

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **OPERATION OF 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) On February 6, 2024, the Commission of Athens-Clarke County adopted an ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO SHORT-TERM RENTALS; AND FOR OTHER PURPOSES,” commonly referred to as the “Short-Term Rental Ordinance.” The Short-Term Rental Ordinance was approved by the Mayor of Athens-Clarke County on that same date.

(b) 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.

(c) The Short-Term Rental Ordinance made numerous changes to the Zoning Ordinance pertaining to so-called “short-term rentals,” as that term is described in the Short-Term Rental Ordinance.

(d) It is the intent of the Commission of Athens-Clarke County to amend the Zoning Ordinance to further refine and clarify the regulation and use of short-term rentals in certain zoning districts. As part of these amendments, the Commission of Athens-Clarke County desires to clarify these regulations to define how many short-term rentals may be operated in places such as condominium complexes.

(e) It is also the intent of the Commission of Athens-Clarke County to amend the Zoning Ordinance to change the provisions related to the so-called “sunset” of legal non-conforming short-term rental uses from twenty-four (24) months to sixty (60) months and to provide an administrative process for those persons seeking an extension of this so-called “sunset.”

(f) To effectuate the amendments described in Section 1(d) and (e) above, the Commission of Athens-Clarke County hereby makes substantive changes to the text of Section 9-15-28 of the Code of Athens-Clarke County, Georgia, which first became effective on February 6, 2024, and enacts an entirely new Section 9-15-29 of the Code of Athens-Clarke County, Georgia.

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

SECTION 2. Section 9-15-28 of the Code of Athens-Clarke County, Georgia, entitled “*Short-term rentals*,” is hereby amended by deleting the present language of the code section and replacing it as follows:

Sec. 9-15-28. – Short-term rentals.

(a) *Standards for commercial STRs.* 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) Except as specifically set forth in (b)(2) of this code section, all business owners must provide written notice of the name, address, and phone number for the managing agent or local contact to neighboring parcels in accordance with this paragraph. The business owner must provide the written notice to the following property owners within 300 feet of the boundary of the parcel being used as an STR: (A) all adjoining parcels; and (B) any parcels located across a street that adjoins the parcel being used as an STR, if said parcels also adjoin that street. A business owner must also comply with these notice provisions 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 as legally permitted accessory dwelling units or guest houses.

(5) Parking for commercial STRs must meet all applicable standards of section 9-30-2 of the Code of Athens-Clarke County, Georgia.

(b) *Additional standards in certain zoning districts.* The following standards shall apply only in the RM-1 (Mixed Density Residential), RM-2 (Mixed Density Residential), and RM-3 (Mixed Density Residential), C-G (Commercial-General), C-D (Commercial-Downtown), C-O (Commercial-Office), C-N (Commercial-Neighborhood), and C-R (Commercial-Rural), E-O (Employment-Office), and E-I (Employment-Industrial) zoning districts:

- (1) When applied to short-term rentals in these zoning districts, the word “parcel” shall be construed to mean a tax parcel identified on the Official Tax Map of Athens-Clarke County, Georgia, as it may from time-to-time be amended.
- (2) The notice requirements of subsection (a)(2) of this code section shall not apply to a commercial short-term rental within a condominium complex or townhouse fee-simple dwelling complex. Instead, a business owner must provide written notice of the name, address, and phone number for the managing agent or local contact to the owner or occupants of all dwelling units sharing a common wall or a common floor/ceiling with the condominium or townhouse unit being utilized for a short-term rental and to the homeowners’ association, condominium association, townhouse association, or similar entity for the complex. A business owner must also comply with these notice provisions within ten (10) days of a change in the managing agent or local contact’s information.

(c) *Conforming and legal non-conforming STR uses.* 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 (including securing all required permits and approvals), it shall be considered a conforming use.
- (2) If an STR is approved as a special use in a certain zoning district, it shall be considered a conforming use if all necessary permits have been issued and the STR is operated in accordance with such permits. It 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 partnerships, 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 sixty (60) months, as measured from March 1, 2025 (i.e., the date of publication for the final Legal Non-Conforming STR List), after which time all legal non-conforming STR uses shall be null and void. An extension of this sixty-month

time period may be granted on an individual basis in accordance with the provisions of section 9-15-29.

(d) *Authority of Planning Director.* The Athens-Clarke County Planning Director is hereby authorized to develop and issue standard forms and instructions to effectuate the purposes of this code section.

(e) *Effective date.* The effective date of this code section is February 6, 2024, which is the day it was first adopted by the Commission of Athens-Clarke County and approved by the Mayor of Athens-Clarke County.

(e) *Severability.* 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 2. Chapter 9-15 of the Code of Athens-Clarke County, Georgia, entitled “*General Regulations*,” is hereby amended by adding a new Section 9-15-29 thereto, which shall be entitled “*Extension of time for legal non-conforming short-term rentals*,” and which shall read as follows:

Sec. 9-15-29. – Extension of time for legal non-conforming short-term rentals.

(a) *Intent and purpose.* It is the intention of the Mayor and Commission of Athens-Clarke County that this code section shall provide the method of relief for those persons or entities owning a legal non-conforming short-term rental and who claim that the sixty-month period to operate a legal non-conforming STR described in section 9-15-28—hereinafter referred to as the “sunset period” in this code section—is not sufficient for such persons or entities to recoup any demonstrated investment in the short-term rental.

(b) *Extension of sunset period; when permitted.* Any property owner whose parcel is identified on the Legal Non-Conforming STR List described in section 9-15-28 may submit an application for an extension of the sunset period to operate the property owner’s legal non-conforming STR. The sunset period may be extended beyond sixty (60) months only where the property owner demonstrates—using the methodology described elsewhere in this code section—that the property owner cannot feasibly recoup the property owner’s investment in the STR during the sunset period. The sunset period shall not be extended beyond the number of months necessary for a property owner to feasibly recoup the investment in a STR.

(c) *Application for extension.* A property owner must submit a full, complete application for the extension of the sunset period to the Athens-Clarke County Planning Department no later than one hundred and eighty (180) days before the expiration of the sunset period, but no earlier than before the expiration of the first twenty-four (24) months of the sunset period. If the last day to submit an

application falls on a Saturday, Sunday, or an official holiday recognized by the Unified Government of Athens-Clarke County, Georgia, then a property owner may submit a full, complete application on the next business day. Failure to submit a full, complete application by the deadline set forth herein shall result in a denial of the application.

(d) *Authority of Planning Director.* The Athens-Clarke County Planning Director shall be authorized to adopt standard forms and written policies to implement this code section. All such forms and policies must accord with this code section and must not be otherwise arbitrary or capricious.

(e) *Methodology.* An extension of the sunset period may only occur where a property owner can demonstrate by a preponderance of the evidence that a property owner has not yet recouped the property owner's investment in a STR and will be unable to do so within the sunset period. This subsection provides the standard methodology for determining whether a property owner is entitled to an extension of the sunset period.

- (1) This methodology requires certain information and documentation from property owners concerning the following: (A) the date, month, and year that property owner acquired the applicable parcel and the acquisition cost of the parcel; (B) description and cost of renovations and capital improvements to the parcel after purchase, which are directly related to the STR use; (C) the cost of furnishings, fixtures, and equipment, also known as "FF&E," for the STR use; (D) gross income derived from operation of the short-term rental; and (E) operating expenses of the short-term rental (e.g., maintenance & repair, marketing & advertising costs, fees paid to third-party STR platforms, and supplies for the STR). An application may be denied if a property owner does not submit sufficient information or documentation.
- (2) In short, the formula for determining whether an extension of the sunset period is appropriate may be summarily expressed as follows:

$$\text{Years of relief} = \text{implied STR in-service payback period based on investment} - \text{years parcel has been used as an STR}$$

The methodology to determine whether an extension of the sunset period is appropriate shall be comprised of several steps, which are described as follows:

- (i) *Step 1:* Determine the cash flow after debt service trend and then reconcile a stabilized cash flow after debt service, which shall be known as the

“Reconciled Cash Flow After Debt Service” for the purposes of this methodology.

- (ii) *Step 2:* Determine the purchase price that the property owner paid for the applicable parcel. This shall be known as the “Acquisition Price” for the purposes of this methodology.
- (iii) *Step 3:* Determine the property owner’s equity basis in the purchase of the applicable parcel (i.e., the down payment at purchase). For the purposes of this methodology, this shall be known as the “Equity Basis.”
- (iv) *Step 4:* Based upon the date that the owner acquired the applicable parcel, determine the number of years the property owner has owned the parcel at issue. The figure will be rounded down to the nearest half-year, and shall be known as the “Rounded Years Owned” for the purposes of this methodology.
- (v) *Step 5:* Determine the annual compounding rate for the appreciation of **the subject parcel**, which may be referred to as the “Rate of Appreciation” for the purposes of this methodology. **Reliable information specific to the subject parcel may be used to determine the Rate of Appreciation. If reliable information specific to the subject parcel is not available, the Rate of Appreciation may be determined from the** properties in the immediate area or neighborhood for the **parcel** at issue ~~will be used. , which may be referred to as the “Rate of Appreciation” for the purposes of this methodology.~~
- (vi) *Step 6:* Determine the value of the parcel only, which shall be determined as of the effective date of an analysis utilizing the methodology described herein. This shall be known as the “Value of the Parcel Only as of Effective Date” and which shall be determined as expressed in the following equation:

$$\begin{aligned} & \text{Value of the Parcel Only as of the Effective Date} \\ &= \text{acquisition price} \times (1 + \text{Rate of Appreciation})^{\text{Rounded Years Owned}} \end{aligned}$$

- (vii) *Step 7:* Determine the closing costs for the acquisition of the applicable parcel. For the purposes of this methodology, the closing costs will be estimated as four percent (4%) of the acquisition price, unless the property owner presents true, accurate, and verifiable documentation supporting a different percentage or amount. For the purposes of this methodology, this shall be known as “Closing Costs.”
- (viii) *Step 8:* Determine any renovations and capital expenditures since acquisition that are related to the applicable parcel’s use as an STR. For the purposes of this methodology, this shall be known as “Capital Expenditures.”
- (ix) *Step 9:* Determine the depreciated value of furniture, fixtures, and equipment associated with the STR. The manner of depreciation shall be straight-line with a ten (10) year economic life. For the purposes of this methodology, this shall be known as “Depreciated FF&E.”
- (x) *Step 10:* As of the effective date of the analysis, determine the “Total Cost Basis With Real Estate Appreciation,” which shall be determined as expressed in the following equation:

$$\begin{aligned} & \textit{Total Cost Basis With Real Estate Appreciation} \\ &= \textit{Equity Basis} + \textit{Closing Costs} + \textit{Capital} \\ & \textit{Expenditures} + \textit{Depreciated FF\&E} + (\textit{Value of} \\ & \textit{the Real Estate Only as of Effective Date} - \\ & \textit{Acquisition Price}) \end{aligned}$$

- (xi) *Step 11:* Determine the relationship between the Reconciled Cash Flow After Debt Service and the Total Cost Basis With Real Estate Appreciation. For the purposes of this methodology, this shall be known as the “Implied Stabilized Yield,” and it shall be determined as expressed in the following equation:

$$\textit{Implied Stabilized Yield} = \textit{Reconciled Cash Flow After Debt Service} \div \textit{Total Cost Basis With Real Estate Appreciation}$$

- (xii) *Step 12:* Determine the “Implied Payback Period Relative to the Acquisition Date”, which is the inverse of the Implied Stabilized Yield. This can be determined by dividing the number 1 by the Implied Stabilized Yield as expressed in the following equation:

$$\text{Implied Payback Period Relative to the Acquisition Date} = 1 \div \text{Implied Stabilized Yield}$$

- (xiii) *Step 13:* Determine the number of years that the property owner *has not* utilized the parcel as an STR during the period of time that the property owner has owned the applicable parcel. This number will be rounded down to the nearest half-year, and shall be known as the “Non-Utilization Period” for the purposes of this methodology.
- (xiv) *Step 14:* Determine the “Implied Payback Period Relative to Years Used as an STR”, which is the difference between the total number of years that the property owner has owned the applicable parcel and the Non-Utilization Period.
- (xv) *Step 15:* Determine the number of years that the applicable parcel has been used as an STR. This will be rounded down to the nearest half-year, and for the purposes of this methodology, shall be known as the “Utilization Period.”
- (xvi) *Step 16:* Determine the years remaining to recoup the property owner’s investment in the applicable parcel. This shall be calculated by subtracting the Implied Payback Period Relative to Years Used as an STR from the Utilization Period. This number shall be rounded up to the nearest half-year, and for the purposes of this methodology, it shall be known as “Years Remaining to Recoup Investment.”
- (xvii) Utilizing this methodology, if the years remaining to recoup the property owner’s investment exceed the number of years remaining in the sunset period, then the sunset period may be extended as described in the equation below.

$$\text{Sunset Period Extension} = \text{Years Remaining to Recoup Investment} - \text{Years Remaining in Sunset Period}$$

The sunset period must not be extended beyond the period of time necessary for a property owner to recoup the investment in a short-term rental as calculated by this methodology, said period of time being rounded to the nearest number of months.

- (3) This standard methodology has been developed with the intent to address almost all situations involving an extension of the sunset period for STRs, and this is the methodology that should generally be used to determine whether an extension, if any, is warranted. Deviations from this standard methodology may only occur under very limited circumstances where it is established, based upon competent evidence, that a particular application presents unique circumstances not otherwise contemplated by this standard methodology.

(f) *Written determination; notice to property owner.* Upon receipt of an application for an extension of the sunset period, the Planning Department shall utilize the methodology described in this code section to determine whether an extension of the sunset period is warranted. While performing its analysis, the Planning Department may request additional or supplemental information from the property owner or conduct any audits necessary or appropriate to verify the information in the application. Once the Planning Department has completed its analysis, the Planning Department shall issue a written determination to the property owner. The Planning Department may mail or hand-deliver the written determination to the property owner or send the written determination to an e-mail address designated by the property owner on the application. The written determination must contain, at a minimum, the following information:

- (1) Whether, based upon the information presented in the application, the property owner is entitled to an extension of the sunset period;
- (2) If the property owner is entitled to an extension of the sunset period, the number of months for such extension;
- (3) The Planning Department's calculation, based upon the methodology described elsewhere in this code section; and
- (4) The date that the Planning Department mailed or otherwise delivered the written decision to the property owner.

(g) *Request for appeal.* If the property owner is dissatisfied with the written determination of the Planning Department, the property owner may request an appeal hearing before the Administrative Hearing Officer of Athens-Clarke County (“AHO”) as follows:

- (1) The hearing request must be in writing, signed by the property owner or the property owner’s authorized representative, and specifically state the alleged grounds or errors for which the property owner is submitting the appeal.
- (2) The property owner must submit the written hearing request to the Planning Department no later than fourteen (14) calendar days after the date of mailing or delivery of the Planning Department’s written decision. The date of mailing or delivery shown on the written decision shall constitute prima facie evidence of the date that the decision was actually mailed or delivered.

Upon receipt of a written hearing request from a property owner, the Planning Department shall timely submit the written hearing request to the AHO, along with a copy of the Planning Department’s written determination.

(h) *Appeal hearing.* Upon receipt of a written hearing request from the Athens-Clarke County Planning Department, the AHO shall conduct an appeal hearing. The following shall apply to the appeal hearing:

- (1) The AHO shall have control of the process and procedure of the appeal hearing and may issue procedural orders and directives pertaining to the hearing that do not otherwise conflict with the Code of Athens-Clarke County, Georgia, or applicable state law. The AHO shall have the authority to: (A) require the submission of pre-hearing witness and exhibit lists; (B) request submissions of memoranda or briefs from the parties with page limits or other criteria as may be set by the AHO; (C) hear and decide motions or objections properly raised by the parties relating to the appeal hearing; (D) issue subpoenas for witnesses and documents and compel testimony or production of documents; and (E) perform all other duties necessary or incidental to conducting a fair hearing in accordance with basic notions of due process.
- (2) The AHO may schedule one or more status conferences and must provide notice to the respective parties of the date, time, and place for any such status conference. Status conferences may be held for any or all the following reasons: (A) to discuss preliminary matters; (B) to set schedules for pre- and post-hearing procedures; (C) to set the date(s) and time(s) for the appeal hearing; (D) to simplify,

clarify, or limit the issues for hearing; (E) to consider evidentiary matters (e.g., stipulations or pre-hearing objections to proposed witnesses or documentary evidence); and (F) to discuss and consider any other matters that may expedite hearing procedures or that the AHO otherwise deems appropriate.

- (3) The AHO must provide written notice to the parties of the date, time, and place of the appeal hearing at least ten (10) days in advance of the hearing. The AHO shall have the authority to reschedule, postpone, or continue the hearing for good cause.
- (4) The appeal hearing shall constitute a de novo review of the Planning Department's determination regarding the property owner's request for an extension of the sunset period. The parties may present the testimony of witnesses under oath or affirmation and other evidence. The following shall apply to the conduct of the hearing and the AHO's decision:
 - (A) The property owner shall bear the burden to show by a preponderance of the evidence that all or part of the Planning Department's determination: (i) does not comply with the Code of Athens-Clarke County, Georgia, or applicable state law; (ii) is not rationally supported by the evidence in the record; and/or (iii) is otherwise arbitrary or capricious. The substantive issues to be heard shall be limited to those alleged grounds or errors raised in the property owner's written appeal.
 - (B) The rules of evidence for the hearing shall be the same as for civil non-jury trials in Georgia superior courts. The AHO shall have the authority to rule on all evidentiary matters and may admit, exclude, or limit evidence, and the AHO may make determinations as to the credibility of evidence or witnesses. Inadmissible hearsay shall have no probative value and may not be used to establish any fact.
 - (D) The AHO may take any reasonable action to maintain order at the hearing, to ensure the decorous conduct of the parties, witnesses, and others in attendance, and to ensure an expeditious, fair, and impartial hearing.
 - (E) Except as may otherwise be ordered by the AHO upon a showing of good cause, the hearing record shall be closed at the conclusion of the hearing and no new or additional evidence may be tendered. The AHO, may, in the AHO's reasonable discretion, request post-hearing memoranda or

briefs by a date certain in lieu of opening and closing arguments. The arguments contained in such memoranda or briefs shall be included in the hearing record and may be considered by the AHO in rendering his or her decision; however, no new or additional evidence may be introduced by way of such memoranda or briefs.

- (F) In a reasonable time after the AHO has closed the hearing record, the AHO shall issue a written decision that includes findings of fact and conclusions of law. In the written decision, the AHO may: (i) uphold the determination of the Planning Department; (ii) uphold the determination of the Planning Department with modifications based upon the evidence in the hearing record; (iii) deny the determination of the Planning Department and replace it with a determination from the AHO based upon the evidence in the hearing record; (iv) remand the determination back to the Planning Department with specific instructions; or (v) any combination of the following. The written decision of the AHO shall constitute the final decision of the Unified Government of Athens-Clarke County, Georgia, pertaining to its subject matter, and either party may petition for review of this decision in accordance with state law.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. 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 5. The Clerk of Commission is authorized, in consultation with the Athens-Clarke County Attorney, to correct any scrivener's errors that may be found herein after the adoption and approval hereof.

SECTION 6. 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.