

**Sec. 9-2-1. General.**

For the purpose of this title, those certain words and terms defined herein shall be defined and interpreted as follows. All other words and terms not expressly defined herein shall have their general meaning, as interpreted by the planning director. Appeals of staff interpretations of this title shall be heard as a Type IV Procedure.

*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, a 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, **standards for which are found in section 9-15-16**. 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.

**Sec. 9-5-2. Permitted uses. [NOTE: Agricultural-Residential (AR) Zone]**

The following uses and their accessory uses are permitted as contained in the use table below:

<b>Zoning Districts</b>	<b>AR</b>
<b><i>Residential Categories</i></b>	
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
<b><i>Commercial Categories</i></b>	
Sales of products grown on site	P
Hostels	N
Hotels	N
Motels	N
Bed and Breakfast	L(1)
Short-term Rental, Commercial	<b>\$ P, L(9)</b>

Legend:

P = Permitted outright

S = Subject to approval under the special use procedures section

N = Prohibited use

L(9) = Short-Term Rental, Commercial uses are not permitted in an "AR neighborhood," as defined in section 9-15-18. Refer to section 9-15-28 for more information concerning Short-Term Rental, Commercial uses.

## Sec. 9-8-2. Permitted uses. [NOTE: Mixed Density Residential (RM) Zone]

The following uses and their accessory uses are permitted according to the following matrix:

Zoning Districts	RM-1	RM-2	RM-3
<b>Residential Categories</b>			
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, L(9)	P, L(9)	P, L(9)
<b>Commercial Categories</b>			
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 N	S N	S N

Legend:

P = Permitted outright.

S = Subject to approval under the special use procedures section.

N = Prohibited use.

L(9) = Short-term rental home occupation uses are permitted with an allowance for one accommodation per dwelling unit or guest house as defined in this Title, provided however, that each dwelling unit or guest house must be occupied by an owner-occupant or primary resident.

## Sec. 9-10-2. Permitted uses. [NOTE: Commercial (C) Zones]

The following uses and their accessory uses are permitted as shown in the use table below:

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)	S, L(11)	S, L(11)	S, L(11)	S, L(11)
Accessory Dwelling Units	S	S	N	S	S
Dwellings Above or Below Businesses	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P, L(1)
Duplexes	N	N	N	N	N
Personal care homes, individual	S, L(12)	S, L(12)	S, L(12)	S, L(12)	S, L(12)
Personal care homes, family	S, L(12)	S, L(12)	S, L(12)	S, L(12)	S, L(12)
Personal care homes, group	P, L(12)	P, L(12)	P, L(12)	P, L(12)	P, L(12)
Personal care homes, congregate	P, L(12)	P, L(12)	P, L(12)	P, L(12)	P, L(12)
Multifamily Dwellings	P, L(1)	P, L(1)	P, L(1)	P, L(1)	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)	S, L(15)	S, L(15)	S, L(15)	S, L(15)
Community Garden	P	P	P	P	P
Home Occupation	P, L(17)	P, L(17)	P, L(17)	P, L(17)	P, L(17)
<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

## Legend:

P = Permitted outright

S = Subject to approval under the special use procedures section

N = Prohibited use

L(17) = Short-term rental home occupation uses are permitted with an allowance for one accommodation per dwelling unit or guest house as defined in this Title, provided however, that each dwelling unit or guest house must be occupied by an owner-occupant or primary resident.

**Sec. 9-11-2. Permitted uses. [NOTE: Employment (E-O), Employment (E-I), and Industrial (I) Zones]**

The following uses and their accessory uses are permitted as follows in these districts:

Zoning Categories	E-O Employment Office	E-I Employment Industrial	I Industrial
<b><i>Residential Categories</i></b>			
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, L(9)	N	N
<b><i>Commercial Categories</i></b>			
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	§ N	N

Legend:

P = Permitted outright.

S = Subject to approval under the special use procedures section.

N = Prohibited use.

L(9) = Short-term rental home occupation uses are permitted with an allowance for one accommodation per dwelling unit or guest house as defined in this Title, provided however, that each dwelling unit or guest house must be occupied by an owner-occupant or primary resident.

**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 shall be carried on within the primary and/or accessory structure. When the occupation is carried on within the primary structure, it shall be restricted to habitable floor space and shall not occupy an excess of 25 percent of the habitable floor space within the structure unless otherwise noted below.
- 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 a 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 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, however, 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 50 percent of the habitable floor space within the structure and for outdoor recreational activity.
2. Tutoring of all types for no more than four 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 beauty/barber chair, and no more than two customers shall be permitted at one time.
5. Reserved.
6. Animal grooming. No more than two 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. **In the AR and RS zones, 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 25 percent 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.

**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 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 in 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 or **has been approved as** a special use **prior to [date certain]** 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 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 twenty-four (24) 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.
- (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.
- (f) *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.