



CITY of POOLER
— GEORGIA —

CITY COUNCIL SPECIAL CALLED MEETING – AGENDA

March 27, 2024 at 9:00 a.m. | 100 US Highway 80 SW, Pooler, GA 31322

- I. ROLL CALL/DECLARATION OF QUORUM
- II. CALL TO ORDER
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ORDINANCES, PROCLAMATIONS, RESOLUTIONS
 - A. Ordinance O2024-03.A – Short-Term Rental Requirements (*Second Reading*)
- VI. EXECUTIVE SESSION
- VII. ADJOURNMENT



CITY of POOLER

— GEORGIA —

PUBLIC NOTICE

City of Pooler, Georgia
Special Called Meeting of the Mayor & Council

A Special Called Meeting of the Mayor and City Council of the City of Pooler, Georgia shall be held on Wednesday, March 27 at 9:00 a.m. at Pooler City Hall located at 100 US Highway 80 SW, Pooler, Georgia, 31322 in relation to Ordinance O2024-03.A – Short-Term Rental Requirements. The Public is invited to attend.



CITY of POOLER
— GEORGIA —

STATE OF GEORGIA }
 }
COUNTY OF CHATHAM }

ORDINANCE O2024-03.A

Short-Term Rental Requirements

AN ORDINANCE TO AMEND THE CITY OF POOLER CODE OF ORDINANCES CHAPTER 26 – BUSINESSES BY ADDING ARTICLE VIII – SHORT-TERM RENTALS; AND TO AMEND APPENDIX A, ARTICLE III – GENERAL PROVISIONS BY ADDING SECTION 32 – HOME-BASED LODGING AND TO AMEND APPENDIX A, TABLE 4.1 – ALLOWED USES BY ZONING DISTRICT AND TO AMEND APPENDIX A, ARTICLE III – GENERAL PROVISIONS, SECTION 17 – SECONDARY DWELLING STRUCTURES, SUBSECTION C; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Pooler that the Code of Ordinances of the City of Pooler, Georgia are hereby amended as follows:

I

That CHAPTER 26 – BUSINESSES be amended to add Article VIII. SHORT-TERM RENTALS as follows:

ARTICLE VIII – Short-Term Rentals

Section 26-209. – Short title.

This article shall be known as the “City of Pooler Short-Term Rental Ordinance”.

Section 26-210. – Purpose; intent.

The purpose of this article is to establish regulations for the use of residential dwellings as short-term rentals to transient occupants, so as to ensure the protection of 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 rentals; and to implement rationally based, reasonably tailored regulations to protect the integrity of the City’s neighborhoods.

Section 26-211. – Definitions.

Home-based Lodging. A short-term rental whereby the whole unit is provided as accommodation for a fee. This definition includes both a primary and an accessory structure when the unit is a detached secondary dwelling.

Home-based Lodging, Hosted. A short-term rental whereby a portion of the dwelling unit is provided as accommodation for a fee, as an accessory use to a residence, and where the owner of the property resides there.

Short-term rental. An accommodation where, in exchange for compensation, a residential dwelling unit, or a portion thereof, is provided for transient lodging for a period of time not exceeding 30 consecutive days. Abbreviated as "STR".

Short-term rental agent. A person or organization designated by the owner or long-term tenant of a short-term rental on the short-term rental license application. Such person shall be available for and responsive to contact at all times.

Short-term rental certificate. The certificate issued by the City to owners or designated agents of the short-term rental who have submitted the required documentation, met the requirements for the operation of a short-term rental unit, and have paid all requisite fees.

Short-term rental guest. Any guest(s), tourist(s), lessee(s), vacationer(s), occupant(s), or any other transient person(s) who, in exchange for compensation, occupies a short-term rental for a period of time not exceeding 30 consecutive days.

Short-term rental owner. The owner(s) of record for the property.

Short-term rental code compliance verification form. A document executed by the short-term rental owner certifying that the short-term rental complies with all applicable zoning, building, and health and life safety code provisions, which is required for occupancy of the unit as a short-term rental.

Section 26-212. – Applicability.

- (a) This article shall only apply to residential dwelling types, as determined by Section 32 of Article III of Appendix A of the City of Pooler Code of Ordinances.
- (b) This article shall not apply to hotels, motels, boarding houses, inns, or other similar lodging uses that are non-residential in nature.

Section 26-213. – Short-term rental certificate.

- (a) No person or entity shall operate, rent, lease, or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term rental without first obtaining a business license, or copy of a business license if not located within the City of Pooler, and a short-term rental certificate from the Finance Department pursuant to the regulations contained in this article and any other applicable provisions of City or state law.
- (b) Operation of a short-term rental without a business license and a short-term rental certificate shall be unlawful.
- (c) No certificate issued under this article may be transferred or assigned or used by any person or entity other than the one to whom it is issued.
- (d) No certificate issued under this article may be transferred to another individual or assigned to any location other than the one for which it is issued.
- (e) A short-term rental certificate shall be required for each short-term rental property.
- (f) Only one short-term rental certificate shall be allowed per property.

- (g) A short-term rental certificate shall expire on December 31st of each year.
- (h) A copy of the short-term rental certificate shall be furnished in a conspicuous manner within the short-term rental.

Section 26-214. – Application for short-term rental certificate.

(a) Applicants for a short-term rental certificate shall submit annually an application for a short-term rental certificate to the City of Pooler. An applicant for a short-term rental certificate shall be the short-term rental owner. The application shall be furnished under oath on a form specified by the City, accompanied by the non-refundable application fee. Such application shall include, but is not limited to, the following:

- (1) The address of the unit to be used as a short-term rental and parcel number.
- (2) The zoning of the property and the category of short-term rental as identified in the City of Pooler zoning ordinance.
- (3) The name, address, telephone number, and email address of the short-term rental owner(s).
- (4) The name, address, telephone number, and email address of the short-term rental agent, which shall constitute 24-hr contact information, if different from the owner(s).
- (5) The building floorplan with the proposed number of sleeping accommodations and in which rooms those sleeping accommodations will be provided.
- (6) The number and location of off-street parking spaces allotted to the premises. On-street parking is prohibited.
- (7) The short-term rental owner's signed agreement to assure that the use of the premises by short-term rental guests will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.
- (8) The short-term rental owner's sworn acknowledgement that the requirements for short-term rentals have been reviewed and shall be complied with at all times the certificate is active.

(b) Attached to and concurrent with submission of the application, the applicant shall provide:

- (1) The owner's notarized short-term rental application form.
- (2) The owner's notarized code compliance verification form.
- (3) A copy exemplar rental agreement, which shall consist of the form of documents to be executed between the short-term rental owner or agent and short-term rental guest(s), which shall contain the following provisions, and which shall be posted in the short-term rental:
 - a. The guest(s)' agreement to abide by all of the requirements of this article, any other City of Pooler ordinances, state, and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else.

- b. The guest(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the City's noise ordinance, Section 42-117.
 - c. The guest(s)' acknowledgement and agreement that violation of the agreement or this article may result in immediate termination of the agreement and eviction from the short-term rental by the owner or agent, as well as the potential liability of fines levied by the City.
 - d. The guest(s)' acknowledgement on the maximum occupancy of the short-term rental, and if available, the maximum number of vehicles allowed to be parked on the premises and location of on-site parking.
 - e. The guest(s)' acknowledgement and agreement that they have read and will abide by the standards of the Good Neighbor brochure.
- (4) Proof of ownership of the short-term rental, and proof of residence as applicable.
- (5) When submitting application for a Home-Based Lodging, Hosted, provide proof of an approved homestead exemption form through Chatham County or in lieu of a valid homestead exemption, a notarized affidavit and supporting documentation establishing proof of residency that the primary dwelling unit is the legal residence of the resident. The supporting documentation must be submitted in the form of two of the following: 1) copy of a valid Georgia Driver's License or Georgia Identification Card; 2) copy of registration for vehicles owned by and registered in the name of the applicant; 3) copy of Chatham County Voter's Registration Card; or 4) copy of previous year's W-2 Form or internal Revenue Service tax Return.
- (6) Proof of insurance for the premises of the short-term rental and documentation from the insurance company that the policy covers the property specifically as a short-term rental.
- (7) Proof that all property owners directly adjacent to the short-term rental have been notified of the proposed use. Notification shall be issued by the short-term rental applicant in writing and shall include:
- a. Street address of the proposed short-term rental.
 - b. Location of on-site parking.
 - c. Copy of the short-term exemplar rental agreement.
 - d. Name of the property owner(s).
 - e. Name of rental agent and contact information.
- Each adjacent property owner shall sign acknowledging that they were provided with notification of the short-term rental use when notification is provided in-person. Notification can be via certified mail, return receipt requested, and the City would need a copy of the document/letter provided to the adjacent property owner along with copies of the completed certified mail receipts.
- (8) Written certification from the short-term rental agent agreeing to perform all duties specified in Sec. 26-215.
- (c) If the rental agent changes, the property owner shall notify the City and the adjacent property owners within five business days.

Section 26-215. – Short-term rental agent.

- (a) The applicant for a short-term rental shall designate a short-term rental agent on the application for a short-term rental certificate. The owner of the short-term rental may serve as the short-term rental agent.
- (b) The short-term rental agent shall:
 - (1) Be available to handle any problems arising from use of the short-term rental.
 - (2) Keep the agent’s emergency contact information, including name and phone number, posted in a readily visible place inside the short-term rental.
 - (3) Receive and accept service (at the address listed on the application of the short-term rental owner or agent) of any notice of violation related to the use or occupancy of the premises.
 - (4) Monitor the short-term rental for compliance with this article.
- (c) Only one person or contact may serve as the short-term rental agent. If an entity or company is utilized, there shall be one person from that company specified as the short-term rental agent.
- (d) The short-term rental agent may be changed temporarily or permanently by the owner, after providing written notice to the City and satisfying all conditions for short-term rental agents as set forth in the City of Pooler Short-Term Rental Ordinance.

Section 26-216. – Grant or denial of application.

City staff will review all applications for compliance with the requirements of this Ordinance, and provided all conditions are met, a certificate will be issued. The City shall have no obligation to issue a certificate to an applicant unless all conditions of this Ordinance are met and the property complies with all applicable federal, state, or local law. Any false statements or information provided in the application for a short-term rental are grounds for revocation or suspension of the short-term rental certificate, and may result in the imposition of penalties, along with denial of future applications.

Section 26-217. – Fees.

Prior to the issuance of a short-term rental certificate, the short-term rental application fee must be paid in accordance with the City’s Schedule of Fees.

Section 26-218. – Renewal of certificate.

- (a) A short-term rental certificate must be renewed upon its expiration at the end of each calendar year.
- (b) Renewals shall be processed in accordance with the appropriate form provided by the City.
- (c) If a certificate is not renewed prior to its expiration, it is automatically terminated, and operation of the short-term rental shall be subject to Section 26-219 of this article for violations.
- (d) The fee for the renewal of a short-term rental certificate must be paid in accordance with the City’s Schedule of Fees.

Section 26-219. – Requirements; violations and penalties.

- (a) All guests on any given night shall be associated with the same rental contract. The maximum number of rental contracts per short-term rental is one.
- (b) Short-term rentals shall comply with all applicable requirements and regulations related to building, health, life safety, and zoning codes and any other applicable regulations of City of Pooler Code of Ordinances, International Residential Code, International Building Code and International Fire Code.
- (c) Each bedroom used for the short-term rental shall have at least two (2) means of egress. Each bedroom shall have at least one operable 5.7 square feet window opening or door for emergency escape or rescue that opens directly to the exterior of the residence. The emergency door or window shall be operable from the inside.
- (d) Every bedroom, adjoining hallway, and common area shall be equipped with a dual powered and interconnected operational smoke detector that meets International Residential Code standards and shall always be maintained in good working order.
- (e) A short-term rental equipped with natural gas shall install a carbon monoxide detector outside of each sleep area, each carbon monoxide detector must meet applicable state law standards and shall always be maintained in good working order.
- (f) The short-term rental owner or agent shall maintain a house number that is a minimum of 4" in height and a stroke width minimum of 1/2", plainly visible from the street at all times.
- (g) One smoke alarm shall be installed on every floor and in every sleeping room. They shall be interconnected so that when one smoke alarm sounds, they all sound (alarms can be wired or wireless). Smoke alarms should be installed at least 10 feet (3 meters) from a cooking appliance to minimize false alarms when cooking. Smoke alarms shall be mounted on ceilings or on walls no more than 12 inches away from the ceiling. Smoke alarms shall be maintained in good working order and not be expired or greater than 10 years old.
- (h) Fireplaces/Wood Stoves require a non-combustible ash receptacle outside the structure. Covered receptacles shall be a minimum of 2 feet from the structure. Uncovered receptacles shall be a minimum of 10 feet from the structure. Combustible materials shall not be stored near fuel fire heating equipment, or in special rooms containing fuel fired equipment.
- (i) Each floor of the short-term rental shall be equipped with a 2A:10B:C rated fire extinguisher that is fully charged and not past its expiration date.
- (j) To ensure the continued application of the intent of this article, the City shall notify the owner of a short-term rental of all instances in which the nuisance behavior of the guest or the conduct of the agent results in a citation for a code violation or other legal action.
- (k) A short-term rental may be inspected if there is probable cause to believe there is or has been a violation or violations of this ordinance.
- (l) Any violation cited for a short-term rental must be corrected and compliance demonstrated prior to being eligible for a short-term rental certificate.
- (m) Violations of this article are subject to the following fines, which may not be waived or reduced, and may be combined with any other legal remedy available to the City:

- (1) First violation: \$500
- (2) Second violation within the preceding 12 months: \$750
- (3) Third violation within the preceding 12 months: \$1000
- (n) The City shall maintain a file of each short-term rental, including a record of code violation charges, founded accusations, and convictions occurring at or relating to a short-term rental. When a short-term rental owner has accumulated three violations within a calendar year, the City shall temporarily suspend the certificate. The City will provide notice to the short-term rental owner of a hearing in front of City Council. Should the Council revoke the short-term rental certificate, no new short-term rental applications for the subject premises will be accepted for a period of 12 consecutive months. A person aggrieved by the City's decision to revoke a short-term rental certificate may appeal the decision to the Superior Court.
- (o) Nothing in this section shall limit the City from enforcement of its code, state, or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of any City inspector, deputy, or other duly empowered officer under the City's ordinances, rules, and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Section 26-220. – Taxes.

- (a) All applicants for a short-term rental certificate shall comply with the requirements of Chapter 22, Article II. OCCUPATION TAXES AND REGULATORY FEES.
- (b) Short-term rentals are subject to applicable state and local hotel-motel excise taxes and are responsible for payment thereof as established by state law and the city code.

II

That APPENDIX A – ZONING, Article III. GENERAL PROVISIONS be amended by adding the following:

Section 32. – Short-term Rentals

- (A) Purpose.
- (B) Definitions.
 - (1) *Home-based Lodging.* A short-term rental whereby the whole unit is provided as accommodation for a fee. This definition includes both a primary and an accessory structure when the unit is a detached secondary dwelling.
 - (2) *Home-based Lodging, Hosted.* A short-term rental whereby a portion of the dwelling unit is provided as accommodation for a fee, as an accessory use to a residence, and where the owner of the property resides there.
 - (3) *Short-term rental.* An accommodation where, in exchange for compensation, a residential dwelling unit, or a portion thereof, is provided for transient lodging for a period of time not exceeding 30 consecutive days. Abbreviated as "STR".
- (C) Applicability.

- (1) This section shall only apply to Home-based Lodging and Home-based Lodging, Hosted, uses.
- (2) The provisions of this section shall not apply to hotels, motels, bed & breakfasts inns, or any other Accommodations and Lodging uses.

(D) General requirements.

(1) For Home-based Lodging the following requirements shall apply:

- a. No external signage, except signage typically associated with residential dwellings, shall be allowed.
- b. Street address numbers shall be posted in a conspicuous location and of significant size that is visible and legible from the street.
- c. Adequate off-street parking spaces shall be provided. There shall be one parking space for every three adult occupants. There shall be no parking of vehicles on grass surfaces or along rights-of-ways unless otherwise allowed.
- d. The number of guests per night shall not exceed the number of occupants allowed by the building code, which varies according to the size of the home and number of bedrooms.
- e. Events and activities, including luncheons, banquets, parties, weddings, meetings, fundraisers, commercial or advertising activities, and any other gatherings of persons in association with the home-based lodging other than the authorized guests, whether for direct or indirect compensation, is prohibited.

(2) For Home-based Lodging, Hosted, the following requirements shall apply:

- a. The owner of the short-term rental must reside in the dwelling used for the short-term rental. The property must be the primary residence of the owner in order to be utilized.
- b. The number of guests per night shall not exceed the number of occupants allowed by the building code, which varies according to the size of the home and number of bedrooms.
- c. No external signage, except signage typically associated with residential dwellings, shall be allowed.
- d. Street address numbers shall be posted in a conspicuous location and of significant size that is visible and legible from the street.
- e. A minimum of one off-street parking space shall be provided for guests in addition to the minimum off-street parking spaces required for the dwelling.
- f. Events and activities, including luncheons, banquets, parties, weddings, meetings, fundraisers, commercial or advertising activities, and any other gatherings of persons in association with the home-based lodging other than the authorized guests, whether for direct or indirect compensation, is prohibited.

III

That Appendix A, Article III. GENERAL PROVISIONS, Table 4.1 *Allowed Uses by Zoning District* be amended to include Home-based Lodging and Home-based Lodging, Hosted as a permitted use in the R-1, R-2, R-3, R-4, R-A, RA-1, RA-2 and PUD districts as follows:

P	Permitted by Right
C	Permitted with Conditional Use Approval
	Prohibited

Table 4.1 Allowed Uses by Zoning District

Uses with NAICS Codes are found within the NAICS Manual : <https://www.census.gov/eos/www/naics/>

Uses in R-1A, R-1B, R-1C are listed in this table under R-1
 Uses in R-2A, R-2B, R-2C are listed in this table under R-2
 Uses in R-3A, R-3B, R-3C are listed in this table under R-3

*Uses in a PUD are determined case-by-case by the Board

NAICS Code	Use	R-1	R-2	R-3	R-4	MH-1	MH-2	MH-3	C-1	C-2	C-P	I-1	I-2	R-A	RA-1	RA-2	PUD*
72	Accommodation and Food Services																
	Hotels and Motels								C	P	C						
	Home-based Lodging	P	P	P	P									P	P	P	P
72119	Bed-and-Breakfast Inns	C	C	C					C	P							
7212	RV (Recreational Vehicle) Parks and Recreational Camps													C			
721214	Fishing Camps, Hunting Lodges, Wilderness Camps and Other Overnight Recreational and Vacation Camps													P			

P	Permitted by Right
C	Permitted with Conditional Use Approval
	Prohibited

Table 4.1 Allowed Uses by Zoning District

Uses with NAICS Codes are found within the NAICS Manual : <https://www.census.gov/eos/www/naics/>

Uses in R-1A, R-1B, R-1C are listed in this table under R-1
 Uses in R-2A, R-2B, R-2C are listed in this table under R-2
 Uses in R-3A, R-3B, R-3C are listed in this table under R-3

*Uses in a PUD are determined case-by-case by the Board

NAICS Code	Use	R-1	R-2	R-3	R-4	MH-1	MH-2	MH-3	C-1	C-2	C-P	I-1	I-2	R-A	RA-1	RA-2	PUD*
922	Justice, Public Order and Public Safety including Police, Fire Protection and Courts	C	C	C	C				C	P	P						
	Accessory Uses to a Principal Use																
	Accessory Uses to a Residential Use																
	Accessory Uses Customary to a Dwelling	P	P			P	P	P						P	P	P	
	Garage Apartment	C	C	C										P	P	P	
	Guest Home	C	C	C	C												
	Farm Dwelling													P	P		
	Manufactured Home													P	P	P	
	Home Occupation	C	C			P	P	P						P	P	P	
	Home Business Office	P	P	P	P	P	P	P						P	P	P	
	Home-based Lodging, Hosted	P	P	P	P									P	P	P	P
	Family Day Care Home	P	P	P	P	P	P	P						P	P	P	
	Accessory Recreation Amenities to a Residential Development	P	P			P	P	P						P	P		
	Horse Stable, Personal													P			

IV

And That APPENDIX A – ZONING, Article III. GENERAL PROVISIONS, Section 17. *Secondary dwelling structures*, subsection 17(C) be amended by deleting the strikethrough text and adding the underline text as follows:

- (C) *Guest home.* Guest homes may only be permitted on a lot with a ~~single-family~~ single-family dwelling and provided that such shall only be permitted in a rear yard, there is adequate parking for two single-family dwelling units, and the lot on which such use is to be established meets 1½ of the minimum lot area requirements for the zoning district. Guest homes may not have a living area greater than one-third of the primary structure's total living area. Guest homes are intended for housing members of the family occupying the main building ~~and or their non-paying~~ guests and shall not be rented, sold or otherwise used as a separate dwelling, except as Home-based Lodging, Hosted.

V

Any person, entity, corporation, etc., currently operating or intending to operate a short-term rental shall have 60 days from the effective date of this Ordinance to comply with the provisions of this Ordinance before being deemed in violation.

VI

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

VII

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

VIII

This ordinance shall be effective immediately upon its adoption by the Mayor and City Council of Pooler, Georgia.

FIRST READING: _____ day of _____, _____

SECOND READING: _____ day of _____, _____

ADOPTED: _____ day of _____, _____

CITY OF POOLER, GEORGIA

Karen L. Williams, Mayor

ATTEST:

Kiley Fusco, Clerk of Council