

**STATE OF GEORGIA**

**CITY OF HAPEVILLE**

**ORDINANCE NO. 2016-05**

AN ORDINANCE TO AMEND THE CHAPTER 93, ZONING, OF THE CODE OF ORDINANCES FOR THE CITY OF HAPEVILLE, GEORGIA; TO CREATE RESTRICTIONS ON THE ESTABLISHMENT OF EXTENDED-STAY HOTELS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Hapeville, Georgia (the “City”) is the Mayor and Council thereof; and

**WHEREAS**, the Mayor and Council have, as a part of planning, zoning and growth management, been in review of the City's zoning ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

**WHEREAS**, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the

City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

**WHEREAS**, it is the belief of the Mayor and Council that the concept of “public welfare” is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City “to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

**WHEREAS**, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

**WHEREAS**, the City has thoroughly researched standards regarding Extended-Stay Hotels; and

**WHEREAS**, the Mayor and Council find it desirable and in the interest of the health, safety, and welfare of the citizens of the City to amend certain provisions of the City’s zoning ordinances regarding Extended-Stay Hotels.

**BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, and by the authority thereof:**

**Section 1. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of “Height” and “Junk” to read as follows:**

*“Hotel.* A building designed for occupancy for a fee as the temporary abiding place of individuals who are lodged within.

*Hotel, Extended-Stay.* A building that otherwise meets the definition of hotel, but in which Cooking Facilities are included in more than twenty (20) percent of the total units. For the purposes of this Chapter, "Cooking Facilities" shall mean a stove top burner, a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; a grill; a hibachi; or any oven producing heat using resistance heating elements or infrared heating sources. Microwaves and coffee makers shall not be considered Cooking Facilities. All Extended-Stay Hotels must comply with the provisions of Section 93-2-22.”

**Section 2. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of “Antique Shop” and “Basement” to read as follows:**

*“Apartment.* A dwelling unit that is physically attached to at least two (2) other dwelling units, either directly or through an intervening unit, and that does not constitute a condominium.”

**Section 3. That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting new text as Section 93-2-22 to read as follows:**

“Sec. 93-2-22. – Extended-Stay Hotels.

(a) Standards.

(1) The minimum number of guest rooms shall be one hundred (100).

(2) The minimum floor area of a one bedroom guest room shall be four hundred (400) square feet, a minimum floor area of six hundred (600) square feet for a two (2) bedroom guest room, and not less than an additional one hundred fifty (150) square feet of floor area for each additional bedroom.

(3) No minimum lot size shall be required.

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- (4) Access shall be by means of a single, main entrance within view of a registration desk that is staffed at all times.
- (5) Access to guest rooms shall be via an interior corridor, only, with guest room doors opening only onto such corridors. No guest room shall be accessible from the exterior of the building. Access to individual guest rooms shall be by magnetic card access or as otherwise required by fire or life safety regulations.
- (6) A manager and a minimum of one (1) additional employee shall be on duty at all times.
- (7) The minimum number of floors allowed shall be four (4).
- (8) A minimum lighting intensity of two and one half (2.5) foot-candles shall be maintained in all vehicle use and all pedestrian areas. A minimum lighting intensity of five (5.0) foot-candles shall be maintained at each entrance and exit.
- (9) Extended-Stay Hotels may have a flat or sloped roof, provided the minimum roof pitch shall be a six-to-twelve ratio (6:12), as appropriate.
- (10) All construction shall be subject to all provisions of the 2012 International Building Code and shall also comply with all Fire and Life Safety Codes applicable on the date of the application for building permits.
- (11) All construction shall comply with the Architectural Design Standards that allow brick, concrete stucco, stone and wood. In addition, glass in combination with metal and approved synthetic finishes complying with the "Dryvit" standards acceptable to the City shall be allowed.
- (12) Room furnishings shall be subject to inspection by the City Police Chief who shall evaluate the furnishings for "wear and tear" on a seven (7)-year cycle and shall be authorized to require replacement of any furnishings deemed to be in disrepair or otherwise in need of replacement.
- (13) Extended-Stay Hotels shall not be the primary residence of any guest and shall not qualify the children of any guest for registration in any K-12 educational institution.
- (14) Provisions for guest room cleaning on a minimum schedule of once weekly shall be established.
- (15) All guest rooms shall be protected with a smoke detector and sprinkler system approved by the City Fire Department.
- (16) All guest rooms shall provide an automatic power shut off timer for each stove top unit or other type burner.
- (17) No outside storage, long term parking of heavy equipment, nor parking of construction or related equipment shall be permitted.
- (18) No guest room permitted under this section shall be converted to or used as an apartment or condominium.
- (19) Any pay phone on the premises shall only be located in the interior of the building.
- (20) Extended-Stay Hotels shall feature a minimum of two (2) of the following amenities:
  - a. Health or fitness club.
  - b. Swimming pool.
  - c. A minimum of two (2) meeting rooms.
- (21) All Extended-Stay Hotels shall serve a hot breakfast daily.
- (22) Guest room amenities shall include each of the following:

- a. Granite counter tops
- b. Dark wood tables and night stands
- c. Forty seven (47)-inch or larger flat screen televisions
- d. Wi-Fi connections and in-room work stations
- e. On-site upscale coin laundry facilities with high efficiency machines
- f. Breakfast/Coffee Bar
- g. Upscale Security Gates (black wrought iron)
- h. Premium fixtures and furnishings
- i. Queen Size bed standard in double rooms
- j. King Size bed standard in single rooms
- k. Upscale Lighting
- l. Upscale shampoos and soaps
- m. Upscale bedding and towels”

**Section 4. That the City Code, Chapter 93, Zoning, Article 14, C-2 (General Commercial), is hereby amended by deleting the existing text of Subsection 24 of Section 93-14-3, Permitted Uses, and inserting new text in lieu thereof to read as follows:**

“(24) Hotels and motels, including Extended-Stay Hotels, subject to the provisions of Section 93-2-22; provided, however, that any unit for occupancy which includes cooking facilities shall have a total floor area of not less than 400 square feet for an efficiency or one bedroom unit; a total floor area of not less than 600 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom; and provided further that all proposed hotel and motel developments shall be subject to the site plan review requirements of section 93-2-16.”

**Section 5. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by deleting the existing text of Subsection 17 of Section 93-11.5-3, Permitted uses, and inserting new text in lieu thereof to read as follows:**

“(17) Hotels, as defined in Section 93-11.5-2 above; and Extended-Stay Hotels, as defined in Section 93-1-2, and subject to the provisions of Section 93-2-22.”

**Section 6. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by deleting the existing text of Subsection d under the definition of “Hotel” in Section 93-11.5-2, Definitions, and inserting new text in lieu thereof to read as follows:**

“(d) Any guest room that includes Cooking Facilities shall have a total floor area of not less than 400 square feet for an efficiency or one bedroom unit; a total floor area of not less than 600 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom; and provided further that all proposed hotel and motel developments shall be subject to the site plan review requirements of section 93-2-16. Microwaves and coffee makers shall not be considered Cooking Facilities.”

**Section 7. That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsections 16 and 17 of Section 93-11.2-3, Permitted uses, and inserting new text in lieu thereof to read as follows:**

“(16) Hotels.

(17) Extended-Stay Hotels, subject to the provisions of Section 93-2-22, provided that no such use shall be permitted on any property that is zoned or utilized for single-family dwellings.”

**Section 8. That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsection 24 of Section 93-11.2-4, Nonpermitted uses, and inserting new text in lieu thereof to read as follows:**

“(24) Reserved.”

**Section 9. That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsection 3 of Section 93-11.2-5, Conditional uses, and inserting new text in lieu thereof to read as follows:**

“(3) Reserved;”

**Section 10. That the City Code, Chapter 93, Zoning, Article 12, C-R Zone (Commercial-Residential), is hereby amended by deleting the existing text of Subsections (b)(11) and (b)(12) of Section 93-12-2, Permitted uses, and inserting new text in lieu thereof to read as follows:**

“(11) Reserved.

(12) Reserved.”

**Section 11.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 12.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 13.** Penalties in effect for violations of the Zoning Ordinance of the City of Hapeville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 14.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF HAPEVILLE, GEORGIA**

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**ALAN HALLMAN**, Mayor

**ATTEST:**

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**JENNIFER ELKINS**, City Clerk

**APPROVED AS TO FORM:**

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**STEVE FINCHER**, City Attorney