

1 FIRST READING _____

2
3 SECOND READING: APRIL 13, 2021

Formatted: Font color: Text 1

4
5 PASSED _____

6
7 AN ORDINANCE NO. _____

8
9 AN ORDINANCE TO AMEND THE BLUE RIDGE SHORT TERM
10 RENTAL ORDINANCE ADOPTED JULY 9, 2019 TO PROVIDE
11 FOR A NEW DEFINITION; TO REMOVE THE SPECIAL LAND
12 USE PERMIT PROVISIONS; AND FOR OTHER PURPOSES.

13
14 **WHEREAS**, the City Council of the City of Blue Ridge, Georgia adopted the
15 Short Term Rental Ordinance (“Ordinance”) on July 9, 2019, a true and correct copy
16 of which is attached hereto;

17 **WHEREAS**, the City Council determines it is in the best interests of the City
18 and its citizens to enact certain amendments to the Ordinance to promote the public
19 health, safety and welfare of the citizens;

20 **THEREFORE, BE IT ORDAINED**, and it is hereby ordained by the above-
21 referenced authority as follows:

22 **SECTION 1.**

23
24 Section Three of the Ordinance entitled “REGULATIONS FOR SHORT
25 TERM VACATION RENTALS” is hereby amended to read:

26 Short term vacation rentals may be offered to the public for rental only on
27 properties zoned for commercial use which currently are Central Business District
28 (“CBD”), Limited Commercial (“C-1”), Genera] Commercial (“C-2”) **and**

29 **Manufacturing District (“M-1”).** No short term rental may be offered to the
30 public for rental until issuance of a short term vacation rental certificate, receipt of
31 an occupation tax certificate, and payment of any and all applicable State and City
32 taxes. Any taxes owed to the City shall be paid and any failure to remit the same
33 or to register pursuant to this ordinance shall be subject to the penalties set forth in
34 the City of Blue Ridge, Georgia's Code of Ordinances. Owners shall also use his
35 or her best efforts to insure occupants do not disrupt or interfere with rights of
36 adjacent property owners to quiet enjoyment of their property and shall adhere to
37 the following requirements:

38 A. Owners shall not allow occupants to violate any federal, state, or local
39 law, statute, rule or ordinances.

40 B. Owners shall not allow overnight occupancy to exceed the maximum
41 capacity as identified in the rental certificate application.

42 Section 6, entitled “Violations/Revocation” is hereby amended at subsection
43 “B” to read “Short term rentals occurring after July 15, 2019 without a valid rental
44 certificate shall constitute a violation of this ordinance and shall be subject to a fine
45 in the amount of \$1,000 per occurrence. Each day a violation occurs shall be
46 deemed a separate occurrence and offense.”

47 Section 10, entitled “EFFECTIVE DATE/TOLLING/SPECIAL LAND USE
48 PERMIT/NONCONFORMING GRANDFATHERED USE” shall be retitled

49 **“EFFECTIVE DATE/TOLLING/NONCONFORMING GRANDFATHERED USE”**

50 and is hereby amended to read:

51 The effective date of this Ordinance shall be immediately upon its passage
52 by the City Council and execution by the Mayor or upon fifteen (15) days expiring
53 from the date of its passage without a veto of said Ordinance by the Mayor as set
54 forth in the City Charter at Section 3.23(b). The Ordinance shall be tolled and not
55 enforced against any owner of property who as of July 9, 2019 was ~~is currently~~
56 operating a short-term rental upon property which is not within a category eligible
57 for the issuance of a short term rental certificate if the owner or the owner's agent
58 ~~files~~ an application seeking a rezoning to a commercial category or a special land
59 use permit within thirty (30) days of the previous effective date of this Ordinance.

60 No application shall be accepted by the City of Blue Ridge if the applicant,
61 at the time of application, (1) is renting property in violation of the Short Term
62 Rental Ordinance or (2) has been found guilty of violating the Short Term Rental
63 Ordinance in the previous two year period. All applications for special land use
64 permits shall be reviewed and processed in the same manner as applications for
65 rezoning and shall be made on forms approved by the City. The City Council may
66 grant a special land use permit to allow operation of a short term rental on any
67 property located within the City limits and for any period of time. The City Council

68 shall consider, at a minimum, the following in its determination of whether or not
69 to grant a special land use permit:

70 (1) Whether or not there will be a significant adverse effect on the
71 neighborhood or area in which the proposed use will be located.

72 (2) Whether or not the use is otherwise compatible with the
73 neighborhood.

74 (3) Whether or not the use proposed will result in a nuisance as defined
75 under state law.

76 (4) Whether or not quiet enjoyment of surrounding property will be
77 adversely affected.

78 (5) Whether or not property values of surrounding property will be
79 adversely affected.

80 (6) Whether or not adequate provisions are made for parking and traffic
81 considerations.

82 (7) Whether or not the site or intensity of the use is appropriate.

83 (8) Whether or not special or unique conditions exist so as to overcome
84 the general requirements of this Ordinance.

85 (9) Whether or not adequate provisions are made regarding hours of
86 operation.

87 (10) Whether or not adequate controls and limits are placed on any
88 commercial and business deliveries.

89 (11) Whether or not the public health, safety, welfare or moral concerns
90 of the surrounding neighborhood will be adversely affected.

91 (12) Whether the applicant has provided sufficient information to allow a
92 full consideration of all relevant factors.

93 In all applications for a special land use permit the burden shall be on the
94 applicant both to produce sufficient information to allow the City to fully to
95 consider all relevant factors and to demonstrate that the proposal otherwise
96 complies with all applicable requirements and is otherwise consistent with this
97 Ordinance. A holder of a special land use permit may be subject to suspension or
98 revocation via a show-cause hearing conducted by the City Council if the
99 owner/property owner/operator is found in violation of any local, state or federal
100 laws, regulations or ordinance regulating such business or the violation any of the
101 City Council's stipulations of the special land use permit. The City shall be
102 authorized to conduct a show-cause hearing if the violations are not corrected
103 within ten days of official notification provided by the City, and/or are habitual in
104 nature, and/or endanger the public health, safety and welfare.

105 If the rezoning or special land use permits is denied, the Ordinance will no
106 longer be tolled and will be immediately enforceable. In the event an owner or the

107 owner's agent ~~was operating~~ ~~is currently operating~~ a short-term rental upon
108 property on July 9, 2019 which is not within a category eligible for the issuance of
109 a short term rental certificate AND has been paying the monthly hotel/motel tax
110 as required by law , said operation shall be considered to be grandfathered and
111 allowed to continue operation until there is a change in ownership of said
112 property. However, all other terms and conditions of this Ordinance shall apply to
113 any grandfathered short-term rental located on properly zoned a category other
114 than a commercial category set forth in this ordinance.

115

116

117

118 **SECTION 2:**
119 **REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**

120

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

127

128

129

SECTION 3.
SEVERABILITY

130 If any paragraph, subparagraph, sentence, clause, phrase or any other portion
131 of this Ordinance should be declared invalid or unconstitutional by any Court of
132 competent jurisdiction or if the provisions of any part of this Ordinance as applied
133 to any particular person, situation or set of circumstances is declared invalid or
134 unconstitutional, such invalidity shall not be construed to affect the provisions of
135 this Ordinance not so held to be invalid, or the application of this Ordinance to other
136 circumstances not so held to be invalid. It is hereby declared to be the legislative
137 intent of the City Council of the City of Blue Ridge, Georgia to provide for separate
138 and divisible parts and it does hereby adopt any and all parts hereof as may not be
139 held invalid for any reason.

140

141

142

143

144

SECTION 4.
EFFECTIVE DATE

145 The effective date of this Ordinance shall be immediately upon its passage by
146 the City Council and execution by the Mayor or upon fifteen (15) days expiring from
147 the date of its passage without a veto of said Ordinance by the Mayor as set forth in
148 the City Charter at Section 3.23(b). Upon the Ordinance becoming effective, the
149 City Clerk shall insert the modifications, additions or deletions and publish the
150 Ordinance as amended.

151 SO ORDAINED, this ____ day of _____, 2021.

151

BLUE RIDGE CITY COUNCIL

152
153
154
155
156
157

Attest:

City Clerk

By: _____
Mayor

