

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA TO ESTABLISH SHORT TERM RENTAL AS A PERMITTED USE FOR CERTAIN PROPERTIES; TO PROVIDE FOR RELEVANT DEFINITIONS; TO ESTABLISH REGULATIONS FOR USE OF PROPERTY FOR SHORT TERM RENTAL; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to its Charter and other laws of the State of Georgia, the City of Alpharetta, Georgia ("City") has the power to adopt clearly reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

**WHEREAS**, in the interests of the health, safety, and general welfare of the citizens of the City, the Alpharetta City Council ("Council") desires to amend its Unified Development Code; and

**WHEREAS**, the Council desires to allow for short term rentals to be a permitted use in certain residential zoning districts within the City; and

**WHEREAS**, the Council desires to establish limits on the number and location of short-term rentals to preserve the residential character of platted residential subdivisions; and

**WHEREAS**, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

**NOW, THEREFORE**, the City Council of the City of Alpharetta, Georgia hereby ordains as follows:

1. Section 1.4 of Article I of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding the following definition:

Short-term Rental: An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than thirty (30) days. For the purposes of this definition, a Short-term Rental shall include all housing types but shall exclude Bed and Breakfast establishments and Boarding Houses as they are defined by this Code. Short-term Rentals shall not constitute a Home Occupation as defined by this Code.

2. Table 2.2 of Article II of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding "Short-term Rental" use as a permitted use ("X") in the AG, RE, R, R-22, R-15, R-12, R-10, R-4A, R-4D, R-8A/D, and R-10M zoning districts.

3. Section 2.7 of Article II of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding a new Section 2.7.1 to read as follows:

**2.7.1 Short-term Rentals.**

A. Short-term Rentals shall be allowed as a permitted use within the AG, RE, R, R-22, R-15, R-12, R-10, R-4A, R-4D, R-8A/D, and R-10M zoning districts subject to the following:

1. Short-term rental shall be limited to no more than one (1) residential lot or five percent (5%) of the residential lots within each platted subdivision, whichever is greater. Where a subdivision includes two (2) or more phases, the limit of the number of short-term rentals shall be applied to each phase within the subdivision.
2. Within platted subdivisions, no short-term rental may be located immediately adjacent to another short-term rental that is located along the same street or road.

4. Section 4.5.5(A) of Article IV of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by repealing subsection (A) of Section 4.5.5 in its entirety and replacing with the following:

**4.5.5 Exceptions.**

A. *General.*

1. An exception requested as part of a rezoning or conditional use application shall be heard by the Planning Commission and decided by the City Council as part of the public hearing process related to the rezoning or conditional use application. All other exceptions (which do not exceed 50% of the stipulated requirement) shall be heard and acted upon by the Board of Appeals, unless approved administratively by the Director or otherwise explicitly provided herein. Exceptions as provided under subsection (2)(l) below, or which exceed 50% of the stipulated requirement, shall be heard and acted upon by the City Council.
2. Exceptions shall be limited to relief from the following requirements of this Ordinance:
  - a. Minimum building setbacks;
  - b. Minimum building height;

- c. Buffers and screening;
- d. Signage in accordance with a coordinated signage plan;
- e. Minimum street frontage;
- f. Parking and loading requirements;
- g. Tree preservation;
- h. Signage height and copy area;
- i. Regulations pertaining to uses customarily accessory to dwellings located in residential zoning districts (See Section 2.3.3(C));
- j. Minimum building size
- k. Maximum impervious area; and
- l. Maximum number of short-term rentals in a platted subdivision or phase of a platted subdivision (See Section 2.7.1(A)(1)).

5. All remaining portions of the Unified Development Code of the City of Alpharetta, Georgia shall continue in full force and effect, and shall remain unaffected by this amendment.

6. **Severability.** It is the express intent of the Alpharetta City Council that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

7. **Conflicting Ordinances Repealed.** Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

8. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

SO ORDAINED, the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF ALPHARETTA

By: \_\_\_\_\_  
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

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COUNCIL MEMBERS

\_\_\_\_\_  
Mayor Pro Tem Dan Merkel

\_\_\_\_\_  
Council Member Donald F. Mitchell

\_\_\_\_\_  
Council Member Brian Will

\_\_\_\_\_  
Council Member Douglas J. DeRito

\_\_\_\_\_  
Council Member John Hipes

\_\_\_\_\_  
Council Member Fergal M. Brady

(SEAL)

Attest:

Approved as to form and legal  
sufficiency:

\_\_\_\_\_  
Lauren Shapiro, City Clerk

\_\_\_\_\_  
Molly Esswein, City Attorney

