

PUBLISHED _____

ZONING HEARING March 22, 2016

FIRST READING April 19, 2016

PASSED _____

AN ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE ZONING REGULATIONS AS TO THE CENTRAL BUSINESS DISTRICT (CBD) TO ALLOW MIXED USED DEVELOPMENTS OF COMMERCIAL AND RESIDENTIAL USES, AND TO ALLOW URBAN DWELLINGS, ALL UNDER CERTAIN ZONING REQUIREMENTS TO ALLOW SAID USES; TO PROVIDE FOR DEFINITIONS; 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 update its zoning regulations and policies as to the Central Business District (CBD) to allow certain mixed use development of commercial and residential uses, as well as urban dwellings, and other uses, and pursuant to the specifications of this ordinance;

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 add new provisions regarding the Central Business District (CBD) and certain related articles and sections, revise certain current provisions, and with those provisions to read as follows:

(1) Definitions.

“Article 2 – Rules and Definitions” of the Zoning Ordinance is hereby amended by adding the following as definitions to the Zoning Ordinance, and which shall read as follows:

Dwelling, urban. A dwelling unit located within the Central Business District (CBD) and subject to the requirements of Chapter 11A of Article 11 of this ordinance, typically located on the 2nd, 3rd, and 4th floors of mixed use development buildings, and with the occupancy load of said dwelling unit determined by the standards of the Building Code, Fire Safety Code, and Fire District Code provisions. Notwithstanding the foregoing, an urban dwelling may be located on the floor at grade provided it occupies no more than fifty (50%) percent of the floor (at grade) on which it is located. The urban dwelling unit must be oriented to the rear of the floor at grade.

Mixed use development. A development within the Central Business District (CBD) which involves a mixture of commercial and residential uses within the buildings and the development. CBD mixed use developments are subject to the regulations provided within Chapter 11A of Article 11 of this ordinance.

(2) Amendment to Article 11-CBD Central Business District Regulations.

“Article 11-CBD Central Business District Regulations” is hereby amended by adding a new chapter, to be designated as Chapter 11A, to Article 11, and to read as follows:

Chapter 11A Urban Dwellings, Mixed Use Developments, and Other Developments within the Central Business District.

11A.1. **Article 11 Amendment.** This chapter shall amend Article 11 to provide additional regulations regarding urban dwellings, mixed use developments, and other types of developments within the Central Business District (CBD). In the event of a conflict of the regulations contained within Chapter 11A, with the foregoing sections of Article 11 (Sections 11.1 through 11.6), then the regulations of Chapter 11A of Article 11 shall control.

11A.2. **Urban Dwellings.** Urban dwellings may be located on the 2nd, 3rd, and 4th floors of buildings containing mixed uses. Commercial uses may share the 2nd, 3rd, and 4th floors provided Georgia State Mandatory Building and Fire Code separation requirements are adhered to, as well as the Fire District provisions.

11A.3. **Urban Dwelling at Grade.** An urban dwelling may be located on the floor at grade provided it occupies no more than fifty (50%) percent of the floor (at grade) on which it is located. The unit must be oriented to the rear of the floor at grade. Approval of any urban dwelling unit proposed for location on the grade floor is subject to review and approval by the Zoning Administrator and the Building Official that it meets the requirements set out herein.

11A.4. **Parking.** Two (2) parking spaces per dwelling must be provided. They may be located on site and placed to the side or rear of the property to which they serve. Required parking spaces may be located off site (on private property) and located within the CBD. Off premise parking is subject to review and approval by the Zoning Administrator that it meets the requirements set out herein.

11A.5. **Urban Dwelling Living Space.** The living space of urban dwelling units shall average one thousand (1000) square feet in area per building in which they are located.

11A.6. **Fire Suppression System.** All buildings in which any mixture of commercial and residential spaces are developed, and stand alone residential developments, must be supplied with a fire suppression system. The system must be designed and installed to meet NFPA standards and any other standard as deemed necessary for the protection of the building and its occupants. The fire suppression system shall meet the requirements of the Fire District also.

11A.7. **Trash Receptacle.** A trash receptacle must be provided on site and screened with materials that complement the building to which it serves.

11A.8. **Stand Alone Residential Development.** Stand alone residential developments (those without commercial uses) located within the CBD, must be oriented with the front of the development (as determined by the Zoning Administrator by the building orientation) facing West First Street or East First Street. Stand alone residential developments are not allowed on through lots, unless the lot also has a commercial or mixed use building on the lot facing West Main or East Main Streets. Only commercial or mixed use buildings may front on West Main and East Main Streets.

11A.9. **Setback.** A setback of five (5) feet is required between any portion of a building (stand alone residential development) and the street right of way to which it is oriented.

11A.10. **Unit Density.** There are no density limitations pertaining to the number of urban dwelling units located within a mixed use development or stand alone residential developments located within the CBD.

11A.11. **Green Space.** Ten (10) percent of the lot area associated with stand alone residential developments shall be developed as an on site green space/amenity area.

11A.12. **Other Improvements.** If curbing, guttering or sidewalks do not exist along the public right of way which abuts a lot upon which a new building, or an addition to an existing building, is to be developed, the developer shall be responsible for the installation of the curbing, gutters and sidewalk. Review and approval from the Blue Ridge Street Superintendent is required for the issuance of permits that said improvements met the requirements set out herein.

11A.13. **Occupancy Loads.** The number of occupants permitted to live/stay/rent or by any other means, occupy a dwelling unit, shall be determined by the Zoning Administrator and or the City Building Inspector in accordance with applicable Georgia mandatory building codes, the Fire Safety Code, the Fire District Code and other State mandatory building codes to determine occupancy loads considering the size of the dwelling unit, the number of bedrooms, kitchens, and bathrooms.

(3) 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 including urban dwellings and mixed use developments as

being permitted within the Central Business District (CBD) but eliminating certain residential uses in CBD, and said table will appear as follows:

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
X	X			Dwelling, Loft	13.2-10				
				Dwelling, Multi-Family (3 dwelling units only; Article 14 buffer requirements are waived)				X	X
				Dwelling, Multi-Family (4 dwelling units only; Article 14 buffer requirements are waived)				X	X
				Dwelling, Multi-Family (Article 14 buffer requirements are waived)					X
X				Dwelling, Single Family Attached (Condominiums and Townhouses)	13.2-23 13.2-24	X		X	X
X		X		Dwelling, Single-Family Detached (In CBD, shall meet the minimum lot and yard requirements of R-3 zone district when occupying individual lot; Article 14 buffer requirements are waived)	3.13	X	X	X	X
X		X		Dwelling, Two-Family, (In CBD, shall meet the minimum lot and yard requirements of R-3 zone district when occupying individual lot; Article 14 buffer requirements are waived)		X		X	X
				Dwelling, Senior	13-2.22				X
		X		Mixed use developments	Chapter 11A				
		X		Urban dwellings	Chapter 11A				

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