

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA,
WITH RESPECT TO SHORT-TERM RENTALS; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Concerning this Ordinance, the Commission of Athens-Clarke County hereby provides the following background:

(a) In the past fifteen (15) years or so, there has been a proliferation of persons or business entities renting vacation homes, dwellings, apartments, condominiums, or rooms or portions thereof, via online platforms such as Airbnb.com, Booking.com, Hometogo.com, and VRBO.com. These types of rentals are often called “short-term rentals” or “short-term vacation rentals,” which is often abbreviated as “STRs.”

(b) Because this was a new industry, local codes and ordinances across the state and the country did not explicitly regulate or set standards for STRs, although local codes and ordinances often regulate or set standards for similar industries, such as hotels, motels, and beds and breakfasts.

(c) Athens-Clarke County, Georgia, is home to the University of Georgia and is a tourist destination within the State of Georgia. On weekends when the Georgia Bulldogs football team plays home games at Sanford Stadium on the University of Georgia campus, thousands of football fans stream into Athens-Clarke County to attend the game or to just enjoy the atmosphere. Many of these football fans stay in Athens-Clarke County on game weekends, and some rent STRs. Additionally, Athens-Clarke County hosts numerous conferences, festivals, and outdoor events throughout the calendar year—for example, the Twilight Criterium and the AthFest Music & Arts Festival—that attract visitors and tourists to Athens-Clarke County, at least some of whom rent STRs.

(d) The Mayor, Commissioners, and staff of the Unified Government of Athens-Clarke County have received complaints from residents, particularly in zoning districts designated as single-family residential, concerning quality-of-life issues resulting from STRs. Examples of these complaints are listed directly below.

- Too many occupants in an STR relative to its size or bedroom capacity;
- Noise, particularly noise emanating from STRs on game weekends;
- Increase of vehicles parking on the streets;
- Trash and refuse.

Adopted the 6 day of
February 6, 2024
by Anton
Clerk of Commission

Approved the 6 day of
February 6, 2024
Kelly T. M.
Mayor

(e) Renting residential units as STRs has impacted the housing stock in Athens-Clarke County, making housing less available and less affordable for residents or those people wishing to move to Athens-Clarke County. An article in the *New York Times* recently explored how STRs impact the housing stock in communities with large universities, including Athens-Clarke County. Allison Salerno, *How College Football Is Clobbering Housing Markets Across the Country*, N.Y. Times, available at <https://www.nytimes.com/2023/12/18/realestate/college-football-housing-market.html> (Dec. 18, 2023).

(f) The Unified Government of Athens-Clarke County regulates land use through Title 9 of the Code of Athens-Clarke County, Georgia. Article I of that Title is known as “The Zoning Ordinance of Athens-Clarke County, Georgia,” and may be referred to as the “Zoning Ordinance” in this Section 1.

(g) The Zoning Ordinance does not presently have any specific regulations or standards pertaining to STRs. As referenced elsewhere in this Section 1, STRs first began to enter the marketplace approximately fifteen (15) years ago, and this use has proliferated since that time. Local governments around the country, facing similar issues as Athens-Clarke County, have begun to implement regulations addressing quality-of-life issues posed by STRs.

(h) According to Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia, “The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning.” The Charter of the Unified Government of Athens-Clarke County, Georgia, in Section 8-114, explicitly authorizes the Unified Government “[t]o adopt land use plans and exercise the power of zoning, subdivision regulation and the like.” The Commission desires to exercise its zoning powers to create land use regulations and standards for STRs that reasonably and rationally address quality-of-life concerns.

(i) The Commission, recognizing the time demands inherent in developing land use standards for STRs, enacted a temporary emergency moratorium on the establishment of new STRs in single-family zoning districts on September 19, 2023. The Commission continued and extended this moratorium by enacting a temporary non-emergency moratorium on November 7, 2023. The ordinances imposing said moratoria provide important background for this Ordinance, and are hereby incorporated in this Section 1 by reference. Copies of the moratoria ordinances are available in the Office of the Clerk of Commission. These moratoria ordinances exempted any RS-zoned property that has been operated as an STR in the twelve (12) months preceding September 19, 2023. The moratoria ordinances defined the phrase “operate an RS-zoned property as an STR” to mean that a property or portion thereof has been advertised and/or marketed on a marketplace website (such as Airbnb.com, Booking.com, Hometogo.com, or VRBO.com), or has been provided as accommodations in exchange for payment of an agreed-upon price.

(j) Per Section 9-7-1 of the Code of Athens-Clarke County, Georgia, “The purpose of the RS [single-family residential] district is to stabilize and protect the owner occupied housing characteristics of the district and to promote and encourage a suitable environment for family life.”

(k) Per Section 9-8-1 of the Code of Athens-Clarke County, Georgia, “This district [mixed density residential] is designed to provide an environment suitable for urban living. The

RM district is intended for residential uses and appurtenant community services. This district is designed in such a manner that it can be applied to a wide range of areas due to the range of residential densities possible.”

(l) One of the reasons that the Commission adopts this Ordinance is to help further the purposes of the Single-Family Residential (RS) Districts and the Mixed Density Residential (RM) Districts as described in the Code of Athens-Clarke County, Georgia.

(m) The amendments to the Zoning Ordinance described herein are enacted in furtherance of the Unified Government’s police power authority to aid the public health, safety, and welfare. It is the intent of the Commission that each provision of this Ordinance be in compliance with the United States Constitution, the Georgia Constitution, and applicable state law, and this Ordinance should be read in such a manner.

(n) This Section 1 provides important background related to this Ordinance, and thus, constitutes an integral part of this Ordinance.

SECTION 2. Section 9-2-1 of the Code of Athens-Clarke County, entitled “*General*,” is hereby amended by revising the definitions of “*Bed and breakfast facilities*,” “*Boarding house or rooming house*,” and “*Dormitory*,” and by adding definitions for “*Short-term rental*,” *Short-term rental, commercial*,” and “*Short-term rental, home occupation*,” so that these defined terms now read as follows:

Bed and breakfast facilities: A detached dwelling in which only individual rooms or suites are rented to transient guests on an overnight basis. No more than 15 bedrooms may be rented on an overnight basis and no more than thirty (30) guests are allowed at one time. Meals may be served only to overnight guests. Additionally, such facilities must meet the criteria outlined in this title.

Boarding house or rooming house: Any residential structure, supervised or not, used as living and sleeping arrangements for more than four unrelated individuals and up to 15. To be a boarding house or rooming house, it is usually intended for individuals to reside in the residential structure for more than thirty (30) consecutive days and/or for the residents of the residential structure to be students of the same educational institution (e.g., college, university, or boarding school), to work for the same employer, or to have some other similar common relationship to an institution or organization. Residents may share the common areas of the home and provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites. For purposes of zoning, a rooming and boarding house shall not be a fraternity or sorority house. If the accommodations are for more than fifteen (15) persons, see “*dormitory*.” The landlord shall not provide supervision of person, supervision of medications, assistance with activities of daily living, or nursing services. Otherwise, the home would fall under the requirements for a personal care home or community living arrangement and require a permit by the State of Georgia.

Dormitory: A building or space in a building in which group sleeping accommodations are provided for more than fifteen (15) unrelated persons in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. To be a dormitory, it is usually intended for individuals to reside in the building for more than thirty (30) consecutive days and/or for the residents of the building to be students of the same educational institution (e.g., college, university, or boarding school), to work for the same employer, or to have some other similar common relationship to an institution or organization. If the accommodations are for fewer than fifteen (15) persons, see “boarding house and rooming house.”

Short-term rental: An accommodation for transient guests where, in exchange for compensation of any type or amount, a residential dwelling unit is rented or otherwise provided for lodging for any period of time less than thirty-one (31) consecutive days. Such accommodations are usually, but not exclusively, advertised through websites such as Airbnb.com, Booking.com, Hometogo.com, and VRBO.com. Such accommodations may or may not include an on-site manager. For the purposes of this definition, a residential dwelling unit shall include all housing types (non-exclusive examples of which include homes, duplexes, apartments, condominiums, townhomes, accessory dwelling units, or a room or a portion of any of the foregoing) and shall exclude group personal care homes or other lodging uses which are provided incidental to other services, such as health care. This term may also be abbreviated as “STR” in Title 9 of the Code of Athens-Clarke County, Georgia. Unless otherwise stated, this phrase is intended to encompass both commercial short-term rentals and home occupation short-term rentals, as defined in this section 9-2-1. Unless otherwise expressly permitted in a particular zoning district, an STR shall consist of no more than one individual accommodation per parcel, and is therefore intended to exclude bed and breakfast facilities, hotels, motels, hostels, boarding houses, rooming houses, and dormitories, as all such terms are defined in this section 9-2-1.

Short-term rental, commercial: Any short-term rental (STR) that is rented by a person or entity other than the owner-occupant or the primary resident of the residential dwelling unit and the sole or primary use of the residential dwelling unit is as an STR, standards for which are found in section 9-15-28. For the purposes of Title 9 of the Code of Athens-Clarke County, Georgia, the phrase “dedicated use short-term rental” shall be synonymous with the phrase “commercial short-term rental.”

Short-term rental, home occupation: Any short-term rental (STR) which is rented by the owner-occupant or the primary resident of the residential dwelling unit. For the purposes of this definition, a person must apply for and receive a home occupation permit (and comply with all requirements of the permit) to have a home occupation Short-term rental. As it applies to Short-term rentals, an “owner-occupant” is a person who is an owner of record of a parcel and occupies the parcel as the person’s primary residence.

All the defined terms described in Section 2 of this Ordinance shall be arranged alphabetically in the codified version of Section 9-2-1 of the Code of Athens-Clarke County, Georgia, with the other defined terms therein.

SECTION 3. Section 9-5-2 of the Code of Athens-Clarke County, Georgia, entitled “*Permitted uses*,” is hereby amended by moving “Home Occupation” in the use table for the Agricultural Residential (AR) District in a new row under “*Residential Categories*,” and adding the notation “P” under the column “AR” for the same, adding the phrase “Short-Term Rental, Commercial,” in a new row under “*Commercial Categories*,” and adding the notation “S, L(9)” under the column “AR” for the same, so that the pertinent portions of the use table for the Agricultural Residential (AR) District now read as follows:

Zoning Districts	AR
<i>Residential Categories</i>	
Agriculture	P
Single Family Dwellings	P
Accessory Dwelling Units	L(4)
Dwellings Above Businesses	N
Duplexes	N
Personal care homes, individual	S, L(6)
Personal care homes, family	S, L(6)
Personal care homes, group	S, L(6)
Personal care homes, congregate	S, L(6)
Multi-Family Dwellings	N
Class "A" Manufactured Homes	P, L(5)
Class "B" Manufactured Homes	N
Boarding House or Rooming House	N
Dormitory	N
Halfway House	S, L(8)
Community Garden	P
Home Occupation	P
<i>Commercial Categories</i>	
Sales of products grown on site	P
Hostels	N
Hotels	N
Motels	N
Bed and Breakfast	L(1), S
Short-Term Rental, Commercial	S, L(9)

Retail Sales And Service	L(2), S
Convenience Store	S
Theaters (less than 1,000 Seats)	N
Restaurant or Bar	L(3), S
Drive-Through Facility	N
Professional Services and Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Auto and RV Sales	N
Laundry Facilities	N
Equestrian Facilities	P
Commercial Outdoor Recreation	S
Indoor Recreation	N
Major Event Entertainment	N
Commercial Parking Structures or Lots	N
Administrative or Research Facilities	S
Broadcasting or Production Studios	S
Temporary Uses	P
Temporary Special Event	P, L(7)

Said Section 9-5-2 is further amended by adding a new footnote L(9) in the legend under the use table for the Agricultural Residential (AR) District that shall read as follows:

L(9) = Short-Term Rental, Commercial uses are not eligible for consideration as a special use in an “AR neighborhood,” as that phrase is defined in section 9-15-18. Refer to section 9-15-28 for more information concerning Short-Term Rental, Commercial uses.

SECTION 4. Section 9-6-2 of the Code of Athens-Clarke County, Georgia, entitled “*Permitted uses*,” is hereby amended by moving “Home Occupation” in the use table for the Industrial (IN) District in a new row under “*Residential Categories*,” and adding the notation “L(1)” under the column “IN” for the same, adding the phrase “Short-Term Rental, Commercial,” in a new row under “*Commercial Categories*,” and adding the notation “L(1)” under the column “IN” for the same, so that the pertinent portions of the use table for the Industrial (IN) District now read as follows:

Zoning Districts	IN Institutional
<i>Residential Categories</i>	

Agriculture	N
Single Family Dwellings	L(1)
Accessory Dwelling Units	N
Dwellings Above Businesses	N
Duplexes	N
Personal care homes, individual	L(1)
Personal care homes, family	L(1)
Personal care homes, group	P
Personal care homes, congregate	P
Multi-Family Dwellings	L(1)
Class "A" Manufactured Homes	N
Class "B" Manufactured Homes	N
Boarding House, Rooming House	S, L(1)
Dormitory	S, L(1)
Halfway House	S, L(1)
Community Garden	P
Home Occupation	L(1)
<i>Commercial Categories</i>	
Sales of products grown on site	N
Hostels	N
Hotels	L(1)
Motels	L(1)
Bed and Breakfast	L(1)
Short-Term Rental, Commercial	L(1)
Retail Sales And Service	L(1)
Convenience Store	L(1)
Theaters (less than 1,000 seats)	L(1)
Restaurant or Bar	L(1)
Drive-Through Facility	L(1)
Professional Services and Office	L(1)
Quick Vehicle Servicing	N
Vehicle Repair	L(1)
Auto and RV Sales	N
Laundry Facilities	L(1)
Equestrian Facilities	L(1)
Commercial Outdoor Recreation	N
Indoor Recreation	L(1)
Major Event Entertainment	L(1)
Commercial Parking Structures or Lots	L(1)
Administrative or Research Facilities	L(1)

Broadcasting or production Studios	N
Temporary Uses	P
Temporary Special Event	P, L(2)
<i>Industrial Categories</i>	
Printing/Publishing	N
Bakeries	N
Bottling Plants	N
Manufacture of Non-Odiferous Foods	N
Feedlots or Slaughterhouses	N
Food Processing	N
Light Manufacturing	N
Heavy Manufacturing	N
Wholesale Sales	N
Wholesale Nurseries	N
Distribution Center	N
Outdoor Storage	L(1)
Wholesale Storage And Distribution	N
Self-Service Storage	N
Construction Materials Sales	N
Junk Yards and Auto Wrecking	N
Kennels	S
Veterinary Clinics	L(1)
Landfills, Commercial Incinerators, Transfer Stations	L(1)
Transfer Stations	L(1)
Sanitary Landfills, Commercial Incinerators	L(1)
Asphalt Plants	N
Mines, mining, surface mining, quarries, gravel pits, sand pits	N

Said Section 9-6-2 is further amended by adding a new sentence to the end of footnote L(1) in the legend below the use table for the Industrial (IN) District so that said footnote now reads as follows:

L(1) = Permitted support uses or structures owned or operated by, leased by or to, or otherwise controlled by, the institutional user, which directly provide service to the institution and its patrons, and when such support use or structure is physically integrated into the physical plan of this institution. This provision shall include, but not be limited to leasing of office space by a hospital

or health care facility to independent physicians or other health care providers. Residential uses must be owned or operated by the institutional user with a primary use other than residential. Refer to section 9-15-19 for regulations governing personal care homes. Refer to section 9-15-21 for more information concerning halfway houses. Refer to section 9-15-28 for more information concerning Short-Term Rentals.

SECTION 5. Section 9-7-2 of the Code of Athens-Clarke County, Georgia, entitled “*Permitted uses*,” is hereby amended by moving “Home Occupation” in the use table for the Single-Family Residential (RS) Districts in a new row under “*Residential Categories*,” and adding the notation “P” under the columns “RS-40,” “RS-25,” “RS-15,” “RS-8,” and “RS-5” for the same, adding the phrase “Short-Term Rental, Commercial,” in a new row under “*Commercial Categories*,” and adding the notation “N” under the columns “RS-40,” “RS-25,” “RS-15,” “RS-8,” and “RS-5” for the same, so that the pertinent portions of the use table for the Single-Family Residential (RS) Districts now read as follows:

Zoning Districts	RS-40	RS-25	RS-15	RS-8	RS-5
<i>Residential Categories</i>					
Agriculture	P, L(1)	P, L(1)	N	N	N
Single-Family Dwellings	P	P	P	P	P
Accessory Dwelling Units	N	N	N	N	N
Dwellings Above Businesses	N	N	N	N	N
Duplexes	N	N	N	N	N
Personal care homes, individual	S, L(6)				
Personal care homes, family	N	N	N	N	N
Personal care homes, group	N	N	N	N	N
Personal care homes, congregate	N	N	N	N	N
Multifamily Dwellings	N	N	N	L(2)	L(3)
Class "A" Manufactured Homes	L(4)	L(4)	L(4)	L(4)	L(4)
Class "B" Manufactured Homes	N	N	N	N	N
Boarding House or Rooming House	N	N	N	N	N
Dormitory	N	N	N	N	N
Halfway House	N	N	N	N	N
Community Garden	P	P	P	P	P
Home Occupation	P	P	P	P	P
<i>Commercial Categories</i>					
Sales of products grown on site	N	N	N	N	N
Hostels	N	N	N	N	N
Hotels	N	N	N	N	N
Motels	N	N	N	N	N
Bed and Breakfast	N	N	N	N	N
Short-Term Rental, Commercial	N	N	N	N	N
Retail Sales And Service	N	N	N	N	N

Convenience Store	N	N	N	N	N
Theaters (less than 1,000 seats)	N	N	N	N	N
Restaurant or Bar	N	N	N	N	N
Drive-Through Facility	N	N	N	N	N
Professional Services and Office	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
Auto and RV Sales	N	N	N	N	N
Laundry Facilities	N	N	N	N	N
Equestrian Facilities	N	N	N	N	N
Commercial Outdoor Recreation	S	S	S	S	S
Indoor Recreation	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N
Commercial Parking Structures or Lots	N	N	N	N	N
Administrative or Research Facilities	N	N	N	N	N
Broadcasting or production Studios	N	N	N	N	N
Temporary Uses	S	S	S	S	S
Temporary Special Event	N	N	N	N	N

SECTION 6. Section 9-8-2 of the Code of Athens-Clarke County, Georgia, entitled “*Permitted uses*,” is hereby amended by moving “Home Occupation” in the use table for the Mixed Density Residential (RM) Districts in a new row under “*Residential Categories*,” and adding the notation “P” under the columns “RM-1,” “RM-2,” and “RM-3” for the same, adding the phrase “Short-Term Rental, Commercial,” in a new row under “*Commercial Categories*,” and adding the notation “S” under the columns “RM-1,” “RM-2,” and “RM-3” for the same, so that the pertinent portions of the use table for the Mixed Density Residential (RM) Districts now read as follows:

Zoning Districts	RM-1	RM-2	RM-3
<i>Residential Categories</i>			
Agriculture	N	N	N
Single-Family Dwellings	P	P	P
Accessory Dwelling Units	L(7)	L (7)	L(7)
Dwellings Above Businesses	P	P	P
Duplexes	P	P	P
Personal care homes, individual	P, L(6)	P, L(6)	P, L(6)
Personal care homes, family	P, L(6)	P, L(6)	P, L(6)
Personal care homes, group	S, L(6)	S, L(6)	S, L(6)
Personal care homes, congregate	S, L(6)	S, L(6)	S, L(6)
Multifamily Dwellings	P	P	P
Class "A" Manufactured Homes	L(1)	L(1)	L(1)
Class "B" Manufactured Homes	L(2)	L(2)	L(2)

Boarding House, Rooming House	S	S	S
Dormitory	S	S	S
Halfway House	S, L(8)	S, L(8)	S, L(8)
Community Garden	P	P	P
Home Occupation	P	P	P
<i>Commercial Categories</i>			
Sales of products grown on site	N	N	N
Hostels	N	P	P
Hotels	N	N	N
Motels	N	N	N
Bed and Breakfast	L(3)	L(4)	L(4)
Short-Term Rental, Commercial	S	S	S
Retail Sales And Service	S	S	S
Convenience Store	S	S	S
Theaters (less than 1,000 seats)	N	N	N
Restaurant or Bar	S	S	S
Drive-Through Facility	N	N	N
Professional Services and Office	L(5)	L(5)	L(5)
Quick Vehicle Servicing	N	N	N
Zoning Districts	RM-1	RM-2	RM-3
Vehicle Repair	N	N	N
Auto and RV Sales	N	N	N
Laundry Facilities	L(5)	L(5)	L(5)
Equestrian Facilities	N	N	N
Commercial Outdoor Recreation	S	S	S
Indoor Recreation	N	N	N
Major Event Entertainment	N	N	N
Commercial Parking Structures or Lots	N	N	N
Administrative or Research Facilities	S	S	S
Broadcasting or production Studios	S	S	S
Temporary Uses	P	P	P
Temporary Special Event	N	N	N

SECTION 7. Section 9-10-2 of the Code of Athens-Clarke County, Georgia, entitled “*Permitted uses*,” is hereby amended by moving “Home Occupation” in the use table for the Commercial (C) Districts in a new row under “*Residential Categories*,” and adding the notation “P” under the columns “C-G,” “C-D,” “C-O,” “C-N,” and “C-R” for the same, adding the phrase “Short-Term Rental, Commercial,” in a new row under “*Commercial Categories*,” and adding the notation “P” under the columns “C-G,” “C-D,” “C-O,” “C-N,” and “C-R” for the same, so that the pertinent portions of the use table for the Commercial (C) Districts now read as follows:

Commercial Zoning Districts	C-G General	C-D Downtown	C-O Office	C-N Neighborhood	C-R Rural

<i>Residential Categories</i>					
Agriculture	N	N	N	N	P
Single-Family Dwellings	S, L(11)				
Accessory Dwelling Units	S	S	N	S	S
Dwellings Above or Below Businesses	P, L(1)				
Duplexes	N	N	N	N	N
Personal care homes, individual	S, L(12)				
Personal care homes, family	S, L(12)				
Personal care homes, group	P, L(12)				
Personal care homes, congregate	P, L(12)				
Multifamily Dwellings	P, L(1)				
Class "A" Manufactured Homes	N	N	N	N	P, L(10)
Class "B" Manufactured Homes	N	N	N	N	N
Boarding House, Rooming House	S	S	S, L(13)	S	S
Dormitory	S	S	S, L(13)	S	S
Halfway House	S, L(15)				
Community Garden	P	P	P	P	P
Home Occupation	P	P	P	P	P
<i>Commercial Categories</i>					

Sales of products grown on site	N	N	N	N	P
Hostels	P	P	P	P	P
Hotels	P	P	N	L(4)	N
Motels	P	N	N	N	N
Bed and Breakfast	P	P	P	P	P
Short-Term Rental, Commercial	P	P	P	P	P
Retail Sales and Service	P	P	L(2)	L(3)	L(4)
Convenience Store	P, L(8)	S	S	P, L(8)	P, L(8)
Theaters (less than 1,000 seats)	P	P	N	N	N
Restaurant or Bar	P	P, L(16)	N	P	P
<i>Commercial Categories</i>					
Drive-Through Facility	P, L(7)	N	N	S, L(7)	N
Professional Services and Office	P	P	L(4)	L(3)	L(4)
Quick Vehicle Servicing	P	N	N	N	N
Vehicle Repair	P	P	N	P, L(2)	P
Auto and RV Sales	P, L(8)	N	N	N	N
Laundry Facilities	P, L(8)	P	S	P, L(8)	P
Equestrian Facilities	N	N	N	N	P
Commercial Outdoor Recreation	S	N	N	N	P
Indoor Recreation	P	P	N	N	N

Major Event Entertainment	S	S	N	N	S
Commercial Parking Structures or Lots	S	S, L(5)	N	N	N
Administrative or Research Facilities	P	P	P	L(4)	L(4)
Broadcasting or production Studios	P	P	N	P	P
Temporary Uses	P	P	P	P	P
Temporary Special Event	P, L(14)	P, L(14)	N	N	P, L(14)

SECTION 8. Section 9-11-2 of the Code of Athens-Clarke County, Georgia, entitled “*Permitted uses*,” is hereby amended by amending the row entitled “Boarding House or Rooming House” under the column entitled “*Residential Categories*” in the use table for Employment and Industrial (E, I) Districts by changing the notation under the column “E-O” to “L(3),” and changing the notation under the column “E-I” to “S, L(3);” by amending the row entitled “Dormitory” under the column entitled “*Residential Categories*” by changing the notation under the column “E-O” to “L(3),” and changing the notation under the column “E-I” to “S, L(3);” by moving “Home Occupation” in the use table to a new row under “*Residential Categories*,” and adding the notation “P” under the column “E-O” and the notation “N” under the columns “E-I” and “I” for the same; and by adding the phrase “Short-Term Rental, Commercial,” in a new row under “*Commercial Categories*,” and adding the notation “P” under the column “E-O,” the notation “S” under the column “E-I,” and the notation “N” under the column “I” for the same, so that the pertinent portions of the use table for the Employment and Industrial (E, I) Districts now read as follows:

Zoning Categories	E-O Employment Office	E-I Employment Industrial	I Industrial
<i>Residential Categories</i>			
Agriculture	L(4)	L(4)	L(4)
Single Family Dwellings	L(3)	N	N
Accessory Dwelling Units	L(7)	N	N
Dwellings Above Businesses	N	N	N

Duplexes	P, L(3)	N	N
Personal care homes	N	N	N
Multifamily Dwellings	L(3)	N	N
Class "A" Manufactured Homes	L(3)	N	N
Class "B" Manufactured Homes	N	N	N
Boarding House or Rooming House	L(3)	S, L(3)	N
Dormitory	L(3)	S, L(3)	N
Halfway House	N	N	N
Community Garden	P	P	P
Home Occupation	P	N	N
<i>Commercial Categories</i>			
Sale of products grown on site	N	N	N
Hostels	N	N	N
Hotels	P	P	N
Motels	P	P	N
Bed and Breakfast	P	P	N
Short-Term Rental, Commercial	P	S	N
Retail Sales And Service	L(1)	L(1)	L(1)
Convenience Store	P	P	S
Theaters (less than 1,000 seats)	N	N	N
Restaurant or Bar	L(1)	L(1)	L(1)
Drive-Through Facility	P	P	P
Professional Services and Office	P	P	P
Quick Vehicle Servicing	P	P	P
Vehicle Repair	P	P	P
Auto and RV Sales	P, L(5)	P, L(5)	P, L(5)
Laundry Facilities	P	P	P
Equestrian Facilities	N	N	N
Commercial Outdoor Recreation	N	P, L(6)	P, L(6)
Indoor Recreation	P	P	N

Major Event Entertainment	S	N	N
Commercial Parking Structures or Lots	P	P	P
Administrative or Research Facilities	P	P	P
Broadcasting or production Studios	P	P	P
Temporary Uses	P	P	P
Temporary Special Event	N	P, L(8)	P, L(8)

SECTION 9. Section 9-15-16 of the Code of Athens-Clarke County, Georgia, entitled “*Home occupations*,” is hereby amended by deleting the entire code section in its entirety and replacing it with the following:

Sec. 9-15-16. Home occupations.

The purpose of this section is to permit minimal business practices while maintaining residential character. Such business practices shall not be readily discernible from those activities typically occurring at a solely domestic residence. The following provisions shall apply to home occupations:

- A. *Dwelling.* The occupation carried on within the dwelling unit shall be restricted to the heated floor space and shall not occupy an excess of twenty-five percent (25%) of the heated floor space within the structure unless otherwise noted below. The occupation shall be conducted entirely within the dwelling.
- B. *Restriction on sales.* The occupation shall not involve direct sales on the premises, except in the case of sales which are customarily accessory and incidental to a provided service home occupation. Mail order, on-line sales, or home marketing services with off-premise sales are allowable.
- C. *Employees.* The occupation shall be conducted by those who are living in the residence. Provided, however, that a maximum of one non-resident employee may work on the premises.
- D. *External display of products.* There shall be no external display of products or storage of equipment or any other externally visible evidence whatsoever of the occupation, business or profession.
- E. *Signage.* There shall be no signs on the property advertising the home occupation, except for those on a business-related vehicle.
- F. *Nuisance.* There shall be no emission of smoke, dust, odor, fumes, glare,

noise, vibration, electrical or electronic disturbance detectable at the lot line or beyond exceeding a normal residential level.

- G. *Prohibited equipment and materials.* There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence. This includes any chemicals and pharmaceuticals of a type or in volumes not normally found in a domestic residence without a home occupation.
- H. *Parking and business-related vehicles (vehicles either marked or equipped commercially).* No on-street parking of business-related vehicles, including occupants of an STR, shall be permitted at any time. No business-related vehicles larger than a van, panel truck, or pickup truck shall be permitted to park overnight on the premises. The number of business-related vehicles on the premises shall be limited to one, except as otherwise specifically permitted in section 9-15-28(a)(5). No repair or detailing of vehicles owned by non-residents shall be done on the premises.
- I. *Sale of garden produce.* The above-listed requirements of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises within the AR (Agricultural/Residential) District, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of such produce.
- J. *Animals.* Except as specifically permitted herein, activities involving live or dead animals, including without limitation kennels, pet sitting or boarding, animal breeding, butchering, and taxidermy are prohibited.
- K. *Medical practice.* No medical practice required to obtain a medical license by the State of Georgia shall be permitted.
- L. *Food service.* No food service regulated by the Department of Health shall be permitted.
- M. *Definition of "on the premises."* "On the premises," except as otherwise specifically permitted herein, and as it pertains to home occupations, shall be defined as the actual dwelling structure plus the lot on which such structure is located.
- N. *Permitted home occupations.* Home occupations shall be permitted by staff upon determination that all above criteria have been met.
- O. *Permitted home occupations with limitations or exceptions to specific criteria.* The following specific home occupations are allowed subject, how-

ever, to the below-prescribed limitations or exceptions to the general provisions of this section:

1. In-home daycare for no more than six individuals under care at a time, excluding the family members of the resident caregiver, with the allowance to occupy a maximum of fifty percent (50%) of the heated floor space within the structure and for outdoor recreational activity.
2. Tutoring of all types for no more than four (4) pupils at one time.
3. Musician's and artist's studio, which may have equipment other than that normally found in a purely domestic residence.
4. Barber and beauty shops. The business shall consist of no more than one (1) beauty/barber chair, and no more than two (2) customers shall be permitted at one time.
5. Cottage food industry with proof of license from the Georgia Department of Agriculture.
6. Animal grooming. No more than two (2) non-resident animals shall be permitted on the premises at one time. No non-resident animals shall be kept overnight.
7. Short-term rental, home occupation. Either the principal residential structure or an accessory structure can be utilized as a short-term rental; however, only one structure on the same parcel may be utilized as a short-term rental at any given time. In either case, a portion of the structure or the entirety of the structure can be utilized as a short-term rental, notwithstanding the default limitation that home occupations must only utilize twenty-five percent (25%) of the dwelling.

P. *Planning Department approval.* It shall be unlawful for a person to operate a home occupation without first obtaining a home occupation permit. A proposed home occupation shall be reviewed and approved by the Planning Department per the standards of this section at the time of the issuance of a business occupation tax certificate. For those home occupations not specifically allowed or prohibited by this section, the planning director may, per the authority granted by Chapter 9-4 of this title, determine whether the proposed home occupation meets the standards of this section.

Q. *Permission of property owner.* An applicant shall be either the property owner of record of the premises on which the home occupation shall be located and the property must serve as their primary residence or a resident

who shall have obtained written permission from such property owner, which shall be submitted with the application.

- R. *State or federal compliance.* Home occupations shall comply with the more stringent standards and requirements of all applicable local, state, and federal laws.
- S. *Parking.* Adequate off-street parking must be provided for the residents, employees, and business visitors.

SECTION 10. Chapter 9-15 of the Code of Athens-Clarke County, Georgia, entitled “*General Regulations*,” is hereby amended by adding a new Section 9-15-28 thereto, which shall be entitled “*Short-Term Rentals*,” and which shall read as follows:

Sec. 9-15-28. Short-Term Rentals.

(a) The following standards shall apply to all Commercial Short-Term Rentals (STRs):

(1) The business owner shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the Short-Term Rental.

(2) A business owner must provide the name, address, and phone number for the managing agent or local contact to all property owners within 300 feet of the property boundary. The business owner shall provide certified mailed notice to all property owners within three-hundred feet of the property boundary within ten (10) days of a change in the managing agent or local contact’s information.

(3) A business owner must disclose in writing to the renters of an STR the following information:

(A) The managing agent or local contact’s name, address, and phone number.

(B) The maximum number of guests allowed at the property as determined by the appropriate officials of the State of Georgia or Athens-Clarke County, such as the Fire Marshal or Chief Building Official.

(C) The maximum number of vehicles allowed at the property and where they are to be parked.

(D) Applicable provisions of the Code of Athens-Clarke County, Georgia, governing noise and parking.

(4) Additional occupancy by use of recreational vehicles, tents, or accessory structures is not permitted, except at legally permitted accessory dwelling units or guest houses.

(5) There shall be a maximum of one car per bedroom plus two additional spaces for management and/or guest parking. Vehicles shall be located outside of any and all easements, and shall not encroach on any public or private streets, right-of-way, or sidewalks.

(b) The following shall apply to all Short-Term Rentals (STRs) and the status of an STR as a conforming or a legal non-conforming use:

(1) If an STR is permitted outright in a certain zoning district and meets all applicable code standards, it shall be considered a conforming use.

(2) If an STR is allowed as a special use in a certain zoning district, it shall be considered a conforming use if a special use permit has been issued, and shall remain a conforming use for so long as the special use permit is not expired, terminated, or revoked.

(3) If the STR is a home occupation STR and has a valid home occupation permit, it shall be considered a conforming use for so long as the home occupation permit is valid. For the purposes of home occupation STRs, there shall be a presumption that the home occupation permit is no longer valid if the premises has not been rented as an STR for a period of twelve (12) consecutive months or longer.

(4) Any other STR shall be considered a legal non-conforming STR, if the STR satisfies one of the two following conditions:

(A) As soon as practicable after the effective date of this section 9-15-28, the Unified Government of Athens-Clarke County shall develop a list of properties identified as having operated as an STR at some point during the twelve (12) months prior to September 19, 2023. For the purposes of this section 9-15-28, this list shall be known as the "Legal Non-Conforming STR List." Once finalized, the Legal Non-Conforming STR List shall be published on the official website of the Unified Government of Athens-Clarke County and shall be available to the public in the office of the Athens-Clarke County Planning Department during normal business hours. The parcels listed on the Legal Non-Conforming STR List will be deemed to be legal non-conforming upon publication of the Legal Non-Conforming STR List (or upon addition thereto as described elsewhere in this code section) and may continue said use until such

time that the legal non-conforming use becomes null and void as described elsewhere in this code section.

(B) Property owners whose parcels are not identified on the Legal Non-Conforming STR List and who wish to be considered for addition on said list shall have six (6) months from the publication date of the Legal Non-Conforming STR List to submit an application with documentation to the Athens-Clarke County Planning Department verifying use of their parcel as an STR during the appropriate time period. The Athens-Clarke County Planning Director shall have the authority to develop and issue standard forms and instructions for such applications. These applications will be reviewed by the Planning Department to determine whether the submitted documents substantiate that the parcel was used as an STR during the twelve (12) months prior to September 19, 2023. Staff of the Planning Department may seek assistance from the Athens-Clarke County Attorney's Office for the review of any such applications. After review, the Planning Department shall issue a written determination to the property owner(s) concerning whether the parcel will be included on the Legal Non-Conforming STR List. If the Planning Department determines that a parcel is appropriate for inclusion on the Legal Non-Conforming STR List, it will be added thereto and considered a legal non-conforming use. Any property owner dissatisfied with the written determination of the Planning Department shall have the right to appeal the determination in the same manner as described in section 9-4-8 for staff permit decisions.

(5) The following shall apply to all legal non-conforming STR uses described in this code section:

(A) In the event of the sale or other conveyance of the parcel at any time after the effective date of this section 9-15-28, the legal non-conforming use shall be null and void.

(B) In the event of the abandonment of the use for twelve (12) consecutive months, the legal non-conforming use shall be null and void.

(C) Any business entity owning a parcel with an STR use shall list the names and addresses of the stockholders, unit holders, partners, members, or other such persons with an ownership interest in the business entity. Any change in thirty percent (30%) or more in the ownership of the voting stock of the corporation owning a parcel with a legal non-conforming STR use shall constitute a conveyance for the purposes of this code section. For partnerships, limited part-

nerships, limited liability partnerships, and limited liability companies, any transaction in which thirty percent (30%) or more of an the ownership or equity interest in the business entity owning a parcel with a legal non-conforming STR use is transferred from one person or group of persons to another person or group of persons so that control in interest of the grantee is transferred or assigned to another person or group of persons shall constitute a conveyance for the purposes of this code section. This provision shall not apply if a business entity's corporate stock or other ownership interest is listed on the stock exchange or available for over-the-counter sales and subject to regulation by federal and state securities laws.

(D) Any change in a beneficial interest in a trust owning a parcel with a legal non-conforming STR use shall constitute a conveyance for the purposes of this code section.

(E) Unless otherwise considered null and void because of another event described in this code section, the legal non-conforming status of an identified STR use that is included on the final Legal Non-Conforming STR List shall be permitted to continue for a period of twenty-four (24) months, as measured from the date that the final parcel was added to the list (if any), after which time all legal non-conforming STR uses shall be null and void.

(c) It is the express intent of the Mayor and Commission of Athens-Clarke County that the provisions of this code section shall be severable, as further described in section 1-1-4 of the Code of Athens-Clarke County, Georgia.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed. No conflict is intended with the Ordinance of 12-3-2023, entitled "AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO STORAGE AND WAREHOUSE USES IN THE ZONING ORDINANCE OF ATHENS-CLARKE COUNTY, GEORGIA; AND FOR OTHER PURPOSES." That ordinance, which is not yet codified, made changes to the same use tables modified by this Ordinance.

SECTION 12. The provisions of this Ordinance are severable, and should any part of this Ordinance be deemed by the final decision of a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

SECTION 13. The Clerk of Commission is authorized, in consultation with the Athens-Clarke County Attorney, to correct any scrivener's errors that may be found in this Ordinance after the adoption and approval hereof.

SECTION 14. This Ordinance shall become effective once approved by the Mayor or as otherwise set forth in Section 2-204 of the Charter of the Unified Government of Athens-Clarke County, Georgia.