

**AN ORDINANCE**  
(Troup County Ordinance No.:2023-03)

**An Ordinance to amend the Zoning Ordinance of the Code of Troup County, Georgia; to provide for an effective date; to repeal all inconsistent ordinances and resolutions; to provide for severability; and for such other purposes.**

WHEREAS, Troup County is experiencing larger, more intensive, and more widespread growth throughout the County which includes a substantial increase of short term vacation rental operations and applications for special use permits for such operations; and

WHEREAS, Troup County has engaged Canvas Planning Group as professional consultants to assist Troup County in the development of a Unified Development Ordinance (“UDO”) which will include the regulation of short term vacation rental operations in unincorporated Troup County, Georgia; and

WHEREAS, Troup County finds that the ordered regulation of short term vacation rental operations is necessary to protect public health, safety, welfare and property values of the citizens of Troup County and to lessen the impact of vacation-oriented behavior of visitors occupying short term vacation rental premises upon the permanent residents as well as other visitors to unincorporated Troup County; and

WHEREAS, the Troup County Community Development Department has investigated and studied the potential impacts of short term vacation rental businesses upon the community and methods to alleviate the negative impacts of the same and reviewed materials from other jurisdictions dealing with the impacts of short term vacation rental operations and studies of short term vacation rental operations and approaches to the regulation of the same; and

WHEREAS, on September 20, 2022, the Troup County Board of Commissioners by Resolution imposed a sixty-day moratorium on the issuance of any permits for short term vacation rental locations; and

WHEREAS, while the UDO has not been completed and adopted, the Troup County Board of Commissioners in the interim wish to lift the moratorium and to allow short-term vacation rentals within unincorporated Troup County, Georgia to proceed through the issuance of a special use permit;

NOW THEREFORE, the Board of Commissioners of Troup County, Georgia do hereby ordain as follows:

**SECTION I**

Article III (Definitions) of the Zoning Ordinance of Troup County, Georgia is hereby amended by the inclusion of the following new terms and definitions in Section 3.1:

*Short Term Rental / Short Term Vacation Rental.* An accommodation for transient guests where, in exchange for compensation, a residential dwelling that is provided for lodging for a period of time not to exceed 30 consecutive days. Short term vacation rental shall not include any residential dwelling not regularly offered for rental, which shall be defined as any residence offered for rental less than 14 days in any given calendar year.”

*Short-term rental / short-term vacation rental agent* means 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 a person shall be available for and responsive to contact at all times.

*Short-term rental / short-term vacation rental guests* means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a short term vacation rental for lodging for a period of time not to exceed 30 consecutive days.

## **SECTION II**

Article V (Supplemental Regulations) of the Zoning Ordinance of Troup County, Georgia is hereby amended by the insertion the following new Section 5.26:

### **“5.26 – Short Term Vacation Rentals.**

(a) An application for a Special Use Permit (See Article XVI. – Administration, **Section 16.21-2** [link to municode section] for a certificate for a short term vacation rental as defined in Section 3.1 of Article III of the Troup County Zoning Ordinance shall be submitted, on a form specified by the zoning administrator. Owners shall not allow overnight occupancy to exceed the maximum capacity specified in the short term vacation rental permit. Applications for a short term rental / short term vacation rental permit shall include at a minimum the following information or documentation:

- (i) The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;

- (ii) The address of the unit to be used as a short term rental / short term vacation rental;
- (iii) The name, address, telephone number and email address of the short term rental / short term vacation rental agent, which shall constitute his or her 24-hour contact information and who shall: be reasonably available to handle any problems arising from use of the short term rental / short term vacation rental unit; appear on the premises within 24 hours following notification from the zoning administrator, or his/her designee, of issues related to the use or occupancy of the premises; receive and accept service of any notice of violation related to the use or occupancy of the premises; and monitor the short term rental / short term vacation rental unit for compliance with the provisions of the Troup County Code;
- (iv) Must attach a site plan to the Application.
- (v) The owner's sworn acknowledgment that he or she has received a copy of this section, has reviewed it and understands its requirements;
- (vi) The owner shall state the maximum occupancy for the residence, which shall be the same number as advertised and marketed to potential renters by or on behalf of the owner;
- (vii) The owner's agreement to use his or her best efforts to assure that use of the premises by short term rental / short term vacation rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
- (viii) A copy of an exemplar agreement between the owner and occupant(s) which obligate the occupant to abide by all of the requirements of this Section, and other county ordinances, state and federal law, and that such a violation of any of these rules may result in the immediate termination of the agreement and eviction from the premises, as well as potential liability for payment of fines levied;
- (ix) Proof of the owner's current ownership of the short term vacation rental unit;
- (x) Proof of homeowner's insurance; and
- (xi) Provide the maximum number of vehicles that may be parked at the unit.

(b) Must pay any and all applicable state and county taxes. Any taxes owed to the county as a result of any hotel motel tax shall be paid to the county clerk and any failure to remit the same or to register pursuant to this ordinance shall be subject to the penalties included in Chapter 1, Section 1-19 of the Troup County Code.

(c) Amplified music is prohibited outside after 10:00 p.m.

(d) No parking within the public right-of-way.

(e) Exterior lighting shall be designed to prevent spillover onto adjacent property.

(f) Any proposed deviations from the approved site plan must be submitted and approved by the zoning administrator.

(g) Unless lower occupational limits are required by the Fire Marshal after inspection of the dwelling unit, the number of overnight occupants shall not exceed two persons per bedroom plus two additional persons per residence. For purposes of this Section, “bedroom” shall mean a room of no less than \_\_\_\_\_ square feet, with a door from at least one common point in the residence such as a hallway or living room that can be closed, a closet, and a window. The maximum daytime occupancy (between the hours of 8 a.m. and 10 p.m.) of any property to be used as a short-term rental / short-term vacation rental shall be maximum occupancy plus two (2). Only a total of six (6) bedrooms per short term vacation rental may be rented regardless of the total number of bedrooms.

(h) Short-term rental agent: The owner of a short-term rental shall designate a short-term rental agent on its application for a special use permit for short term rental / short term vacation rental. A short-term rental owner may also serve as the short-term rental agent. The duties of the short-term rental agent are to:

- i. Be available to handle any problems arising from use of the short-term rental unit;
- ii. Keep his or her name and emergency contact phone number posted in a readily visible place in the short- term rental unit;
- iii. Receive and accept service of any notice of violation related to the use or occupancy of the /premises;
- iv. Monitor the short-term rental unit for compliance with this chapter; and
- v. List the short-term rental license number on each online listing.

**SECTION III**

Table 7.3 (Permitted(P), Not Permitted(NP), Special(S) Uses for Residentially Zoned Districts) of Article VII (Zoning District Standards and Permitted Uses) of the Zoning Ordinance of Troup County, Georgia is hereby amended by addition and insertion of the following USE:

USES	AG	AGR/USD	SFMD	LR	LRR	RR	MFR	MHP
Short Term Vacation Rentals	S	S/NP	S	S	S	S	NP	NP

**SECTION IV**

Table 7.4 (Permitted, Not Permitted, Special Uses for Non-Residential Zoned Districts) of Article VII (Zoning District Standards and Permitted Uses) of the Zoning Ordinance of Troup County, Georgia is hereby amended by the addition and insertion of the following USE:

USES	GC	HC	LC	NHC	CA	GI	LI	CRVP
Short Term Vacation Rentals	NP	NP	NP	NP	NP	NP	NP	NP

**SECTION V**

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the County of Troup.

**SECTION VI**

(a) It is hereby declared to be the intention of the Troup County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Troup County Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Troup County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the Troup County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or

ordinances, except those specifically repealed by this Ordinance.

(c) In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Troup County Board of Commissioners that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION VII**

All resolutions or ordinances or parts of resolutions or ordinances in conflict herewith are hereby repealed.

**SECTION VIII**

This Ordinance is adopted in the manner provided by law, by the Troup County Board of Commissioners at a meeting held this 15<sup>th</sup> day of November, 2022, and shall be effective immediately. The County Clerk is directed to attach this Ordinance to the minutes of this meeting and the Zoning Administrator shall maintain a true and correct copy of this Ordinance as a public record accessible to members of the public in the Office of the Zoning Administrator, 100 Ridley Avenue, LaGrange, Georgia 30240.

**TROUP COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Patrick Crews, Chairman

Attest: \_\_\_\_\_  
Valerie West, Clerk

Public Hearing date(s): BOZA/PC: 11-10-2022; BOC: 11-15-2022

**Clerk’s Record of Commission Vote**

Ellis P. Cadenhead, Troup County Commissioner, District 2	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>
Lewis C. Davis, Jr., Troup County Commissioner, District 3	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>
J. Morris Jones, III, Troup	Yea	Nay	Abstain	Absent

County Commissioner, District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jimmy D. McCamey, Jr., Ph.D., Troup County Commissioner, District 5	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>
Patrick Crews, Troup County Commission Chairman (District 1) *	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

\*Chairman not required to vote except to break a tie.