment to create Short Term Rental permit and process

Recommendation:

Staff advises that the Planning Commission recommend approval of the Short Term Rental ordinance to City Council.

Discussion:

The public hearing was held and closed at the September 25th Planning Commission meeting. A highlight of the comments from the public and the Commission are provided below:

- Concern over notification letters sent to residences within 500 feet of the STR. Commenters believed this to be a breach of privacy and shared concerns that it would create a hostile neighborhood environment. It was noted that no other businesses in the City are required to send this notice.
- Lack of police calls and Code Enforcement complaints made on existing STRs in the City. This was interpreted by some to indicate that there is no need to regulate STRs if they are not currently causing public harm.
- Concern that the ordinance restricts private property ownership rights.
- The opinion that proposed standards for STR, such as off-street parking, noise, and garbage storage, should apply to all residential properties in the City.
- The opinion that detached structures like guest houses and pool houses should be allowed to be used as STR.
- Concern that proposed fees and fines are too high and negatively impact income.
- Statement that background checks should not be required because they are not required for other businesses in Peachtree City except for Pawn Brokers and Message Spas.
- Opinion that existing Short Term Rentals should be grandfathered.

Commissioners expressed a variety of opinions, such as:

- Balanced regulation is needed; and
- Some elements of the proposed ordinance are too burdensome on property owners; and
- The fee structure needs to be reconsidered; and
- More time was needed to review the details of the proposed ordinance in light of public comment.

The Planning Commission continued this item and requested additional information summarizing other municipalities' Short Term Rental ordinances. A summary chart of this review is attached to this memo.

Because the proposed item is a City Council-initiated text amendment, residents and Planning Commissioners are aware that many of the proposed items have been discussed by City Council. Based on this, staff has drafted an *Ordinance Highlight Table* (attached to this memo) to assist with the discussion. All of these items were discussed in detail by Council, and the items that are in bold italics were issues identified during the public hearing. Staff has provided some basic information on each identified issue to help begin the discussion.

SHORT TERM RENTAL ORDINANCE HIGHLIGHTS	
Ordinance Standards:	Proposed Peachtree City
<i>Grandfathers existing STR</i>	<i>No- all must apply w/in 30 days of adoption</i>
Permit required	Yes- one for each property
Annual renewal required	Yes
Primary residence requirement	No
Whole-house rental permitted	Yes
Short-term rental period	Minimum 1 day, maximum 30 days
<i>Can use guest house or detached structure</i>	<i>No</i>
Sub-leasing allowed	No
Maximum in City	Yes-1.5% of residential per Tax Assessor
Parties/ Special Events permitted	No
<i>Keep guest register</i>	<i>Yes</i>

Requires business license	No
Collect lodging tax	Yes
Required to meet current fire/building codes	Yes, annual inspection required
Off-street parking required	Yes
Garbage storage requirements	Yes
Notification to neighbors	Yes- within 500 feet radius
Requires local contact/agent	Yes- at least 21 years old
Agent must be on site w/in time	Yes, within 1 hour
STR permit posted onsite	Yes
Fines for violation	1st & 2nd is \$1,000; 3rd is \$1,000 plus revoked for 24 mos.
Application Fees	\$400, \$75 late application fee

Grandfather existing STR

- Staff does not recommend this because it will be difficult for staff to identify which STR existed before the adoption of the ordinance. It is not as simple as pulling a list the day before adoption and the day after adoption, because some units are seasonal and not listed all year.

Allow use of guest house/ pool house/ or other detached structure for STR

- Guest houses are only permitted in the R-43 and ER zoning districts. The current city ordinance prohibits the rental of a guest house. Adopting an ordinance that allows a guest house to be used as a short term rental would create a conflict with the existing city ordinance.
- Pool houses and other detached structures are permitted in other zoning districts, but over-night residency is not permitted in these structures under the current city ordinance. Adopting an ordinance that allows a pool house to be used as a short term rental would create a conflict with the existing city ordinance.

Require keeping a register that identifies more information than minimum requirements of the online platforms, such as current address, vehicle make and tag number.

- Staff recognizes the privacy concern a visitor may have disclosing their permanent address to the STR owner. We recommend keeping the requirement for vehicle information and tag number, but deleting the language, “ current residence address,”

Required to meet current fire/ building codes

- Staff believes that this is an important part of regulating STRs in the City and does not recommend altering the current language in the ordinance.

Off-street parking required

- Research of other municipalities with STR shows that the primary complaints received about these are parking, noise, and garbage.

Notification of neighbors within 500 feet of the STR

- Other cities in Georgia that have this requirement only require notification to neighbors who share a wall or to immediate adjacent property owners.

Fines for Violations and Application fees are too high.

- Council voted on using the highest fine permitted under State law.
- The fees are lower than vacation-destination communities such as Austin, Texas and Isle of Palms, South Carolina. The fees are higher than Atlanta and similar-sized cities in the Atlanta region.
- Staff calculated actual city costs to be \$409.75 using the following:
 - \$100 for the Fire Marshal inspection
 - \$100 for the Code Enforcement inspection
 - \$42.25 mailing costs for notification mailings (average home has 65 residences within 500 feet)
 - \$22.50 for average 0.5 hour of administrative time to create mailing
 - \$75 for background check and administrative time reviewing application
 - \$70 per permit of the annual cost-share for the 3rd-party monitoring service, which is \$7,000 annually shared by an estimated 100 STR permits.

Budget Impact:

Potential impacts include revenues generated by new permit; cost for a third party contractor to track online rental platforms; and staff time to inspect properties, administer the new program, and enforce the ordinance.

Attachments:

1. Draft Short Term Rental Ordinance
2. STR Ordinance Comparison
3. STR Ordinance Highlights

DRAFT Sec. 917 – SHORT TERM RENTAL

Sec. 917.1. Purpose

- (a) The purpose of this section is to protect the public health, safety, and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rental units; and to implement rationally based, reasonably tailored regulations to protect the integrity and character of neighborhoods in which short term rental use occurs.
- (b) This section is not intended to regulate hotels, motels, inns, or bed and breakfast establishments.

Sec. 917.2 Zoning districts.

Short term rentals are permitted in all residential zoning districts and zoning districts where residential uses are permitted.

Sec. 917.3 Applicability.

- (a) It shall be unlawful for any owner of any property within the City of Peachtree City to rent or operate a short term rental of residential property contrary to the procedures and regulations established in this section, other provisions of this Code, or any applicable state law.
- (b) The restrictions and obligations contained in this section shall apply to short term rentals at all times during which such residential properties are marketed and used as short term rentals.
- (c) The allowance of short term rentals pursuant to this section shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.

Sec. 917.4. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bedroom shall mean an attached room which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes.

City shall mean Peachtree City, Georgia.

Garbage shall mean and include all waste and accumulation of animal, fruit, or vegetable matter that attends or results from the preparation, use, handling, cooking, serving or storage of meats, fish, fowl, fruit, vegetable matter of any nature whatsoever, which is subject to decay, putrefaction, and the generation of noxious and offensive gases and odors, or which may serve as breeding or feeding materials for flies and or germ-carrying insects. Garbage, for the purposes of this Section, shall also include recyclable materials and rubbish, as defined in the Peachtree City Code of Ordinances Chapter 42

Guest shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

Innkeeper shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

Local contact person shall mean a person, firm or agency representing an owner or owners of a short term rental who has access and authority to assume operational management of the short term rental and take remedial measures.

Noise regulations shall mean those regulations contained in the Official Code of Peachtree City, Georgia, Chapter 42 Article VI- Noise Control.

Occupancy, transient, shall mean occupancy or use by a paying guest or tenant for a period of not more than 30 consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of short term rentals or other establishments, by whatever name called.

Operator shall mean any person operating a short term rental (as defined in this section) in Peachtree City, including but not limited to the owner or proprietor of the premises, lessee, lender in possession, or any other person otherwise operating a short term rental.

Owner shall mean a person or entity that holds legal and or equitable title to private property.

Premises shall mean and include all physical buildings, appurtenances, parking lots, and all property owned and/or used by and for the short term rental.

Private shall mean intended for or restricted to the occupants and or guests of the short term rental; not for public use.

Rental term shall mean the period of time a person rents or leases a short term rental.

Short term rental shall mean any residential property, facility, or structure used for transient occupancy providing overnight lodging and accommodations for not more than 30 consecutive days.

Special event or private function shall mean an organized activity for profit or non-profit having as its purpose entertainment, recreation and or education, including but not limited to a festival, party, reception, celebration or assembly.

Sec. 917.5. Permit required.

- (a) Every person engaging in or about to engage in business as an operator of a short term rental shall immediately apply for a permit and obtain approval for the business with the Planning and Development department on the forms provided by the same for such business. Persons engaged in such business must apply for a permit no later than 30 days after this section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by the Planning and Development department. The permit application shall be signed by the owner if a natural person, by a member or partner in case of ownership by partnership, an officer in the case of corporation, or an agent acting on behalf of the property owner.
- (b) A separate permit will be required for each individual location of a short term rental.
- (c) The total number of short term rental permits in Peachtree City is limited to no more than 1.5% of total number of housing units as reported by the Fayette County Tax Assessor's Office annually. In the event that housing units decrease to a level lower than allowed previously, all existing permits will be grandfathered for renewal purposes, but new licenses will not be issued.

Sec. 917.6. Local contact person, and responsible person.

Each owner of a short term rental shall designate a local contact person who has access and authority to assume operational management of the short term rental and take remedial measures or repairs while the short term rental is being rented to an occupant and/or guest. An owner of a short term rental may designate herself or himself as the local contact person.

- (a) The local contact person shall be at least 21 years of age.
- (b) There shall only be one designated local contact person for a short term rental at any given time.
- (c) The local contact person shall be required to respond to the location of the short term rental 24 hours a day, seven days a week, and within one hour after being notified by the City of the existence of a violation of this

section or any other provision of the Peachtree City Code of Ordinances, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short term rental.

- (d) An owner may retain a managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this section, including, without limitation, the licensing of the short term rental, the management of the short term rental, and the compliance with the conditions of the license. Any such managing agent must be licensed under the laws of the State of Georgia.
- (e) The owner of the short term rental is responsible for compliance with the provisions of this section and the failure of the local contact person to comply with this section shall be deemed noncompliance by the owner.
- (f) The owner must immediately notify the Planning and Development department in writing upon a change of local contact person or the local contact person's telephone number. This notification will be on forms prescribed by the City. The new, revised contact name and phone number must be posted in the guest areas of the short term rental within ten days of any change of local contact person information and before occupants can rent the short term rental; and updated notices mailed out to all residential neighbors within 500 feet of the short term rental property lines.

Sec. 917.6. Application for permit.

- (a) Each person seeking to obtain a permit to operate a short term rental shall submit an application to the Planning and Development department on a form provided by the same. Said application shall include:
 - (1) A statement that each applicant is a citizen or legal resident of the United States;
 - (2) Address, phone number and email address of each applicant;
 - (3) The address of the short term rental;
 - (4) Consent by each applicant to undergo a criminal background check;
 - (5) A copy of a deed showing the applicant to be the owner of the premises for which the permit is sought or a copy of a lease showing any interest the owner of the premises has in the short term rental for which the permit is sought;
 - (6) A copy of the passed inspection report or other similar approval from the Peachtree City Fire Marshal or his designee;
 - (7) A copy of the passed inspection report or other similar approval from the Peachtree City Building Official or his designee;
 - (8) All other state and local permits pertaining to the operation of short term rentals, including approvals, as applicable, or as determined by the Director of Planning and Development.
 - (9) Copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2. This agreement shall contain at a minimum notices to the occupants regarding the City's noise ordinance, parking requirements, special event prohibition, garbage requirements, prohibition on sub-leasing, and notice that failure to vacate the premises for violating the agreement will be considered trespassing and thus subject to criminal prosecution;
 - (10) An affidavit swearing to using a platform that complies with state laws and collection of appropriate sales and lodging taxes;
 - (11) The name, address, telephone number and email address of the local contact person; and
 - (12) Any other information as may be required by the Planning and Development department.
- (b) All applications for a permit to operate a short term rental shall be accompanied by the payment of applicable fees as set in a schedule of fees adopted by the City Council and amended time to time.

Sec. 917.7. Issuance of permit.

- (a) Upon determining that an application is complete, applicable fees are paid, and all the standards of this section are satisfied, the Planning and Development department shall issue the appropriate permit for the calendar year in which approval was granted.
- (b) No permit shall be issued for any short term rental where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, or beneficial or absolute, has been convicted or has taken a plea of nolo contendere within five years for a felony or any crime involving moral turpitude, or has been convicted or has taken a plea of nolo contendere within two years for any misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such business, except traffic offenses. The term "conviction" as used in this section shall include adjudication of guilty plea, plea of nolo contendere or forfeiture of a bond when charged with a crime.
- (c) Upon the issuance of a new short term rental permit, or an updated local contact person, the City shall mail a notice to all residential properties within 500 feet of the property line of the short term rental notifying them of the short term rental permit and providing information regarding how to lodge complaints regarding the short term rental, if any.

Sec. 917.8. Annual renewal of permit and abandonment of permit.

- (a) All permits issued pursuant to this article are annual permits that run 365 days from the issuance of the permit, from January 1 to December 31 of each year. Holders of existing permits in good standing shall apply to the Planning and Development department for renewal ~~for the next calendar year~~ by filing a renewal application in proper form and tendering the required fees. Renewal applications shall be accompanied by compliance documentation for payment of excise taxes and sales taxes, along with re-inspection approvals from the Peachtree City Fire Marshal, and other documents as required by the Planning and Development department.
- (b) A penalty fee, as adopted by City Council, shall be assessed to all late annual renewal permit fee payments received 30 days or more after the expiration of the previously issued permit for the property after January 31.

Sec. 917.9. Transfer of permits.

Permits are issued to the applicant and do not carry with the land or premises. No permit issued pursuant to this article shall be transferred from one person to another. Any violation of this section shall constitute due cause for probation, suspension, or revocation of the permit.

Sec. 917.10. Revocation of permit.

- (a) Any permit issued pursuant to this article may be revoked by the City, after notice and hearing, for any of the following causes:
 - (1) Any fraud, misrepresentation or false statement contained in the application for the permit;
 - (2) Any fraud, misrepresentation or false statement made in connection with any transaction;
 - (3) Any violation of this article; or
 - (4) The conducting of the business permitted under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health safety or general welfare of the public.
- (b) Whenever, in the opinion of the city manager or designee, there is cause to revoke said permit, a notice of hearing for the revocation of a permit issued pursuant to this article shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing.

- (1) The notice shall be served on the holder of the permit by handing the same personally to the person operating the permitted business, or by mailing the same, postage prepaid, to the holder of the permit at her or his last known address at least five days prior to the date set out for the hearing.
- (2) The giving of such notice shall suspend the permit pending the outcome of the hearing, and any business conducted under the permit shall cease during said period of suspension.
- (3) After the hearing, the city manager may make a decision concerning the revocation of said permit. If the decision is adverse to the permit holder, he/she may appeal such decision within ten days to a court of competent jurisdiction via a writ of certiorari.
- (4) Any owner who has his or her permit revoked shall be disqualified from reapplying for such permit for 24 months immediately following revocation.
- (5) Revocation of said permit shall automatically revoke the entity's occupation tax license.

Sec. 917.11. Accommodation standards.

- (a) All structures used for short term rentals shall satisfy the National Fire Protection Association and International Fire codes, as adopted and amended by the Georgia Department of Community Affairs, and the City of Peachtree City Code of Ordinances chapter 38.
- (b) All swimming pools, spas, and hot tubs shall comply with the International Swimming Pool and Spa Code as adopted and amended by the Georgia Department of Community Affairs and the City of Peachtree City Code of Ordinances Chapter 18, as it applies to barriers and floatation devises.
- (c) No exterior alterations may be made to a residence to indicate that it is being used as a short term rental. House numbers shall be visible from the public street at all times.
- (d) No advertising shall be visible from the street or from adjoining properties.
- (e) No detached structures, guest houses, or recreational vehicles or trailers shall be used as a short term rental.
- (f) Only a bedroom as defined herein shall be used for overnight sleeping quarters.
 - (1) Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
 - (2) Except where there is only one bedroom, bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
 - (3) Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.
 - (4) Every bedroom shall have at least six (6) square feet of floor to ceiling heated closet space, and for each permissible occupant over two, there shall be an additional of four (4) square feet in the above described closet; however, if such space is lacking, an amount of space equal in square footage to the deficiency shall be subtracted from the area of the bedroom space used in determining permissible occupancy.
 - (5) No space located totally or partially below grade shall be used as a bedroom unless the total openable window area for allowing the entrance of outside light is equal to at least five (5) square feet and there are no pipes, ducts, or other obstructions less than six feet eight inches from the floor level which interfere with the normal use of the room or area.
- (g) No more than three guests shall be allowed per bedroom. The number of bedrooms shall be confirmed by the on-site inspection by a representative of the City, and a maximum overnight sleeping occupancy shall be established for the permit.

- (h) Parking associated with the short term rental and premises must be in an off-street location and in accordance with the city's parking ordinance.
- (i) Garbage, rubbish, and recycling shall be only stored in lidded receptacles. Such receptacles shall be stored in a location appropriately screened from view by a public street. For purposes of this Section, a garbage or recycling container shall not be placed at curbside before 7:00 p.m. of the day prior to solid waste pickup, and the container shall be removed from curbside before 7:00 p.m. of the day of pickup.
- (j) Short term rental premises must be maintained in compliance with standards contained within the Peachtree City Code of Ordinances.

Sec. 917.12. Operating standards.

- (a) Each operator of a short term rental is required to keep a guest registry. Each guest shall register on the date of their arrival, stating their names, current residence address, and description and license plate number of the vehicle they are using. Each operator of a short term rental shall keep for a period of at least three years the above-described register, along with all records, receipts, invoices and other pertinent papers setting forth rental charged for each occupancy, the date or dates of occupancy, and such other information as required by the Planning and Development department. Said records shall be made available for examination by the City, the Fayette County Board of Health, or any authorized law enforcement agency upon operator or owner of such short-term rental being presented with a warrant to provided such information, or immediately upon exigent circumstances.
- (b) Operators of short term rentals shall not be permitted to serve food to guests for sale or otherwise and no food preparation, except beverages, is permitted within individual bedrooms.
- (c) The permit number shall be included on all advertisements for the short term rental.
- (d) Special events or private functions are not permitted at short term rentals. For the purposes of defining a special event, in addition to the definition contained herein, no more than 2 times the number of maximum overnight sleeping occupancy shall be permitted on the premises at any time.
- (e) The operator shall not permit any occupant to sublet the premises and shall notify occupants of this prohibition in the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2.

Sec. 917.15. Display of permit and notifications.

- (a) Every holder of a permit issued pursuant to this article shall keep such permit conspicuously displayed at all places where such business is conducted.
- (b) Each short term rental shall post a legible notification, clearly visible to all guests containing the following information:
 - (1) The name and contact information of the owner/local contact person and the telephone number at which that party may be reached on a 24-hour basis.
 - (2) The maximum number of overnight occupants permitted posted on the form as provided by the City.
 - (3) Notification that an occupant may be cited and fined for creating a disturbance or for violation this code section or any other sections of the Code of Peachtree City.
 - (4) Notification that the short term rental location cannot be utilized for special events, parties, or private functions as defined herein.
 - (5) Notification that all parking associated with the short term rental must be located on the property only on designated hard surfaced areas and not on any public or private roads at any time.

Sec. 917.16. Complaints

Complaints about the property may result in a notice of the violation being directed to the local contact person. The local contact person shall be responsible for contacting the responsible guests and/or occupants to correct the problem within one hour. This local contact person is required to visit the property to confirm compliance with this chapter, unless compliance can reasonably be confirmed without visiting the property. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

Sec. 917.17. Violations and penalties.

- (a) The following conduct shall constitute a violation for which the penalties specified herein of this section may be imposed, or the short term rental permit revoked:
 - (1) The owner or local contact person has violated any of the provisions of this chapter; or
 - (2) The owner or local contact person has violated any zoning, building, health or life safety provision; or
 - (3) Each day the short term rental is marketed or rented for overnight accommodation shall constitute a separate violation.
 - (4) Failure of the owner or local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short term rental in a timely and appropriate manner as specified herein shall be grounds for imposition of penalties as set forth in this section.
 - (5) Three or more separate complaints received from at least two different property owners or occupants within any six-month period for the same short term rental property.
- (b) Any violation of the provisions of this section by occupants and/or guests of the short term rental shall be enforced pursuant to this section, and any other applicable Code sections. Enforcement actions may be brought against occupants and/or guests of a short term rental for violations of this section and any other provision of this Code notwithstanding that this section may also make the owner or local contact person of the short term rental responsible for the conduct constituting the violation. The penalties for violations shall be as follows:
 - (1) For the first violation within any 12-month period, the penalty shall be a citation and a fine not to exceed \$1,000.00;
 - (2) For a second violation within any 12-month period, the penalty shall be a citation and a fine not to exceed \$1,000.00;
 - (3) For a third violation within any 12-month period, the penalty shall be a citation, a fine not to exceed \$1,000.00, the revocation of the short term rental permit for a period of 24 months, and the owner or local contact person shall not be eligible to reapply for a short term rental on the property in violation for a period of 24 months from the date of revocation.
- (c) If non-compliance with provisions of this section occurs, the Planning and Development department or law officer of the City shall conduct an investigation whenever there is reason to believe that an owner and/or local contact person has failed to comply with the provisions of this chapter. The investigation may include an inspection of the premises, review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video all of which may constitute evidence of a violation.
- (d) The Planning and Development department, Code Enforcement officer of the City, and the Peachtree City Police Department are hereby authorized and directed to establish such procedures, which may from time to time be required to carry out the purpose and intent of this chapter. The Peachtree City Police Chief or her or his designee or Code Enforcement shall also have authority to enforce this chapter.

SHORT TERM RENTAL ORDINANCE COMPARISON

Ordinance:	Atlanta, GA	Savannah, GA	Chatt Hills, GA	Sandy Springs, GA	Galveston, TX	Austin, TX	Nashville, TN	Boulder, CO	Breckenridge, CO	Isle of Palms, SC	Coral Springs, FL	Palm Desert, CA	New Orleans, LA	Proposed Peachtree City, GA
Requires Short Term Rental permit/ certificate	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes, Certificate of Compliance	Yes	Yes
Certificate is transferable	No	No	Yes	No	No	No	No	Yes	No	No	No	No	No	No
Length certificate valid	1 yr	365 days	1 year	1 year	1 year	1 yr	1 yr	4 yrs	1 year	1 year	1 year, renewed annually	1 year	1 year	365 days
Allowed only in mixed-use or non-residential zoning	Yes	Yes, by right	No	Yes	Yes	Yes	Yes	Yes	Yes	N/A	No	No	No	Yes, within approved residential units
Allowed in residential zoning	Yes	Yes, with SUP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes, all residential
Sets maximum number of permits in an area City will issue	No	No	Yes- by zoning district. % block, max 2 adjacent	No	No	3% of du in census tract for non-owner-occ. Max 25% in multi-family	3% of du in census tract for non-owner-occupied	No	No	No	No	No	No	1.50%
Owner-occupied requirement	No	Some types	No	No	N/A	Type 1/1A for just room	Type 1	Yes	No	No	No	No	No	No
Non-owner-occupied units	Yes	Some types	Yes	Yes	N/A	Type 2	Type 2	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Applies to single rooms	Yes	Yes	Not permitted	Yes	Yes	Yes	max 4 rooms	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Applies to entire home	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Must notify neighbors	Yes	if share walls	No	yes- immediately adjacent & HOA	No	yes- within 100 ft	if share walls	No	No	No	No	No	No	Yes- 500 feet
Maximum rental period	30 Days	30 days	30 days	29 days	30 days	30 days	30 days	30 days	30 days	30 Days	30 days	29 days	29 days	30 days
Minimum rental period	None	None	None	None	None	None stated	24 hours	None	None	None	None stated	none	60 in French Quart, 30	1 day
Requires business license	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No
Collects lodging tax		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Requires proof of insurance on property	No	Yes, min. \$1M per occurrence	No	No	No	Yes	Yes, min. \$1M per occurrence	No	No	No	No	No	No	No
Required to meet current fire/building codes	Yes	Yes, inspection from Fire Marshal	Yes	Yes- inspection required	CO issued in last 10 years or new inspections	Yes	Yes	Yes	Yes	No	Yes. Must have landline	No	N/A	Yes- inspections required annually
Sets off-street parking per bed requirement	Limits occ. by available parking	Yes	Yes	Yes- must park on lot, not on street	No	No	No	No	Yes	Yes	No, but must be parked on driveway	No	No	Yes

SHORT TERM RENTAL ORDINANCE COMPARISON

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Garbage standards	No	No	No	No	No	Yes	No	No	Yes	No	Yes- blocked from street view and not put out too early	No	No	Yes
Sexual predator language	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No
Sets maximum unit occupancy standards	2 per bed plus 2	Not for all	No	No	None	2 per room + 2	2 people per rooms + 4	Yes	Yes	2 per bed plus 2	room, max 20 (except for owner on site)	No	N/A	Refers to international building code
Requires local contact/agent	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No	Yes
Agent must reside in City	No	Yes	No	No	No	No	No	No	No	No	No	No	N/A	No
Agent must be 18 or older	No	Yes	Yes	No	Yes	No	No	No	No	N/A	No	No	N/A	Yes
Agent must be on site within time limit	No	Yes, within 2 hours	Yes	No	1 hour	2 hours	25 mile	60 minutes	No	N/A	Yes, within 1 hour	No	N/A	Yes, within 1 hours. After 2 missed appointments, can be cited
Keep register of guests	No	No	Yes	Yes	No	No	No	No	Yes	Yes	Yes, does not specify what recorded	No	Yes	Yes
Make inspection after each rental period	No	No	No	No	No	No			No	No	Agent must do this	No	No	No
STR permit posted onsite	Yes	Yes, cert.# in adverts.	Yes	Yes- and Noise ordinance	No	Yes	with contact info and occ limits	Yes	Yes	No	Yes	Yes	No	Yes, and # listed on ads
Application includes agreement/House rules	Yes	city ordinances, noise, violation fees	Yes	No	No	Yes		No	No	No	Yes	No	No	Yes
Consequences of violations	3 police violations- revoked for 12 months	3 w/in 12 mos = revoked for 12 mos.	normal city process	revocation of permit per normal city fine process	citations per normal operations	2x in 12 month= revoke for 12 months	3 w/in 12 mos = revoked for 12 mos. Operating wo permit= no permit for 1 yr	None	normal city process		2- suspend 30 days; 3- suspend 180 days; 4- suspend 1 yr. etc.			\$1000 fine and permit revoked after 3 citations
finer for violation	\$500 per	\$500, \$750, \$1,000, revoked	Normal city fines	normal city fines	normal fines	normal fines		None	normal city fines		\$1,000			\$1000 each
Application Fees	\$150	\$400, \$250 renewal	\$100	\$125	\$250 + convenience fee	\$733.80 new / \$355 renewal	\$313	\$190	\$756 per bedroom	\$450 for the first \$2,000 gross income, then \$460 for each \$1k additional	\$296.54 new / \$116.28 renewal	\$29	\$500	\$400

SHORT TERM RENTAL ORDINANCE HIGHLIGHTS

Ordinance Standards:	Proposed Peachtree City
<i>Grandfathers existing STR</i>	<i>No- all must apply w/in 30 days of adoption</i>
Permit required	Yes- one for each property
Annual renewal required	Yes
Primary residence requirement	No
Whole-house rental permitted	Yes
Short-term rental period	Minimum 1 day, maximum 30 days
<i>Can use guest house or detached structure</i>	<i>No</i>
Sub-leasing allowed	No
Maximum in City	Yes-1.5% of residential per Tax Assessor
Parties/ Special Events permitted	No
<i>Keep guest register</i>	<i>Yes</i>
Requires business license	No
Collect lodging tax	Yes
<i>Required to meet current fire/building codes</i>	<i>Yes, annual inspection required</i>
<i>Off-street parking required</i>	<i>Yes</i>
Garbage storage requirements	Yes
<i>Notification to neighbors</i>	<i>Yes- within 500 feet radius</i>
<i>Requires local contact/agent</i>	<i>Yes- at least 21 years old</i>
Agent must be on site w/in time	Yes, within 1 hour
STR permit posted onsite	Yes
<i>Fines for violation</i>	<i>1st & 2nd is \$1,000; 3rd is \$1,000 plus revoked for 24 mos.</i>
<i>Application Fees</i>	<i>\$400, \$75 late application fee</i>