

ADVERTISED 5/17/2017 5/31/2017
PUBLIC HEARING 6/6/2017
PUBLIC HEARING 6/13/2017
ADOPTED 6/13/2017

ORDINANCE NO. 2017-06

AN ORDINANCE TO AMEND THE BANKS COUNTY CODE OF ORDINANCES BY ADDING A NEW ARTICLE XXIII ENTITLED "EXTENDED STAY HOTELS OR MOTELS"; TO PROVIDE THE RULES AND REGULATIONS FOR THE CONSTRUCTION AND OPERATION OF EXTENDED STAY HOTELS OR MOTELS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend The Code of Banks County, Georgia by adding a new Article XXI entitled "Extended Stay Hotels or Motels to provide for the construction and operation of Extended Stay Hotels or Motels.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
BANKS COUNTY, GEORGIA, AS FOLLOWS:**

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The Code of Banks County, Georgia is hereby amended by adding a new Article XXIII entitled "EXTENDED STAY HOTELS OR MOTELS: to read as follows:

ARTICLE XXI. "EXTENDED STAY HOTELS OR MOTELS"

Section 2301: "Extended Stay Hotels or Motels" means any hotel or motel in which guest rooms have facilities for both the storage, refrigeration, and preparation of food, and/or which are advertised, designed, or utilized for weekly or monthly occupancy.

Section 2302: Permit: A Special Land Use Permit must be obtained for the construction and operation of Extended Stay Hotels and Motels and may only be a conditional use in C2, General Commercial Zoning District.

Section 2303: Minimum Lot Size: On and after the passage of this Ordinance, a minimum of two (2) acres is required to construct an Extended Stay Hotel or Motel in Banks County. On and after the passage of this Ordinance a minimum of two (2) acres is required to convert a hotel or motel or other structure to an Extended Stay Hotel or Motel in Banks County.

Section 2304: Occupation: No individual guests shall register, reside in, or occupy any room or rooms within the Extended Stay Hotel or Motel for more than a twenty-nine (29) consecutive day period.

Section 2305: Recreation: An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of 5 square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Banks County Code Enforcement Officer prior to development to ensure that all applicable safety specifications and standards are met.

Section 2306: Business License: No permanent business license shall be issued for the conduct of any business from any guest room of an Extended Stay Hotel or Motel.

Section 2307: No Conversion: No Extended Stay Hotel or Motel under this Article is to be converted to or used as an apartment or condominium. No hotel or motel or other structure can be converted to an Extended Stay Hotel or Motel without meeting all of the rules and regulations contained within this Article.

Section 2308: Landscape Plan. Extended Stay Hotels and Motels must have a landscape plan submitted to and approved by Code Enforcement Officer, and constructed prior to issuance of a business license.

Section 2309: Open Space. Extended Stay Hotels and Motels must have a minimum of 25% of the lot area dedicated to either active or passive open space. The open space shall include active recreation, such as a children's playground area, and/or passive recreation, such as green space and walking paths.

Section 2310: Sprinkler. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee.

Section 2311: Timer. Each guest room having a stove-top unit or other type burner unit shall be required to also include a maximum sixty (60) minute automatic power off timer for each such unit.

Section 2312: Smoke Detector. A hard-wired smoke detector shall be provided and installed in each guest room.

Section 2313: Parking. No outside storage or permanent parking of equipment or vehicles shall be allowed.

Section 2314: Buffer. All such Extended Stay Hotels or Motels shall provide a 50 foot undisturbed buffer from any property zoned for multi-family residential purposes and/or a 100 foot undisturbed buffer from any property zoned for single family residential purposes.

Section 2315: Set Back. No building may be placed within 300 feet of any residentially zoned property, inclusive of the required buffer.

Section 2316: Density. All Extended Stay Hotels and Motels shall have a maximum density of 75 guest units per gross acre of development.

Section 2317: Application. This Article shall apply to all Extended Stay Hotels or Motels and other structures permitted or expanded after January 1, 2016.

Section 2318: Nonconforming Use.

Any lawful building, structure or use of land existing at the time of the enactment of this Ordinance and not in conformity with the rules and the regulations imposed herein may for a period of one year be continued subject to the following provisions. The building, structure or use of land shall not be:

- a. Changed to another non-conforming use;
- b. Enlarged or extended except in conformity with this Article;
- c. Reestablished after discontinuance for a period of six months;
- d. Rebuilt, altered, or repaired after damage exceeding 60% of its fair market value; or
- e. Improved in any way to the extent that such improvements equal or exceed 20% of the value of the structure at the time

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All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

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If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution 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 portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.


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This Resolution is hereby adopted this 13th day of June, 2017, and shall be codified as a part of the Code of Banks County, Georgia, to become effective

upon the 13th day of June, 2017, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS


Chairman

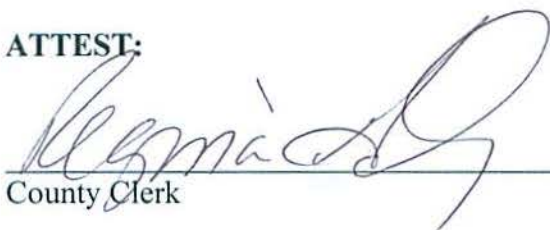

Vice Chairman


Commissioner


Commissioner


Commissioner

ATTEST:


County Clerk