

PUBLISHED _____

ZONING HEARING _____

FIRST READING _____

PASSED _____

AN ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE THAT A HOTEL OR MOTEL MAY BE A CONDITIONAL USE WITHIN THE LIMITED COMMERCIAL DISTRICT (C-1) IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THE ZONING ORDINANCE; TO PROVIDE ADDITIONAL REQUIREMENTS AS TO THE CONDITIONAL USE OF A HOTEL OR MOTEL WITHIN THE LIMITED COMMERCIAL ZONING DISTRICT (C-1); AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia is authorized by O.C.G.A. § 36-66-1, et seq. and the City Charter, to exercise its police power to enact zoning ordinances and regulations as to land use as to property within the City of Blue Ridge, Georgia; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia desires to amend the text of the Zoning Ordinance of the City of Blue Ridge, Georgia, to provide that a hotel or motel can be a conditional use within the limited commercial zoning district (C-1), and subject to certain additional regulations;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Blue Ridge, Georgia, and it is hereby ordained by the above-referenced authority, as follows:

SECTION 1. AMENDMENT OF THE ZONING ORDINANCE.

This ordinance shall amend the Zoning Ordinance of the City of Blue Ridge, Georgia, to provide that a hotel or motel can be a conditional use within the limited commercial zoning district (C-1), and subject to certain additional regulations, and with those provisions to read as follows:

(1) Table of Permissible and Conditional Uses.

The Table of Permissible and Conditional Uses, being Section 13.1 of the Zoning Ordinance is hereby amended by providing that a hotel or motel can be a conditional use within the limited commercial zoning district (C-1) and subject to certain additional requirements.

Therefore, the Table of Permissible and Conditional Uses will appear as including the following additions.

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1		See Sections	R-A	R-1	R-2	R-3
C	X	X		Hotel	13.2-28				
C	X	X		Motel	13.2-28				

(2) Additional requirements for a hotel or motel within a limited commercial zoning district (C-1).

The zoning ordinance is hereby further amended to add a new Section 13.2-28 regarding a hotel or motel being a conditional use within the limited commercial zoning district (C-1), and to read as follows:

Section 13.2-28 Hotel or motel as a conditional use within the limited commercial zoning district (C-1) is also subject to the following requirements:

- (a) In a C-1 district, new construction of a hotel or motel use shall be limited to two (2) stories in height.
- (b) Compliance with the same licensing, inspection and taxation requirements as all other hotels or motels.
- (c) A complete site plan shall be required to consider any rezoning and conditional use concerning a hotel or motel or to apply for a building permit as applicable.
- (d) The grant of a conditional use permit for a hotel or motel within the limited commercial zoning district (C-1) is only permitted if a conditional use permit is granted by the Mayor and Council after review under the Zoning Procedures and Standards Ordinance of the City of Blue Ridge, Georgia, including consideration of the zoning standards provided by Sections 8.0, 8.1, 8.2, and 8.3 of the zoning procedures and standards ordinance.
- (e) The maximum number of hotel or motel units (rooms) shall be ten (10) units (rooms) per acre, and also conditioned upon being served by public water and sewer. In the event that the site is not served by public water and sewer, no hotel or motel as a conditional use shall be allowed, unless the property can meet the minimum requirements of the Fannin County Health Department for the installation of individual sewage disposal systems or alternate systems complying with the rules of the Georgia Department of Natural Resources, Environmental Protection Division. In the event that the site is less than one acre in size, then the site shall be allowed to have a maximum number of units which shall be determined by a pro rata determination based upon the site's size as being a portion of an acre. For example, if the site is

one-half acre, then the maximum number of units would be five units (5) (rooms). Lot sizes which result in fractional units shall be rounded down to the nearest whole unit.

(f) The maximum rental stay by the same customer shall be twenty-one (21) consecutive days.

(g) The facility shall meet the definition of a "hotel" or "motel" as provided by Article 2 of the zoning ordinance, except the facility does not have to meet the eighty (80%) percent of the rooms occupied by a different registered guest every five (5) days.

(h) The facility shall have on premise parking with a minimum of one (1) off-street parking space for every rental room (unit) and a minimum of one (1) off-street parking space for every two (2) employees.

(i) The facility shall meet at a minimum the screening and buffer requirements as provided by Article 14 of the zoning ordinance. The City Council, in considering the zoning standards and requirements of Sections 8.0, 8.1, 8.2, and 8.3 of the Zoning Procedures and Standards Ordinance of the City of Blue Ridge, Georgia, may impose greater buffering and screening requirements to mitigate any possible depreciating effects and damages to the neighboring properties.

(j) In order for a subject property to be considered for a conditional use hotel or motel within the limited commercial zoning district (C-1), the adjoining lots of record as a minimum on two (2) sides of the subject property (which will also include those commercial zoned properties which would adjoin the subject property but for the width of a city street), must have commercial zoning designations. The railroad right of way of an intrastate or interstate carrier for the purposes of this requirement of adjoining property being commercially zoned shall not be considered commercially zoned property due to lacking sufficient area to be a buildable lot.

(k) Due to the maximum density of the rental units (rooms) under a conditional use hotel or motel equaling the density of what is allowed within a high density residential zoning district (R-3), the units (rooms) shall not be converted to condominiums, townhouses, or such other multiple residence uses, without a reduction in the density of the units down to the maximum number of dwelling units allowed within any residential district which adjoins the subject property (which will also include those residential zoned properties which would adjoin the subject property but for the width of a city street). If more than one residential district adjoins the subject property, then the district which adjoins the subject property having the highest density shall set the maximum number of residence units for the subject property. If no residential district adjoins the subject property, then to allow the units to be used as a residence, there shall be a reduction in the number of units down to the maximum density allowed by the high density residential district (R-3) which shall not exceed ten (10) units per acre. All residential dwellings within the C-1 district shall meet the requirements of the appearance standards according to Section 3.13.

(l) To the extent reasonably possible given the size and characteristics of the subject property for the hotel or motel, refuse (garbage containment) areas, parking, electrical generator or loading service areas or any combination thereof, on the subject property shall be located away from residential districts and/or screened, or both, to protect other properties in the vicinity from noise, light, glare or odors, or any combination thereof.

(m) If one or more adjoining lots of record having a commercial zoning designation to the subject property are owned by the same owner of the subject property, and are proposed to be jointly developed as one hotel or motel, then the common plan for development cannot exceed the maximum density of ten (10) units per acre, regardless of the zoning of the other adjoining lots. If the property owner proposes to develop the adjoining lots separately from the C-1 subject property, then the use of the adjoining lots cannot encroach upon the C-1 subject property as an accessory use or otherwise. If a separate hotel or motel is developed upon adjoining commercial zoned property, as well as a hotel or motel upon the subject C-1 property, then each separate facility shall have daily maid service, separate parking, a separate twenty-four (24) hour desk/counter clerk service and a separate telephone switchboard service to receive incoming/outgoing messages, and be operated as separate facilities.

(n) To the extent reasonably possible, the facility should be designed so that its architectural characteristics are consistent with those of the area and of adjacent properties.

(o) The requirements of Section 13.2-28 shall be the minimum requirements for a hotel or motel in a limited commercial zoning district (C-1), and the City Council, in its legislative discretion, may impose further zoning conditions to mitigate any adverse impact of the hotel or motel to adjoining properties and the adjoining neighborhood and considering the standards provided by Sections 8.0, 8.1, 8.2 and 8.3 of the zoning procedures and standards ordinance.

SECTION 2. **REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 3. **SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent

of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4. **EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council

SO ORDAINED, this _____ day of _____, 2016.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

City Clerk Kelsey Ledford