

PASSED_____

AN ORDINANCE NO.BR2021-05

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

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

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

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

SECTION 1.

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

Short term vacation rentals may be offered to the public for rental only on properties zoned for commercial use which currently are Central Business District ("CBD"), Limited Commercial ("C-1"), General Commercial ("C-2") **and Manufacturing District (“M-1”)**. No short term rental may be offered to the

28 public for rental until issuance of a short term vacation rental certificate, receipt of
29 an occupation tax certificate, and payment of any and all applicable State and City
30 taxes. Any taxes owed to the City shall be paid and any failure to remit the same
31 or to register pursuant to this ordinance shall be subject to the penalties set forth in
32 the City of Blue Ridge, Georgia's Code of Ordinances. Owners shall also use his
33 or her best efforts to insure occupants do not disrupt or interfere with rights of
34 adjacent property owners to quiet enjoyment of their property and shall adhere to
35 the following requirements:

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

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

40 Section 10, entitled "EFFECTIVE DATE/TOLLING/SPECIAL LAND USE
41 PERMIT/NONCONFORMING GRANDFATHERED USE" shall be retitled

42 "**EFFECTIVE DATE/TOLLING/NONCONFORMING GRANDFATHERED USE**"

43 and is hereby amended to read:

44 The effective date of this Ordinance shall be immediately upon its passage
45 by the City Council and execution by the Mayor or upon fifteen (15) days expiring
46 from the date of its passage without a veto of said Ordinance by the Mayor as set
47 forth in the City Charter at Section 3.23(b). The Ordinance shall be tolled and not

48 enforced against any owner of property who as of July 9, 2019 was ~~is currently~~
49 operating a short-term rental upon property which is not within a category eligible
50 for the issuance of a short term rental certificate if the owner or the owner's agent
51 files an application seeking a rezoning to a commercial category ~~or a special land~~
52 ~~use permit~~ within thirty (30) days of the previous effective date of this Ordinance.

53 ~~All applications for special land use permits shall be reviewed and processed~~
54 ~~in the same manner as applications for rezoning and shall be made on forms~~
55 ~~approved by the City. The City Council may grant a special land use permit to~~
56 ~~allow operation of a short term rental on any property located within the City limits~~
57 ~~and for any period of time. The City Council shall consider, at a minimum, the~~
58 ~~following in its determination of whether or not to grant a special land use permit:~~

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

61 ~~(2) Whether or not the use is otherwise compatible with the~~
62 ~~neighborhood.~~

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

65 ~~(4) Whether or not quiet enjoyment of surrounding property will be~~
66 ~~adversely affected.~~

67 ~~(5) Whether or not property values of surrounding property will be~~
68 ~~adversely affected.~~

69 ~~(6) Whether or not adequate provisions are made for parking and traffic~~
70 ~~considerations.~~

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

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

74 ~~(9) Whether or not adequate provisions are made regarding hours of~~
75 ~~operation.~~

76 ~~(10) Whether or not adequate controls and limits are placed on any~~
77 ~~commercial and business deliveries.~~

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

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

82 ~~In all applications for a special land use permit the burden shall be on the~~
83 ~~applicant both to produce sufficient information to allow the City to fully to~~
84 ~~consider all relevant factors and to demonstrate that the proposal otherwise~~
85 ~~complies with all applicable requirements and is otherwise consistent with this~~
86 ~~Ordinance. A holder of a special land use permit may be subject to suspension or~~

87 ~~revocation via a show cause hearing conducted by the City Council if the~~
88 ~~owner/property owner/operator is found in violation of any local, state or federal~~
89 ~~laws, regulations or ordinance regulating such business or the violation any of the~~
90 ~~City Council's stipulations of the special land use permit. The City shall be~~
91 ~~authorized to conduct a show cause hearing if the violations are not corrected~~
92 ~~within ten days of official notification provided by the City, and/or are habitual in~~
93 ~~nature, and/or endanger the public health, safety and welfare.~~

94 If the rezoning ~~or special land use permits~~ is denied, the Ordinance will no
95 longer be tolled and will be immediately enforceable. In the event an owner or the
96 owner's agent ~~was operating is currently operating~~ a short-term rental upon
97 property on July 9, 2019 which is not within a category eligible for the issuance of
98 a short term rental certificate AND has been paying the monthly hotel/motel tax
99 as required by law, said operation shall be considered to be grandfathered and
100 allowed to continue operation until there is a change in ownership of said
101 property. However, all other terms and conditions of this Ordinance shall apply to
102 any grandfathered short-term rental located on properly zoned a category other
103 than a commercial category set forth in this ordinance.

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107 **SECTION 2:**
108 **REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**
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110 On the effective date of this Ordinance, all parts of ordinances in conflict with
111 the terms of this ordinance are hereby repealed to the extent of the conflict, but it is
112 hereby provided that any ordinance or law which may be applicable hereto and aid
113 in carrying out and making effective the intent, purpose and provisions hereof, is
114 hereby adopted as a part hereof and shall be legally construed to be in favor of
115 upholding this Ordinance on behalf of the City of Blue Ridge, Georgia.

116 **SECTION 3.**
117 **SEVERABILITY**
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119 If any paragraph, subparagraph, sentence, clause, phrase or any other portion
120 of this Ordinance should be declared invalid or unconstitutional by any Court of
121 competent jurisdiction or if the provisions of any part of this Ordinance as applied
122 to any particular person, situation or set of circumstances is declared invalid or
123 unconstitutional, such invalidity shall not be construed to affect the provisions of
124 this Ordinance not so held to be invalid, or the application of this Ordinance to other
125 circumstances not so held to be invalid. It is hereby declared to be the legislative
126 intent of the City Council of the City of Blue Ridge, Georgia to provide for separate
127 and divisible parts and it does hereby adopt any and all parts hereof as may not be
128 held invalid for any reason.

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SECTION 4.
EFFECTIVE DATE

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

SO ORDAINED, this ____ day of _____, 2021.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Attest:

City Clerk