

FIRST READING: _____
SECOND READING: _____
PUBLISHED: _____
PUBLISHED: _____
PASSED: _____

**A RESOLUTION TO AMEND THE ZONING REGULATIONS OF THE OFFICIAL
CODE OF HALL COUNTY, GEORGIA, AS FOLLOWS:**

**TO AMEND SECTION 17.50.010 ENTITLED "PERMITTED USES" OF
CHAPTER 17.50 "VACATION COTTAGE DISTRICT (V-C)" OF TITLE 17
PERTAINING TO ZONING REGULATIONS OF THE OFFICIAL CODE OF
HALL COUNTY, GEORGIA, BY AMENDING PARAGRAPH A(3);**

**TO AMEND SECTION 17.60.020 ENTITLED "CONDITIONAL USES SUBJECT
TO PLANNING COMMISSION APPROVAL" OF CHAPTER 17.60
"RESIDENTIAL I DISTRICT (R-I)" OF TITLE 17 PERTAINING TO ZONING
REGULATIONS OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA, BY
ADDING PARAGRAPH D;**

**TO AMEND SECTION 17.110.020 ENTITLED "CONDITIONAL USES
SUBJECT TO PLANNING COMMISSION APPROVAL" OF CHAPTER 17.110
"AGRICULTURAL RESIDENTIAL III DISTRICT (AR-III)" OF TITLE 17
PERTAINING TO ZONING REGULATIONS OF THE OFFICIAL CODE OF
HALL COUNTY, GEORGIA, BY ADDING PARAGRAPH E;**

**TO AMEND SECTION 17.120.020 ENTITLED "CONDITIONAL USES
SUBJECT TO PLANNING COMMISSION APPROVAL" OF CHAPTER 17.120
"AGRICULTURAL RESIDENTIAL IV DISTRICT (AR-IV)" OF TITLE 17
PERTAINING TO ZONING REGULATIONS OF THE OFFICIAL CODE OF
HALL COUNTY, GEORGIA, BY ADDING PARAGRAPH E;**

**TO AMEND TITLE 17 PERTAINING TO ZONING REGULATIONS OF THE
OFFICIAL CODE OF HALL COUNTY, GEORGIA, BY ADDING A CHAPTER
17.216 ENTITLED "SHORT TERM RENTAL" FOR THE PURPOSE OF
PROVIDING STANDARDS FOR SHORT TERM RENTALS OF PRIVATELY
OWNED RESIDENTIAL STRUCTURES USED AS VACATION HOMES AND
RENTED TO TRANSIENT OCCUPANTS, TO MINIMIZE ADVERSE EFFECTS
OF SHORT TERM RENTAL USES ON SURROUNDING RESIDENTIAL
NEIGHBORHOODS AND PRESERVING THE CHARACTER OF
NEIGHBORHOODS IN WHICH VACATION HOME USE OCCURS;**

**TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING
RESOLUTIONS AND ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of Hall County adopted by resolution on July 14, 1996, to become effective August 1, 1996, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Hall County as "The Official Code of Hall County, Georgia" 1996 edition published by Municipal Code Corporation; and further provided for the adoption and incorporation of any Resolution, General Resolution or Ordinance passed subsequent to July 1, 1996, to automatically become a part of The Official Code of Hall County, Georgia; and

WHEREAS, the Board of Commissioners of Hall County adopted by resolution Zoning Regulations on August 28, 1978, and the same have been amended from time to time and included in the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners for the Official Code of Hall County, Georgia 1996 edition under Title 17 of the Official Code of Hall County, Georgia, entitled "Zoning Regulations"; and

WHEREAS, the Board of Commissioners of Hall County does desire to amend Section 17.50.010 entitled "Permitted Uses" of Chapter 17.50 "Vacation Cottage District (V-C)" of Title 17 of the Official Code of Hall County, Georgia, by amending Paragraph A(3); and

WHEREAS, the Board of Commissioners of Hall County does desire to amend Section 17.60.020 entitled "Conditional Uses Subject to Planning Commission Approval" of chapter 17.60 "Residential I District (R-I)" of Title 17 of the Official Code of Hall County, Georgia, by adding Paragraph D; and

WHEREAS, the Board of Commissioners of Hall County does desire to amend Section 17.110.020 entitled "Conditional Uses Subject To Planning Commission Approval" of Chapter 17.110 "Agricultural Residential III District (AR-III)" of Title 17 of the Official Code of Hall County, Georgia, by adding Paragraph E; and

WHEREAS, the Board of Commissioners of Hall County does desire to amend Section 17.120.020 entitled "Conditional Uses Subject To Planning Commission Approval" of Chapter 17.120 "Agricultural Residential IV District (AR-IV)" of Title 17 of the Official Code of Hall County, Georgia, by adding Paragraph E; and

WHEREAS, the Board of Commissioners of Hall County desires to amend Title 17 of the Official Code of Hall County, Georgia, so as to create Chapter 17.216 entitled "SHORT TERM RENTAL" for the purpose of providing standards for short term rentals of privately owned residential structures used as vacation homes and rented to transient occupants; to minimize adverse effects of short term rental uses on surrounding residential neighborhoods, and to preserve the character of neighborhoods in which vacation home use occurs.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HALL COUNTY, and it is hereby resolved by the authority of the same as follows:

1.

Paragraph A(3) of Section 17.50.010 entitled "Permitted Uses" of Chapter 17.50 "Vacation Cottage District (V-C)" of Title 17 of the Official Code of Hall County, Georgia, is hereby amended, and said Section is adopted as follows:

Section 17.50.010. - Permitted uses.

Permitted uses in the V-C District include:

A. Residences:

- 1. Site-built single-family detached dwelling units.**
- 2. Class A industrialized dwelling units.**
- 3. Transient occupancy of a vacation home provided all requirements of 17.216 are met.**

2.

Section 17.60.020 entitled "Conditional Uses Subject to Planning Commission Approval" of chapter 17.60 "Residential I District (R-I)" of Title 17 of the Official Code of Hall County, Georgia, is hereby amended to add Paragraph D, and Paragraph D is hereby adopted in Section 17.60.020 as follows:

Section 17.60.020. - Conditional Uses Subject to Planning Commission Approval.

In the R-I district conditional uses subject to planning commission approval (see chapter 17.350) with a public hearing required are:

- A. Subdivision amenities.**
- B. Temporary sales office located within an approved subdivision.**
- C. Construction trailer, provided the conditions of chapter 17.210 are met.**
- D. Transient occupancy of a vacation home provided all requirements of Section 17.216 are met and:**
 - 1. Any part of the parcel of land containing the vacation home is within 500 feet of the U.S. Army Corp of Engineers property line as of March 22, 2018, and**

2. The parcel of land containing the vacation home is not within a recorded subdivision or is within a recorded subdivision of ten lots or less.

3.

Section 17.110.020 entitled "Conditional Uses Subject to Planning Commission Approval" of chapter 17.110 " Agricultural Residential III District (AR-III)" of Title 17 of the Official Code of Hall County, Georgia, is hereby amended to add Paragraph E, and Paragraph E is hereby adopted in Section 17.110.020 as follows:

Section 17.110.020. - Conditional uses subject to planning commission approval.

In the AR-III district, conditional uses subject to planning commission approval (see chapter 17.350) after a required public hearing include:

- A. Residential businesses (see chapter 17.350).
- B. Rural businesses (see chapter 17.350).
- C. Subdivision amenities.
- D. Temporary sales office located within an approved subdivision (see Chapter 17.350).
- E. Transient occupancy of a vacation home provided all requirements of 17.216 are met.

4.

Section 17.120.020 entitled "Conditional Uses Subject to Planning Commission Approval" of chapter 17.120 " Agricultural Residential IV District (AR-IV)" of Title 17 of the Official Code of Hall County, Georgia, is hereby amended to add Paragraph E, and Paragraph E is hereby adopted in Section 17.120.020 as follows:

Section 17.120.020. - Conditional uses subject to planning commission approval.

In the AR-IV district, conditional uses subject to planning commission approval (see chapter 17.350) and a required public hearing include:

- A. Residential businesses.
- B. Rural businesses.
- C. Subdivision amenities.
- D. Temporary sales office located within an approved subdivision.
- E. Transient occupancy of a vacation home provided all requirements of 17.216 are met.

5.

Title 17 of the Official Code of Hall County, Georgia, is hereby amended by creating Chapter 17.216 entitled "SHORT TERM RENTAL" for the purpose of providing standards for short term rentals of privately owned residential structures used as vacation homes and rented to transient occupants; to minimize adverse effects of short term rental uses on surrounding residential neighborhoods, and to preserve the character of neighborhoods in which vacation home use occurs and the same is hereby adopted and is set forth in Exhibit "A" a copy of which is attached hereto and made a part hereof as if Exhibit "A" were originally set forth in this Resolution.

6.

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Hall County, is hereby adopted as part hereof.

7.

If any paragraph, sub-paragraph, section, subsection, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Hall County Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

This Resolution is hereby adopted this _____ day of _____, 2018, to become effective immediately upon execution by the Hall County Board of Commissioners, the public health, safety, and general welfare demanding it.

**HALL COUNTY BOARD OF
COMMISSIONERS**

Chairman, Richard Higgins

Commissioner, District 1
Kathy Cooper

Commissioner, District 2
Billy Powell

Commissioner, District 3
Scott Gibbs

Commissioner, District 4
Jeff Stowe

ATTEST:
Lisa A. Ritchie, Clerk
MARCH-APRIL 2018

EXHIBIT "A"

CHAPTER 17.216. SHORT TERM RENTAL

Section 17.216.010. Purpose

A. The purpose of this Chapter is to establish standards for short term rentals of privately owned residential structures used as vacation homes and rented to transient occupants, minimize adverse effects of short term rental uses on surrounding residential neighborhoods, and preserve the character of neighborhoods in which vacation home use occurs.

B. This Chapter is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boardinghouses, lodging houses, or rooming houses.

Section 17.216.020. Zoning Districts

Permitted uses in the Vacation-Cottage (V-C) District shall include transient occupancy. Within the Agricultural Residential III (AR-III) and Agricultural Residential IV (AR-IV) Districts, Planning Commission approval is required to determine that the specific residential structure to be used for transient occupancy. Within the Residential-I (R-I), District Planning Commission approval is required to determine that the specific residential structure desiring to be used for transient occupancy provided the following requirements are met:

1. Any part of the parcel of land containing the vacation home is within 500 feet of the U.S. Army Corp of Engineers property line as of March 22, 2018, and
2. The parcel of land containing the vacation home is not within a recorded subdivision or if within a recorded subdivision of ten lots or less.

Section 17.216.030. Applicability

A. It shall be unlawful for any owner of any property within the unincorporated areas of Hall County to rent or operate a short term rental of residential property contrary to the procedures and regulations established in this Chapter, other provisions of this Code, or any applicable state law.

B. The restrictions and obligations contained in this Chapter shall apply to short term rentals at all times during which such vacation homes 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.

Section 17.216.040. Definitions

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

Managing agency or agent: A person, firm or agency representing an owner or owners of a short term rental.

Noise Regulations: Those regulations contained in the Official Code of Hall County, Georgia, Chapter 8.80 Noise Control.

Officer of the County: means the officer or officers who are authorized by O.C.G.A. §§ 41-2-7 through 41-2-17 and by this Chapter of the Official Code of Hall County to exercise the powers prescribed by such ordinances or any agent of such officer or officers.

Owner: A person that holds legal and/or equitable title to private property.

Private: intended for or restricted to the occupants and/or guests of his or her short term rental; not for public use.

Property: A residential legal lot of record on which a short term rental is located.

Rental Term: The period of time a responsible person rents or leases a short term rental.

Short Term Rental: The transient occupancy of a vacation home, rented for the purpose of overnight lodging for a period of not less than two nights and not more than thirty (30) consecutive nights.

Section 17.216.050. Property owners, local contact person, and responsible person.

A. Property owners:

1. The owner and/or local contact person shall use reasonably prudent business practices to ensure the short term rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to the use and occupancy of the subject vacation home, and shall further use reasonably prudent business practices to ensure the occupants and/or guests of the vacation home do not create noise in violation of the noise regulations of this Code or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject vacation home.

B. Local contact person:

1. Each owner of a short term rental shall designate a local contact person who has access and authority to assume management of the short term rental and take remedial measures while the short term rental is being rented to an occupant and/or guest. An owner of a short term rental may designate himself or herself as the local contact person.
2. The local contact person shall be at least 21 years of age

3. There shall only be one (1) designated local contact person for a short term rental at any given time.
4. The local contact person shall be required to respond to the location of the short term rental 24 hours a day, 7 days a week, and within one (1) hour after being notified by Hall County of the existence of a violation of this Chapter or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short term rental.
5. 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. The owner of the short term rental is responsible for compliance with the provisions of this section and the failure of an agent, representative, or local contact person to comply with this section shall be deemed noncompliance by the owner.
6. The owner must immediately notify the Hall County Business License 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 Business License Department. The new, revised business license, which will not extend the expiration date of the business license, will be issued for a fee of \$25.00; must be posted in the vacation home within ten (10) 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 per section 17.216.060 of this Code.

C. Responsible person:

1. Each rental party of the short term rental shall have an occupant designated to be the responsible person.
2. The responsible person must be at least twenty-five (25) years of age.
3. The responsible person is legally responsible for ensuring that all occupants and/or guests of the short term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental.

Section 17.216.060. Business license and tax, and transferability.

A. Business license and tax

1. The owner shall pay all required excise tax per Section 3.40.020 of this Code;
2. No owner or local contact person of a short term rental shall rent that vacation home without first applying for and registering the business per Section 3.40.060 of this Code;
3. The owner shall comply with all other applicable provisions of Chapter 3.40 of this Code;
4. The owner shall obtain a business license for said short term rental and comply with all applicable provisions of Title 5 of this Code for business licenses and regulations;
5. A separate business license shall be required for each vacation home used for short term rental;
6. A business license application may be denied if the applicant has had a prior short term rental for the same vacation home revoked within any 12-month period;
7. Additional information required for a business license for a short term rental shall include:
 - (a) The name, address, telephone number, and email address of the local contact person for the short term rental;

- (b) The number of bedrooms and approximate square footage in the short term rental, and the maximum number of overnight and daytime occupants;
- (c) Acknowledgment that the owner and local contact person have read all regulations pertaining to the operation of a short term rental;

B. All business licenses issued pursuant to this Chapter are subject to the following standard conditions:

1. The owner or local contact person shall, by written agreement with the responsible person, limit overnight occupancy of the short term rental to the specific number of overnight occupants designated in the business license application;
2. Prior to permitting occupancy of a short term rental by a transient occupant, the owner or the local contact person shall:
 - (a) Obtain the name, address, and a copy of a valid government identification of the responsible person;
 - (b) Provide information about the short term rental regulations to the responsible person; and
 - (c) Provide and require that such responsible person execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants and/or guests of the vacation home with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental.
3. Parked vehicles:
 - (a) Shall not be parked on the County right-of-way or along any roadways at any time; and

- (b) Shall be parked outdoors on the property only on designated hard surfaced areas with gravel, concrete or asphalt surfacing; and shall not be permitted outside such hard surfaced areas (i.e. no parking in yards or neighbors properties).
- 4. The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short term rental do not violate the noise regulations set forth in Title 8 of this Code by notifying the occupants of the rules regarding short term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner and/or local contact person act as a peace officer or place himself or herself in harm's way;
- 5. The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short term rental do not violate the domestic animal regulations set forth in Title 4 of this Code by notifying the occupants of the rules regarding short term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner and/or local contact person act as a peace officer or place himself or herself in harm's way;
- 6. The owner and/or local contact person of the short term rental shall post a copy of the business license and a copy of the conditions set forth in this Chapter in a conspicuous place within the short term rental;
- 7. All business licenses issued under this chapter shall be valid for no more than one year, beginning on the date of issuance and expiring on December 31st of that year; and
- 8. Upon the issuance of a new short term rental business license, or an updated local contact person, or a change in business license name, Hall County shall mail a notice to all residences within five hundred (500) feet

of the property line of the short term rental notifying the neighbors that a short term rental business license has been issued and providing information regarding how to lodge complaints regarding the short term rental, if any.

C. Transferability.

1. No business license issued under this section shall be transferred or assigned or used by any person other than the owner or local contact person to whom it is issued, or at any location other than the one for which it is issued.

Section 17.216.070. Standard Operational Requirements and Conditions

A. Parked vehicles

All parked vehicles at the short term rental shall comply with all applicable provisions of Section 17.216.060 of this Code.

B. Life safety and sanitation

1. Short term rentals shall meet applicable International Building Code and International Fire Code regulations. For properties that are served by septic, short term rentals shall meet applicable Environmental Health regulations.
2. The owner and/or local contact person shall maintain a house number that is visible from the street at all times.

Section 17.216.080. Violation and Penalties

A. Violation

1. The following conduct shall constitute a violation for which the penalties specified in Paragraph D of this Section 17.216.090 may be imposed, or the business license suspended or revoked:
 - (a) The owner or local contact person has violated any of the provisions of this Chapter; or
 - (b) The owner or local contact person has violated any zoning, building, health or life safety provision; or
 - (c) The owner or local contact person has failed to comply with all applicable provisions of Chapter 3.40 of this Code.
2. 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.
3. Any advertising of the short term rental shall conform to information included in the short term rental business license and requirements of this section, and shall include notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise.

B. Abandonment

The abandonment or failure to use a residence as a short term rental for a period

of twelve (12) consecutive months for any period shall be deemed an abandonment of the short term rental use and the owner shall be required to obtain a new business license for the property.

C. Complaints

1. The complaining party shall first attempt to communicate with the owner or local contact person designated and describe the situation that is out of compliance with this Code;
2. If the complaint is not resolved with the owner or local contact person, then the complaining party may next provide a written complaint to the Hall County Marshal which shall include a description of the complaint, the attempts to resolve the complaint, and the complaining party's contact information.

D. Penalties

1. The penalties for violations specified in section 17.216.080 of this Code shall be as follows:
 - (a) For the first violation within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$250.00;
 - (b) For a second violation within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$500.00;
 - (c) For a third violation within any 12-month period, the penalty shall be a written notice of violation, a fine not to exceed \$1,000.00, the business license shall be revoked for a period of 24 months, and the owner or local contact person shall not be eligible to reapply for a business license on the property in violation for a period of 24 months from the date of revocation.
2. A short term rental that is determined to be operating without the necessary business license required under this section shall subject the owner to a penalty of \$500.00. Each day the short term rental is marketed

or rented for overnight accommodation shall constitute a separate violation.

3. 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 shall be grounds for imposition of penalties as set forth in this Chapter. 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.
4. In addition to the penalties described above, any person violating the provisions of this Chapter by operating a short term rental without a valid business license may be prosecuted according to the general penalties described in Section 1.50.020 of this Code.

E. Enforcement

1. Penalties, including a notice of violation, shall be imposed, and business licenses shall be revoked, in the manner provided in this Chapter
 - (a) Complaints shall result in a notice of the complaint being directed to the local contact person designated in the business license. The local contact person shall be responsible for contacting the responsible person to correct the problem within one (1) 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.
 - (b) If non-compliance with provisions of this section occurs, the Business License Department or officer of the county 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. Should the investigation support a finding that a violation occurred, the Business License Department or designee shall issue written notice of the violation and intention to impose a penalty and/or revoke the business license. The written notice may be served either by first class mail, by commercial overnight delivery, by personal service on the owner and/or local contact person, or by any other reasonable means of delivery, including email, and shall specify the facts which, in the opinion of the Business License Department, constitute grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or that the business license will be revoked fifteen (15) calendar days from the date of the notice unless the owner and/or local contact person files with the Business License Department a request for an appeal hearing before the Board of Commissioners. In considering such appeal, the Board of Commissioners shall determine whether the Business License Department has erred in his/her interpretation and/or enforcement of this Chapter.

- (c) The Business License Department or officer of the county is hereby authorized and directed to establish such procedures, as specified in Title 5 of this Code, which may from time to time be required to carry out the purpose and intent of this Chapter. The Hall County Marshal and/or the Hall County Sheriff or his or her designee shall also have authority to enforce this Chapter.