

AN ORDINANCE BY COUNCILMEMBERS HOWARD SHOOK, JOYCE M. SHEPERD, J. P. MATZIGKEIT, MICHAEL JULIAN BOND AND DUSTIN HILLIS

A SUBSTITUTE ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, BY ADDING A DEFINITION FOR SHORT-TERM RENTAL (“STR”) AND TO PROHIBIT SHORT-TERM RENTALS AS A USE IN THE R-1 (SINGLE-FAMILY RESIDENTIAL), R-2 (SINGLE-FAMILY RESIDENTIAL), R-2A (SINGLE-FAMILY RESIDENTIAL), R-2B (SINGLE-FAMILY RESIDENTIAL), R-3 (SINGLE-FAMILY RESIDENTIAL), R-3A (SINGLE-FAMILY RESIDENTIAL), R-4 (SINGLE-FAMILY RESIDENTIAL), R-4A (SINGLE-FAMILY RESIDENTIAL), R-4B (SINGLE-FAMILY RESIDENTIAL), R-5 (TWO FAMILY RESIDENTIAL), AND PD-H (PLANNED DEVELOPMENT HOUSING) ZONING DISTRICTS; AND FOR OTHER PURPOSES.

WHEREAS, single-family zoning districts are designed to support low density dwelling units; and

WHEREAS, the proliferation of Short-term rentals in single-family residential zoning districts has impacted the personal safety and compromised the comfort of the permanent residents; and

WHEREAS, transient commercial occupancies are prohibited in single-family districts, the expansion of illegal short-term rentals threatens to disrupt the distinctive character of residential neighborhoods; and

WHEREAS, pursuant to the City Charter, Section 1-102 (b) the City of Atlanta has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, peace and the general welfare of the City and its inhabitants; and

WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the Zoning Ordinance should be amended to explicitly prohibit the illegal commercial activity perpetuated by short-term rentals in residential districts.

WHEREAS, the City Council of the City of Atlanta finds that this rezoning in the best interest of the public health, safety, and welfare.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: Part 16, Zoning Ordinance; Chapter 29, Definitions, Section 16-29.001, (12) *Dwellings and lodgings: Uses and structural types*, is hereby amended to include a definition for Short-term Rental by adding subparagraph (8) which shall read:

(8) *Dwelling*: Short-term rental (STR) - a rental of a residential dwelling unit or accessory building for periods of less than 31 consecutive days.

Section 2: City Code Sec. 16-03.003, governing permitted principal uses and structures in the R-1 (Single-Family Residential) zoning district is hereby amended to add subsection (5) which shall read:

(5) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 3: City Code Sec. 16-04.003, governing permitted principal uses and structures in the R-2 (Single-Family Residential) zoning district is hereby amended to add subsection (5) which shall read:

(5) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 4: City Code Sec. 16-04A.003, governing permitted principal uses and structures in the R-2A (Single-Family Residential) zoning district is hereby amended to add subsection (4) which shall read:

(4) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence

for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 5: City Code Sec. 16-04B.003, governing permitted principal uses and structures in the R-2B(Single-Family Residential) zoning district is hereby amended to add subsection (4) which shall read:

- (4) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 6: City Code Sec. 16-05.003, governing permitted principal uses and structures in the R-3 (Single-Family Residential) zoning district is hereby amended to add subsection (5) which shall read:

- (5) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 7: City Code Sec. 16-05A.003, governing permitted principal uses and structures in the R-3A (Single-Family Residential) zoning district is hereby amended to add subsection (4) which shall read:

- (4) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication

for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 8: City Code Sec. 16-06.003, governing permitted principal uses and structures in the R-4 (Single-Family Residential) zoning district is hereby amended to add subsection (5) which shall read:

- (5) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 9: City Code Sec. 16-06A.003, governing permitted principal uses and structures in the R-4A (Single-Family Residential) zoning district is hereby amended to add subsection (4) which shall read:

- (4) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 10: City Code Sec. 16-06B.003, governing permitted principal uses and structures in the R-4B (Single-Family Residential) zoning district is hereby amended to add subsection (4) which shall read:

- (4) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence

for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 11: City Code Sec. 16-07.003, governing permitted principal uses and structures in the R-5 (Two Family Residential) zoning district is hereby amended to add subsection (6) which shall read:

- (5) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 12: City Code Sec. 16-19A.003, governing permitted principal uses and structures in the PD-H (Planned Development Housing) zoning district is hereby amended to add subsection (6) which shall read:

- (6) Short-term rentals (STR) are prohibited. Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, or use of the residential premises is in violation of this section. "Advertising" or "advertisement" shall mean any form of communication for marketing to encourage or persuade viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than 31 days, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills, outdoor advertising, direct mail, blogs, or websites.

Section 13: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict.