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DATE: October 2, 2025

TO: Planning Commission

FROM: Bruce Lonnee, Planning Director

RE: Proposed Text Amendments to Chapter 9-15-16 – Home Occupations

During the 2025 session, the Georgia General Assembly approved House Bill No. 398, which amended O.C.G.A. § 26-2 to remove the requirement for “cottage food operators” to obtain a license from the Georgia Department of Agriculture and allows these operators to sell “non-potentially hazardous foods”, as defined in O.C.G.A. § 26-2-470, to retail food establishments, such as grocery stores, in addition to previously-approved direct-to-consumer sales. “Non-potentially hazardous foods” are foods that “do not require temperature control for safety,” and include but are not limited to biscuits, jams, dried fruit, and seasonings. A county or municipality may prohibit cottage food operators from selling through third-party vendors in their jurisdiction, but is otherwise not permitted to prohibit or regulate cottage food items. ACCGov’s Zoning Ordinance, in Sec. 9-15-16(O) already allows ‘cottage food industry’ as a home occupation “with limitations or exceptions to specific criteria.” In the case of cottage food, it was permitted “with proof of license from the Georgia Department of Agriculture.” Since that license is no longer required, the cottage food industry no longer qualifies as a “permitted home occupation *with limitations or exceptions to specific criteria*.” This change would reclassify the cottage food industry into the “permitted home occupation” category *without* any special criteria. Cottage food industry home occupations will still be subject to the rest of the standards governing home occupations in Sec. 9-15-16. The cottage food industry differs from food service, which is regulated by the Department of Health, and is not permitted as a Home Occupation.

In the process of updating the home occupation ordinance, Staff also evaluated the provision in Sec. 9-15-16(A), which limits Home Occupations to 25% of the dwelling unit’s heated floor area and prohibits Home Occupations in accessory structures. In the interest of supporting the incubation of small local businesses, home occupations have been allowed in the current zoning ordinance of Athens-Clarke County since it was adopted in 2000, subject to limitations meant to protect the residential character of the neighborhoods where these home businesses are located and to prohibit certain business activities that could create nuisances. One such limitation prohibits operating the Home Occupation in an accessory structure - a regulation that has obstructed some prospective applicants who would prefer to operate their business out of an accessory structure instead of their primary residence.

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After consideration, Staff finds that the public benefit of lowering the barrier to small-scale business incubation justifies allowing these activities in accessory structures provided that the business is entirely contained within the structure and follows the standards for construction of accessory buildings in Sec. 9-15-12 and complies with the other provisions regulating Home Occupations in Sec. 9-15-16 including but not limited to prohibitions or limitations on sales, employees, displays of product, signage, nuisances, equipment and materials, and parking.

Attached are the proposed text amendment prepared by the Planning Department, as well as House Bill 398 and a Frequently Asked Questions memo prepared by the Georgia Department of Agriculture for reference.

Attach.



Planning Director

CC: Austin Jackson, ACCGov Attorney's Office  
John Hawkins, ACCGov Attorney's Office  
Marc Beechuk, ACCGov Planning Department  
File