

AN ORDINANCE OF THE RABUN COUNTY BOARD OF  
COMMISSIONERS OF RABUN COUNTY, GEORGIA,  
AMENDING VARIOUS COUNTY ORDINANCES TO  
PROVIDE REGULATIONS FOR SHORT TERM RENTALS;  
PROVIDING FOR CODIFICATION; AND PROVIDING FOR  
AN EFFECTIVE DATE.

WHEREAS, Rabun County (the "County") has home-rule authority pursuant to Georgia Constitution Article IX, §II, Paragraph I "to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law"; and

WHEREAS, the County Commission recognizes that some of the County's zoning districts provide for transient residential uses and the County Commission seeks to adopt regulations to provide for authorization and regulation of short term rentals in those districts; and

WHEREAS, the Rabun County Planning and Zoning Board, sitting in its capacity as the local planning board, requested the Board of Commissioners to amend its Ordinances concerning short term rentals; and

WHEREAS, these Ordinance Amendments were duly noticed and presented to the County Commission in two readings, with second reading conducted as the required public hearing on October 25, 2022; and

WHEREAS, the County Commission finds that these Ordinance Amendments are consistent with the land use planning found in the County's previously adopted Comprehensive Plans, are necessary, and are in the best interest of the public health, safety, and welfare of the County's residents and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF  
COMMISSIONERS OF RABUN COUNTY, GEORGIA, AS FOLLOWS:

---

CHAPTER 1 of Rabun County's CODE OF ORDINANCES titled "GENERAL PROVISIONS" is hereby amended to read as follows:

Sec. 1-2. – Definitions and Rules of Construction

*(add the following definition)*

Short Term Rental: The renting or leasing of a detached, attached or semi-detached single-family dwelling unit or a part thereof, not including a Bed and Breakfast or an Inn, where the term of occupancy, possession, or tenancy is less than thirty (30) consecutive calendar days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other, bargained for consideration in exchange for occupancy, possession or use of the property.

---

CHAPTER 12 of Rabun County's CODE OF ORDINANCES titled "BUSINESS REGULATIONS AND LICENSING" is hereby amended to read as follows:

ARTICLE IV. – PUBLIC ACCOMMODATIONS

Sec. 12-160. – Registration fee.

(amend as follows:)

There is hereby set and levied for the calendar year 2001 and for each successive calendar year thereafter, upon any person or legal entity, operating a public accommodation facility, such as a hotel, motel, inn, lodge, tourist camp, bed and breakfast, tourist cabin, campground, Short Term Rental or any other place in which rooms, lodging or accommodations are regularly furnished for rental or use value for periods of time of 30 days or less, registration and administrative fees in the amount provided in the county fee schedule for each separate public accommodations facility operated and maintained within the county. For purposes of this section, single-family rental homes which are rented for periods of time of 30 days or less and are not being rented as a primary residence by a full-time Rabun County resident are considered a separate public accommodation subject to the provisions of this section.

Sec. 12-161. – Location Restrictions.

(amend as follows:)

No registration shall be issued to any public accommodation unless the land on which the accommodation is located is properly zoned for the business operated according to county zoning regulations. However, single-family rental homes which are periodically rented for periods of time of 30 days or less and are not being rented as a primary residence by a full-time Rabun County resident may be located in any residential-zoning district in which Short Term Rentals are specifically permitted under the Rabun County Code of Ordinances.

Additionally, Short Term Rentals shall be permitted in any zoning district in single family homes for which the owner of said home has a Homestead Tax Exemption with "Homestead" being defined as provided for in O.C.G.A. §48-5-40(3) in addition to residing in said Homestead no less than 180 days per year.

All entities/person described herein and required to pay a registration fee under this Section shall complete and sign a Public Accommodation Registration/Sales Tax Form containing an Affidavit. This Form shall be provided by and filed with the Rabun County Marshal's Marshal's Office.

The Affidavit shall affirm that the entity/person is legally in the United States and verify that if offering property for short term rental, that it does not in-conflict with any regulations, rules, covenants and/or deed restrictions that are appurtenant to the property. In the event the property of any entity/person considered to be a Public Accommodation under this Chapter is located in an area governed by a Home Owner's Association or a Property Owner's Association, then there

must be an affidavit signed by the property owner ~~written attorney's opinion letter~~ stating that offering the property for a short term rental does not violate any of the covenants or restrictions associated with the subject property before such property can be properly licensed as a Public Accommodation.

Sec. 12-162. – Tax Levied.

*(amend as follows:)*

In addition to registration fees established in this division, there is hereby set and levied for the remainder of calendar year 1987 beginning June 1, 1987, and for each successive calendar year thereafter, upon any person or legal entity operating a public accommodations facility, such as a hotel, motel, inn, lodge, tourist camp, tourist cabin, bed and breakfast, campground, Short Term Rental or any other place in which rooms, lodgings, or accommodations are regularly furnished for rental or use value for periods of time of 30 days or less, an excise tax equal to ~~five~~ eight percent (8%) of the charge to the public for said accommodations or furnishings, exclusive of the state use and sales taxes.

Sec. 12-163. – Exception to Tax Levy.

*(amend as follows:)*

No tax shall be levied hereby upon the charges for any rooms, lodgings or accommodations furnished to the same person for periods of time greater than 30 days.

No tax shall be levied hereby for the cost of use of meeting rooms or other facilities in a hotel or motel other than lodging rooms.

ARTICLE VI. – SHORT TERM RENTALS *(to be added anew)*

*(add the following:)*

## REGULATIONS FOR SHORT TERM RENTAL LICENSES

### DIVISION 1. GENERAL PROVISIONS

Sec. 12-250 – Purpose. The purpose of this Article is to authorize a licensed property as a short term rental in a way that curbs its negative impact and promotes public health, safety, welfare, and convenience through regulations and standards for short-term rental properties by providing:

1. For safety and operational requirements;
2. For parking standards;
3. For solid waste handling and containment;
4. For licensure requiring posting of short term rental information; and

5. For administration, penalties and enforcement.

Sec. 12-251 – Definitions.

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Agent.* A person or entity retained by an owner to carry out the duties and functions of an owner. All references to “owner” in this Article shall be construed to include a designated agent. The owner must notify the County in writing, on a form provided by the County, of the identity and contact information of such agent, the short term rental for which the agent is designated, and the specific duties that the agent will be performing for the owner. The owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the County Commission. The owner shall be held responsible for all actions of such designated agent with respect to the applicable short term rental.

*Bedroom.* A room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage space.

*License.* A short term rental license issued by the County.

*Occupant.* Any person who occupies, either during the day or overnight, a short term rental.

*Owner.* The fee simple owner of the short term rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. ~~The term “Owner” in the event the owner is not an individual, each and every person who owns 10 percent or more of the equitable interest in the short term rental shall also be deemed an owner.~~ Includes an agent designated by the owner to perform the duties and functions of the owner.

*Short term rental.* The renting or leasing of a detached, attached or semi-detached single-family dwelling unit or a part thereof, not including a Bed and Breakfast or an Inn, where the term of occupancy, possession, or tenancy is less than thirty (30) consecutive calendar days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other, bargained for consideration in exchange for occupancy, possession or use of the property. Includes the yards, driveways, and curtilage of any detached dwelling unit.

*Short term rental representative.* The owner or the person designated by the owner of the short term rental to be called upon to answer and be responsible for the maintenance of the short term rental and the conduct and acts of occupant(s) of short term rental properties.

*County.* Rabun County, Georgia.

DIVISION 2. MAINTENANCE OF SHORT TERM RENTAL LICENSE

Sec. 12-252 – Active license required.

- A. All short term rentals must hold an active short term rental license issued by Rabun County to operate within the County. A separate short term rental license shall be required for each short term rental unit. The operation of a short term rental without license shall be a violation of this Article. Every day of such operation without license shall constitute a separate violation.
- B. Advertisements pertaining to a short term rental shall be consistent with the requirements, restrictions and regulations for short term rentals and shall contain, at a minimum, the occupancy limit and maximum parking available for the short term rental. Any advertisement inconsistent with the requirements, restrictions, regulations of the short term rental license program shall be deemed prima facie evidence in any enforcement action that a short term rental is being operated in violation of this article.

Sec. 12-253 – Application for renewal or modification of a short term rental license.

- A. An owner seeking renewal or modification of a short term rental license shall submit to the County a completed short term rental license application in a form promulgated by the County, together with an application fee in an amount set by resolution of the County Commission.
- B. A complete application for the renewal or modification of a short term rental license shall demonstrate compliance with the standards and requirements set forth in this part 1 of this article through the following submittals:
  - 1. A completed short term rental license application form, which must identify:
    - i. the name, address and phone number of the owner, and sworn evidence to demonstrate that this fully discloses all owners of the short term rental as defined herein;
    - ii. the address and legal description of the short term rental; and
    - iii. the name, address, and phone number of the short term rental representative, if applicable.
  - 2. Payment of applicable fees.
  - 3. A copy of the short term rental's current and active certificate of registration with the Georgia Department of Revenue for the purposes of collecting and remitting sales taxes, public accommodations taxes, and any other taxes required by law to be remitted to the Georgia Department of Revenue.
  - 4. *Interior building sketch by floor.* A building sketch (may be hand drawn) by floor shall be provided, showing a floor layout and demonstrating compliance with the standards and requirements set forth in this article. The sketch provided shall be drawn to scale, and shall show and identify all bedrooms, other rooms, exits, hallways,

stairways, smoke and carbon monoxide detectors, swimming pools, fire extinguishers and exit signage/lighting.

4. ~~An exterior site sketch (which may be hand drawn) showing and identifying all structures, pools, spas, hot tubs, fencing, and uses, including the number and the location of all on-site and off-site parking spaces for the short term rental, including identifying those parking spaces available for use by occupant(s).~~

5. Acknowledgement that each bedroom shall be equipped with an approved listed single-station smoke detector meeting the minimum requirements of the NFPA.

6. A section indicating the maximum occupancy of the short term rental.

7. A copy of the generic form short term rental agreement to be used when contracting with occupant(s).

8. Statement as to whether the entire property, or just a part thereof (i.e., a room or rooms), will be used as a short term rental.

9. ~~Statement indicating how many times, and for how many days, the property was used as a short term rental within the previous calendar year.~~

~~10.9.~~ Notarized statement that the short term rental representative has the permission of the owner and authority to offer the property as a short term rental and act as the short term rental representative.

C. Incomplete applications will not be accepted, but will be returned to the owner with any fees submitted with a notation of what items are missing.

D. Short term rental license applications shall be sworn to under penalty of perjury. Any false statements in an application shall be a basis for the revocation of any license issued pursuant to such application.

E. All short term rental license applications that are not signed by the owner must be accompanied by a signed and notarized letter providing the consent of the owner for the application, with acknowledgement that the County may impose, cite, and fine the property for violations of this article, as well as pursue all other available remedies which may include injunction relief, abatement of public nuisance, liens, imprisonment and other penalties as provided by law.

F. *Enforcement history.* When reviewing an application to renew a short term rental license, the ~~County Administrator~~ Board of Commissioners or their designee shall consider the violation history of the short term rental identified in the application. If the violation history shows three or more violations of this article within the preceding 12 months from the application date, the ~~County Administrator~~ Board of Commissioners or their designee shall not renew the short term rental license unless:

1. All outstanding violations, fines or liens are satisfied and corrected; and
2. A bond, letter of credit, or escrowed funds in the amount of \$10,000.00 is provided to the County, in the form approved by the ~~County Administrator~~Board of Commissioners or their designee. The bond shall be subject to forfeiture for future violations, as set forth in this part 1 of this article.

An application for modification of a short term rental license shall be required in the event that ~~any of the following changes to the short term rental are proposed:~~

- A. ~~A change in the gross square footage.~~
- B. ~~A change in the number of bedrooms.~~
- A there is a change in the maximum occupancy.

- C. ~~A change in the number of parking spaces, or a change in the location of parking spaces.~~
- D. ~~A change in the number of bathrooms.~~
- E. ~~Any other material modifications that would increase the intensity of use.~~

Sec. 12-254 – Duration of short term rental license.

The short term rental license shall expire each December 31, and may be annually renewed thereafter by the owner if the short term rental is in compliance with this Article.

Sec. 12-255 – Renewal of short term rental license.

An owner must apply annually for a renewal of the short term rental license no later than 60 days prior to its expiration.

Sec. 12-256 – Licenses non-transferable, non-assignable.

Short term rental licenses are non-transferable and non-assignable. If the ownership of any short term rental is sold or otherwise transferred, any outstanding short term rental license as to that short term rental shall be null and void upon the sale or transfer. Transfers among entities or between legal and beneficial ownership where the same natural person remains in control before and after the transfer shall not be considered a transfer or assignment prohibited by this section.

### DIVISION 3. SHORT TERM RENTAL REPRESENTATIVE

Sec. 12-257 – Duties of short term rental representative.

Whenever any short term rental is required to be registered under this Article, the owner shall be designated as the short term rental representative or appoint a person to serve as the short term rental representative. The owner shall notify the ~~County Administrator~~Board of Commissioners or their designee in writing of the appointment within five days of being required to make such appointment, and shall thereafter notify the ~~County Administrator~~Board of Commissioners or their designee of any change of the short term rental representative within five days of such change.

Formatted: Indent: Left: -0.01", First line: 0.33", No bullets or numbering

The designation of a short term rental representative does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances. Further, a short term rental representative who accepts the designation to act on behalf of a property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule or ordinance applicable to the short term rental.

Every short term rental representative shall:

- A. Be a resident of Rabun County, Georgia; and
- B. Be available by landline or mobile telephone answered by the short term rental representative at the listed phone number 24 hours a day, seven days a week to handle any problems arising from the Short term Rental; and
- C. Be available with authority to address and coordinate solutions to problems with the short term rental property 24 hours a day, seven days a week and be ~~physically present at the property~~ available and responsive within ~~one~~ two hours of notification to respond to occurrences including, but not limited to, emergencies, noise complaints, unpermitted events, and occupancy violations when determined by law enforcement that the presence of the short term rental representative is required;
- D. Conduct an on-site inspection of the short term rental at the end of each rental period to ensure continued compliance with the requirements of this Article;
- E. In the event that a short term rental is not being marketed/booked through a conventional booking platform such as AirBnB, VRBO or other such entities, then the Agent and/or owner of such short term rental shall ~~Maintain~~ maintain and make available to the County at any time requested a registration log with all occupant(s)' contact information, rental rate and permanent address ~~duration of stay~~;
- ~~F. Provide written notice to prospective occupant(s), prior to occupancy of the short term rental, of the short term rental standards set forth herein and other applicable laws, ordinances, or regulations concerning noise, public nuisance, vehicle parking, solid waste collection, common area usage and occupancy limits;~~
- ~~G.F.~~ G. Ensure compliance with all provisions of this Article and promptly address and report violations of this Article or of such other law or regulation of which the short term rental representative knows or should know, to the County or law enforcement, as appropriate;
- ~~H.G.~~ H. Ensure that, at all times, all vehicles associated with the short term rental are parked within the designated parking spaces and in compliance with the applicable laws, ordinances, and regulations set forth herein;
- ~~I.H.~~ I. Ensure that all occupant(s) are aware that unauthorized occupants of any structure or conveyance of the property that have been warned by the owner or short term rental



representative to leave and refuse to do so commit the offense of trespass of a structure or conveyance and will be charged under the State of Georgia and local law; and

- H. Post a sign inside the short term rental that clearly identifies the occupancy limit, maximum parking, and name and phone number of the short term rental representative responsible for the property. The sign shall be posted inside of the residence next to the main entrance continuously during any period that the short term rental license is active.

#### DIVISION 4. STANDARDS AND REQUIREMENTS FOR SHORT TERM RENTALS

##### Sec. 12-258 – General.

The standards and requirements set forth in this section shall apply to the rental, use, and occupancy of short term rentals in the County.

##### Sec. 12-259 – Local phone service required.

At Each short term rental shall have reliable cell phone service for every room in the rental unit or at least one landline telephone with the ability to call 911 shall be available in the main level common area in the short term rental.

##### Sec. 12-260 – Parking standards.

All parking must comply with this Article, and all other applicable sections of the County's Code of Ordinances. In addition, all vehicles associated with the short term rental, whether in the possession or control of the owner, short term rental representative, or occupant(s), shall only not be parked within a the right-of-way of any County/public road or on or along any other road or street in such a way as to impede traffic, hinder access or violate any subdivision/home owner's association rules or regulations driveway or in a designated parking area as indicated on the short term rental license application. Occupant(s) shall not be permitted to park more than two vehicles at any one time on the short term rental property or on the street or swale.

##### Sec. 12-261 – Solid waste handling and containment.

Solid waste containers sufficient to handle the maximum occupancy permitted shall be maintained. All solid waste containers shall be placed in an area that in which animals cannot access the containers and shall be regularly emptied and cleaned.

Notice of the location of the solid waste storage containers and rules for collection shall be posted inside the short term rental.

##### Sec. 12-262 – Maximum occupancy.

The ~~maximum~~ short term rental occupancy shall not exceed any of the following standards:

- ~~A. Two persons per bedroom. The number of bedrooms shall be based upon the tax assessor's residential profile of the property, and other documents of record, as needed;~~
- ~~B.A. The maximum occupancy shall be limited to ten (twelve) occupant(s) per short term rental, the total size of the occupiable space or number of bedrooms notwithstanding;~~
- ~~C. Three occupant(s) per one off-street parking space legally available to the short term rental; and~~
- ~~D.B. Any person present at the short term rental after 11:00 p.m. on any night or before 7:00 am on any morning shall be considered an occupant for purposes of calculating maximum occupancy. Gratuitous guests of the occupant(s) do not count towards occupancy if they are not present between the hours of 11:00 pm and 7:00 am, but shall park in the designated locations.~~

Sec. 12-263 – Posting of short term rental information.

Prior to the owner allowing another person to occupy the short term rental, the owner shall post the following information.

- A. In each short term rental, located next to the main entrance door there shall be posted as a single page the following information:
  - 1. The name, address and phone number of the short term rental representative;
  - 2. The maximum occupancy of the short term rental;
  - 3. ~~A statement advising the occupant(s) that any sound which crosses a property line at a volume which is unreasonably loud is a nuisance within the County;~~
  - 4. ~~A sketch of the location of the designated parking spaces for use by occupant(s) and gratuitous guests;~~
  - 5. ~~3. The location of solid waste containers; and~~
  - 6. ~~4. The location of the nearest hospital; and~~
  - 7. ~~The local non-emergency police phone number.~~
- B. A copy of the building evacuation map, with a minimum size of 8½" by 11", shall be provided to the occupant(s) upon the start of each short term rental.
- C. A sign shall be posted inside of the short term rental that clearly identifies the occupancy limit, maximum parking, and name and phone number of the short term rental representative, and informing the occupant(s) that in the event of an emergency to dial 911. The sign shall be posted next to the main entrance of the short term rental continuously during any period that the short term rental license is active.
- D. The foregoing shall be made a part of each rental agreement with occupant(s).

Formatted: Indent: Left: 0.33", No bullets or numbering  
Formatted: Indent: Left: 0.33"

DIVISION 5. ADMINISTRATION, PENALTIES, AND ENFORCEMENT

Sec. 12-264 – Administration of short term rental license program.

The ultimate responsibility for the administration of this Article is vested in the County Administrator Board of Commissioners, or their designee, who is responsible for revoking,

renewing, modifying, and suspending short term rental licenses for existing short term rentals as set forth in this Article.

Sec. 12-265 – Appeals.

Any decision of the ~~County Administrator~~ Board of Commissioners, or their designee, relating to the revocation, renewal, modification, or suspension of a short term rental license under this Article shall be rendered in writing, and reviewed by the County Commission if a notice by the owner is filed with the County Clerk within ten days after the action to be reviewed. The County Clerk shall place the matter on the agenda of an upcoming meeting of the County Commission, at which time the matter will be reviewed. The decision of the County Commission shall be final. Such final decision may be reviewed as permitted under Georgia law.

Sec. 12-266 – Notice.

Any notice required under this Article shall be accomplished by sending a written notification by U.S. Mail, postage paid, to the mailing address of the short term rental representative set forth on documents filed with the County under this Article, which shall be considered for all purposes as the correct address for service, or by personal service or delivery to the short term rental representative.

Sec. 12-267 – Penalties and enforcement.

- A. *By citation.* Any violation of this Article, or any rule adopted under this Article, may be punished by citation, as described in the Code of Ordinances of Rabun County; provided, however, such violation shall be subject to a fine in the amount of \$500.00, for the first offense, \$1,000.00 for the second and subsequent offenses, plus a suspension of the short term rental license or a refusal to renew a short term rental license as provided hereinafter, following the second offense. Each day a violation exists shall constitute a separate and distinct violation.
- B. *Other enforcement methods and penalties.* Notwithstanding anything otherwise provided herein, violations of this Article shall also be subject to all the enforcement methods and penalties that may be imposed for the violation of ordinances of the County as provided in the County Code of Ordinances. Nothing contained herein shall prevent the County from seeking all other available remedies which may include, but not be limited to, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law. For properties operating without a license as specified herein, incurring multiple code violations as specified herein, or constituting a public nuisance, the ~~County Administrator~~ Board of Commissioners or their designee is authorized to initiate litigation to pursue other available remedies including, but not limited to, injunctive relief, abatement of public nuisance, recovery of liens and fines, and other causes of action, in court of competent jurisdiction.
- C. *Suspension of license.*
  - 1. In addition to any fines and any other remedies described herein or provided for by law, the ~~County Administrator~~ Board of Commissioners or their designee shall suspend

a short term rental license for six (6) months upon a second violation of this Article in any continuous 12-month period, and for one year upon a third violation of this Article in any continuous 12-month period. Violations subsequent to the third violation within the continuous 12-month period following the initial violation or during the imposition of a suspension will result in the imposition of extensions of the suspension by one year per subsequent violation. Such suspension shall begin following notice, commencing either at the end of the current short term rental agreement period, or after 30 calendar days, whichever is less.

2. For violations of the Georgia Fire Prevention Code, a short term rental license shall be subject to temporary suspension starting immediately three working days after citation for such violation if it is not corrected, re-inspected, and found in compliance, or as otherwise provided for in the Georgia Fire Prevention Code.
3. The owner shall not be entitled to any refund of any portion of the annual fee paid for a license for any portion of the unexpired term of a license, because of suspension of the short term rental license.

*D. Revocation/Denial of license.*

1. The ~~County Administrator~~ Board of Commissioners or their designee shall revoke or deny a renewal or modification of a short term rental license issued under this Article if the property owner has willfully withheld or falsified any information required for a short term rental license.
2. The ~~County Administrator~~ Board of Commissioners or their designee may in addition to, or as an alternative to, the penalties of this section revoke or deny a renewal or modification of a short term rental license issued under this Article upon the third adjudication of a violation of this Article, any County ordinance, or state law by the short term rental representative, owner, or occupant(s) of the short term rental. Such denial or revocation is in addition to any other penalty or remedy available at law.
3. The owner shall not be entitled to any refund of the annual fee paid for a license for any portion of the unexpired term of a license, because of revocation or denial of the short term rental license.

*E. Forfeiture of bond.*

1. Where a bond is required to renew a short term rental license, if the short term rental is cited for a violation of this Article within 12 months of providing the bond, and that citation is later resolved adversely to the owner or short term rental representative, then the bond shall be deemed forfeited, and the short term rental license for that short term rental shall be revoked.
2. If there are no violations for 12 months after providing security, the ~~County Administrator~~ Board of Commissioners or their designee shall release the bond upon written request from the owner. Until the owner obtains release, the bond shall continue to be subject to forfeiture for future violations.

*F. For all purposes under this Article, service of notice on the short term rental representative shall be deemed service of notice on the owner and occupant(s).*

G. No occupant(s) shall occupy a short term rental, and no advertisement for the short term rental shall occur during any period of suspension of a short term rental's short term rental license, or following the expiration, revocation or denial of the license.

Sec. 12-268 – Continued operation of short term rental pending compliance with the Code of Ordinances.

Any person or entity currently operating a short-term rental (whether validly issued or not) may continue to operate that short term rental until such time as they come into compliance with all applicable administrative and zoning regulations and ordinances, provided that compliance is being actively pursued and that compliance is accomplished within twelve (12) months of the effective date of this ordinance. Active pursuit of compliance is evidenced by applying for all necessary permits, certifications, rezoning, etc.

Sec. 12-269 – Any residences located in R-1, R-2, and R-3 Zoning and having a Short Term Rental permit issued which was valid at the time of the adoption of this Ordinance may continue to operate a Short Term Rental on that property from year to year provided that:

- A. A Short Term Rental Licence is timely renewed in each successive year. Failure to timely renew the Short Term Rental License shall nullify this exception and disqualify the property from being able to operate a Short Term Rental in R-1, R-2, and R-3 Zoning;
- B. The property remains in the ownership of the person(s) or entity to whom the Short Term Rental permit was issued at the time of the adoption of this Ordinance. The transferring of ownership, regardless of the reason, shall nullify this exception and disqualify the property from being able to operate a Short Term Rental in R-1, R-2, and R-3 Zoning. A permit or license issued under this exception is non-transferable; and
- C. The Short Term Rental Licence has not, lapsed for any reason and is not suspended for any reason. The lapsing or suspending of a Short Term Rental Licence or permit, regardless of the reason, shall nullify this exception and disqualify the property from being able to operate a Short Term Rental in R-1, R-2, and R-3 Zoning;

Formatted: Font: Italic

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Font: Italic

Formatted: Indent: Left: 0.5", No bullets or numbering, Border: Bottom: (No border)

Sec. 12-270 – Any single family residences located in Agricultural Zoning and having a Short Term Rental permit issued which was valid at the time of the adoption of this Ordinance may continue to operate a Short Term Rental on that property from year to year provided that:

- A. A Short Term Rental Licence is timely renewed in each successive year. Failure to timely renew the Short Term Rental License shall nullify this exception and disqualify the property from being able to operate a Short Term Rental in Agricultural Zoning;
- B. The property remains in the ownership of the person(s) or entity to whom the Short Term Rental permit was issued at the time of the adoption of this Ordinance. The transferring of ownership, regardless of the reason, shall nullify this exception and disqualify the property from being able to operate a Short Term Rental in Agricultural Zoning. A permit or license issued under this exception is non-transferable; and

C. The Short Term Rental Licence has not, lapsed for any reason and is not suspended for any reason. The lapsing or suspending of a Short Term Rental Licence or permit, regardless of the reason, shall nullify this exception and disqualify the property from being able to operate a Short Term Rental in Agricultural Zoning;

Formatted: Font: Italic

CHAPTER 18 of Rabun County's CODE OF ORDINANCES titled "FEES, FINES AND OTHER CHARGES" is hereby amended to read as follows:

ARTICLE II. – FEES

Sec. 18-19. – Specific fees.

*(add the following:)*

Chapter 12- Business Regulations and Licensing

12-160 Public Accommodations

Short Term Rental - \$500 per advertised occupant, per year, per unit  
~~\$250 per year, per unit if the owner of the property has a homestead~~  
~~exemption for that particular piece of property~~

Formatted: Indent: First line: 0"

CHAPTER 56 of Rabun County's CODE OF ORDINANCES titled "ZONING" is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 56-1. – Definitions

*(add the following definition)*

Short Term Rental: *The renting or leasing of a detached, attached or semi-detached single-family dwelling unit or any part thereof, not including a Bed and Breakfast or an Inn, where the term of occupancy, possession, or tenancy is less than thirty (30) consecutive calendar days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other, bargained for consideration in exchange for occupancy, possession or use of the property.*

ARTICLE III. – USE REQUIREMENTS FOR RESIDENTIAL DISTRICTS

Sec. 56-56. – Single-family Residential District (R-1)

*(add the following permitted use)*

~~Short Term Rental only if the tract of land directly abuts a publicly owned and/or publicly maintained road or street and is also directly accessed by a publicly owned and/or publicly maintained road or street~~

Sec. 56-59. – Vacation Cottage District (V-C)

*(add the following permitted use)*

*(8) Short Term Rental. A minimum of one acre is required for each Short Term Rental. However, it shall be permissible for a tract of land of less than one acre to operate as a Short Term Rental in Vacation Cottage zoning if the property seeking to be licensed as a Short Term Rental had a plat of survey recorded in the Office of the Rabun County Clerk of Court prior to the adoption of this Amendment.*

←----- Formatted: Indent: First line: 0.5"

#### ARTICLE IV. – USE REQUIREMENTS FOR COMMERCIAL DISTRICTS

Sec. 56-78. – Highway Business District (H-B)

*(add the following permitted use)*

*Short Term Rental*

#### ARTICLE VI. – USE REQUIREMENTS FOR AGRICULTURAL DISTRICT

Sec. 56-126. – Agricultural District (A)

*(add the following permitted use)*

~~Short Term Rental only if the tract of land directly abuts a publicly owned and/or publicly maintained road or street and is also directly accessed by a publicly owned and/or publicly maintained road or street~~

---

Unless specifically amended or modified herein, all remaining portions of Rabun County's CODE OF ORDINANCES shall remain in full force and effect, unchanged and unamended hereby.

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

*Codification.* It is the intention of the County Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the County's Code of

Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

*Conflicts.* All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

PLACED ON FIRST READING AT THE REGULAR MEETING ON THE 29<sup>TH</sup> DAY OF ~~SEPTEMBER~~ NOVEMBER, 2022.

PLACED ON FINAL HEARING AND ADOPTION AT THE REGULAR MEETING ON THE 25<sup>TH</sup>-27<sup>TH</sup> DAY OF ~~OCTOBER~~ DECEMBER, 2022.

This ordinance shall become effective immediately upon adoption, after the second reading by the County.

RABUN COUNTY, by and through its Board of Commissioners

\_\_\_\_\_  
Greg James, Chairman L.S.

\_\_\_\_\_  
Tom Garrison L.S.

\_\_\_\_\_  
Kent Woerner L.S.

\_\_\_\_\_  
Scott Crane L.S.

\_\_\_\_\_  
Will Nichols L.S.

This is to certify that the above Ordinance was adopted at a regular meeting of the Rabun County Board of Commissioners as provided by law. This \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Linda Ramey, County Clerk