STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 93, ZONING, OF THE CODE OF ORDINANCES FOR THE CITY OF HAPEVILLE, GEORGIA; TO CREATE DEFINITIONS REGARDING HOTELS AND EXTENDED-STAY HOTELS; TO CREATE REGULATIONS REGARDING THE ESTABLISHMENT AND MANAGEMENT OF EXTENDED-STAY HOTELS; TO PROVIDE FOR SEVERABILITY; TO REGULATE ZONING OF EXTENDED-STAY HOTELS UTILIZING THE CITY OF HAPEVILLE FUTURE DEVELOPMENT MAP; 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, thoroughly reviewed of the City's zoning ordinances and have studied 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 to effectively 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, on October 21, 2014, the City adopted a Future Development Map; and

WHEREAS, within the City's Future Development Map, certain areas are designated as high-intensity mixed use and commercial;

WHEREAS, the City has determined that such areas are suitable for development of 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 Hotels and 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 and to be codified as follows:

"*Hotel or Motel.* 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 percent (20%) of its total guest rooms."

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 is not titled as a condominium."

Section 3. 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 "Commercial Parking Lot" and "Condominium" to read as follows:

"*Cooking Facilities.* As applied only to Hotels and Extended-Stay Hotels, "Cooking Facilities" means a stove top burner, a hotplate that does not serve as an integral part of an appliance

designed solely to produce coffee or tea; a conventional oven; a convection oven; a grill; or any device producing heat using resistance heating elements or infrared heating sources for the purpose of preparing food. Microwaves and coffee makers shall not be considered Cooking Facilities for purposes of this definition."

Section 4. That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting a new section as Section 93-2-22 and including the following text therein to read as follows:

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

No Extended-Stay Hotel shall be initially constructed or thereafter operated, and no Hotel may be converted to be, and operated as an Extended-Stay Hotel unless in full compliance with each of the following provisions:

(a) Extended Stay Hotel standards.

(1) The minimum number of guest rooms shall be one hundred (100).
(2) Public Access to the interior of the premises shall be by means of a single, main entrance within view of a registration desk that is staffed by at least one person at all times.
(3) A manager and a minimum of one (1) additional employee shall be on duty on the premises at all times.
(4) The minimum number of floors shall be four (4).
(5) A minimum lighting intensity of two and one half (2.5) foot-candles shall be maintained in all motor vehicle drives and parking areas and all pedestrian areas.
(6) A minimum lighting intensity of five (5.0) foot-candles shall be maintained at each public entrance and exit.
(7) A flat roof is allowed; sloped roofs shall have a minimum roof pitch of a six-to-twelve ratio (6:12).
(8) 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.
(9) Management must provide without additional charge guest room cleaning on a minimum schedule of once weekly.
(10) Outside storage, long term parking of heavy equipment, and parking of construction or related equipment shall be prohibited.
(11) Any pay phone on the premises shall only be located in the lobby of the building.
(12) A minimum of two (2) of the following amenities shall be offered for the use of all guests:

a. Fitness room.

i. The fitness room of an Extended-Stay Hotel with between one hundred (100) and two hundred (200) guest rooms shall be no less than two hundred seventy-five (275) square feet. Further, the fitness room must contain a minimum of four (4) pieces of

exercise equipment. Four (4) required pieces must include the following: One (1) treadmill, one (1) upright or recumbent cycle, one (1) elliptical cross trainer or stair climber and a two (2) strength station gym or two (2) independent strength pieces.

ii. The fitness room of an Extended-Stay Hotel with over two hundred (200) guest rooms shall be no less than three hundred fifty (350) square feet. Further, the fitness room must contain a minimum of six (6) pieces of exercise equipment. Six (6) required pieces must include the following: Two (2) treadmills, two (2) upright or recumbent cycles, one (1) elliptical cross trainer or stair climber and a 2 (two) station gym or two (2) independent strength pieces.

b. Swimming pool, with dimensions of no less than thirty (30) square feet by sixty (60) square feet.

c. A minimum of two (2) meeting rooms, each having, dimensions of no less than one thousand two hundred (1,200) square feet.

(13) A daily hot breakfast shall be made available on the premises, by the Hotel, for consumption by guests.

(14) Affiliation of the Hotel with a national chain shall be required.

(15) A minimum of a three (3) star rating from Smith Travel Accommodations Report shall be required.

(b) Hotel guest room standards.

(1) Access to guest rooms shall be via an interior corridor, only, with guest room doors opening only onto such corridors.

(2) No guest room shall be directly accessible from the exterior of the building.

(3) Access to individual guest rooms shall be by magnetic card access or as otherwise required by fire or life safety regulations.

(4) 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.

(5) All guest rooms shall be protected with a smoke detector and sprinkler system approved by the City Fire Department.

(6) All guest rooms shall provide an automatic power shut off timer for each stove top unit or other type burner.

(7) No guest room permitted under this section shall be converted to or used as an apartment or condominium.

(8) 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

(c) Maximum number of occupation tax certificates available. The number of certificates of occupancy allowed, at one time, for the operation of an Extended-Stay Hotel within the city shall not exceed five (5).

(d) Zoning districts. Extended-Stay Hotels shall be located only within the areas designated as "High Intensity Mixed Use" or "Commercial", on the "City of Hapeville Future Development Map", dated October 21, 2014, and as may be amended from time to time. The City of Hapeville Future Development Map is available for inspection during normal business hours in the office of the City Clerk. Further, no Extended-Stay Hotel shall be developed on a Lot abutting any area occupied, planned (as so designated on the City of Hapeville Future Development Map) or zoned for residential use.

(e) Penalties for noncompliance. An Extended-Stay Hotel that fails to meet the requirements of the above subsections (a) through (d) is prohibited from offering Cooking Facilities in more than twenty percent (20 %) of its total units. Further, any Extended-Stay Hotel that fails to meet the requirements of this section shall be subject to citation for each day of noncompliance. Each day of noncompliance shall constitute a separate offense punishable by a separate citation."

Section 5. That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting a new section as Section 93-2-23 and including the following text therein to read as follows:

"Sec. 93-2-23. –Hotels or Motels with Cooking Facilities.

Any Hotel 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."

Section 6. 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 the following text in lieu thereof, to read and to be codified as follows:

"(24) Hotels and Motels."

Section 7. That the City Code, Chapter 93, Zoning, Article 14, C-2 (General Commercial), is hereby amended by inserting a new subsection (41) to Section 93-14-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

"(41) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23."

Section 8. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by inserting a new subsection (18) to Section 93-11.5-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

"(18) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23."

Section 9. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by repealing the existing definition of "Hotel" in Section 93-11.5-2, Definitions.

Section 10. 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 the following text in lieu thereof to read and to be codified as follows:

"(17) Hotels and Motels."

Section 11. 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 the following text in lieu thereof to read and to be codified as follows:

"(16) Hotels and Motels.

(17) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23."

Section 12. 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 the following text in lieu thereof to read and to be codified as follows:

"(24) Reserved."

Section 13. 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 the following text in lieu thereof to read and to be codified as follows:

"(3) Reserved;"

Section 14. 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 the following text in lieu thereof to read and to be codified as follows:

"(11) Multifamily developments of high density; provided that the minimum lot area for any such development is five acres; and provided further that any unit for occupancy which includes cooking facilities shall have a total floor area of not less than 480 square feet for an efficiency or one bedroom unit, a total floor area of not less than 730 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom.

(12) Accessory uses to office buildings with more than 6,000 square feet of floor area, or high-density multifamily buildings are permitted, but limited to the first two floors and further limited to those retail uses permitted in the C-1 commercial district, wholly within the principal building. In no case shall accessory use activities utilize more than 25 percent of the floor area of any hotel, motel, office or multifamily building."

Section 15. That the City Code, Chapter 93, Zoning, Article 13, C-1 Zone (Retail Commercial), is hereby amended by inserting new subsections (28) and (29) to Section 93-

13-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

"(28) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23.
(29) Hotels and Motels."

Section 16. That the City Code, Chapter 93, Zoning, Article 11.1, V Zone (Village), is hereby amended by deleting the existing text of subsection (3) of Section 93-11.1-4, Conditional uses, and inserting the following text in lieu thereof to read and to be codified as follows:

"(3) Reserved."

Section 17. That the City Code, Chapter 93, Zoning, Article 11.1, V Zone (Village), is hereby amended by deleting the existing text of subsection (23) of Section 93-11.1-3, Nonpermitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

"(23) Reserved."

Section 18. The City of Hapeville Future Development Map, adopted October 21, 2014 and referenced in Section 4 of this Ordinance (and to be referenced in Section 93-2-22 of the Code of Ordinances), is attached hereto and incorporated herein by reference. A true and correct copy of such map is displayed in Exhibit "A." A copy of the City of Hapeville Future Development Map, as is displayed in Exhibit A, is available for inspection during normal business hours in the office of the City Clerk.

Section 19. (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 20. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 21. 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 22. 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

_____
ALAN HALLMAN, Mayor

ATTEST:

_____
JENNIFER ELKINS, City Clerk

APPROVED AS TO FORM:

_____
STEVE FINCHER, City Attorney

EXHIBIT A

CITY OF HAPEVILLE FUTURE DEVELOPMENT MAP