

**STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF STONECREST, GEORGIA ARTICLE 3 (OVERLAY DISTRICT REGULATIONS), ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE) TO ADOPT CHANGES TO ZONING REQUIREMENTS FOR HOTELS, MOTELS, AND EXTENDED STAYS; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to amend ARTICLE 3 (OVERLAY DISTRICT REGULATIONS), ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE); and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

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

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending ARTICLE 3 (OVERLAY DISTRICT REGULATIONS), ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE); by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red, bold and underlined.** Text removed from current law appears as **red, bold and strikethrough.**

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (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 section 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 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
(SEE ATTACHED)

TMOD-22-017

STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

Sec. 9.1.3 Defined Terms

~~Hotel/motel means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.~~

~~Hotel/motel, extended stay, means any building containing six or more guest rooms rented or leased for sleeping purposes for periods less than one month, but in excess of one week, and that contain kitchen facilities for food preparation, including, but not limited to, refrigerators, stoves, and ovens.~~

Hotel means an establishment providing transient lodging accommodations to the general public, and may provide additional services such as restaurants, in-building check-in/check-out services, meeting rooms and recreation facilities. Held out to the public to be a place where temporary lodging of thirty (30) days or less is offered for pay to guests and is not intended for long term occupancy.

Motel means an establishment providing transient lodging accommodations containing six (6) or more rooms with at least twenty five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Held out to the public to be a place where temporary lodging of thirty (30) days or less is offered for pay to guests and is not intended for long term occupancy.

Extended Stays - hotel or motel means an establishment providing transient lodging accommodations, generally marketed to long- term visitors on a temporary basis, which contains kitchen facilities within individual units. Kitchens may include, but are not limited to counters, refrigerators, stoves, and ovens.

Bona fide employee means a person who works in the service of the hotel, motel, or extended stay hotel (i.e. the employer) under a contract of hire, whether

express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Sec. 4.2.26 Extended Stay – motels or hotels

Extended stay motels/hotels shall meet the following requirements:

- A. Extended-stay motels/hotels shall have no more than 25 guest rooms per acre.
- B. Each guest room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device.
- C. Extended-stay hotels/motels shall not be more than four stories in height.
- D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres.
- E. Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
- F. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- G. Management must be on the property 24 hours a day, seven days a week.
- H. Daily maid service must be included in the standard room rate.
- I. Parking areas must have security fencing and lighting with a minimum luminescence of one footcandle at pavement level.
- J. No extended stay motel/hotel may be located within ~~1,000~~ **500** feet of another extended stay motel/hotel.
- K. Change of location or name.
 1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
 3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

Sec. 4.2.64 Hotels and Motels

Hotels and motels shall meet the following requirements:

- A. Hotels are prohibited from providing lodging at an hourly rate.
- B. No hotel or motel located within the city shall allow any person to occupy such hotel or motel for more than thirty (30) consecutive days, nor more than sixty (60) days during a one hundred eighty-day (180) period. No patron shall begin a new rental agreement with a hotel or motel without at least a two-day vacancy between stays.
- C. Notwithstanding the provisions of subsection 4.2.27(b), a hotelier may designate no more than three (3) rooms for the purpose of allowing any number of bona-fide employees and their families to reside on the premises. Rooms designated for employee residences must be clearly marked as distinct rooms from those held out for rent to the public and, where practical, must be located adjacent to other rooms designated for employee residences. Rooms designated for employee residences may not be held out for rent to the public.
- D. Notwithstanding the provisions of subsection 4.2.27(b), a stay more than thirty (30) consecutive days or more than sixty (60) days during a one hundred eighty-day (180) period may occur under the following circumstances:
 - 1. Where there is a written contract or documented agreement between a hotel or motel and a business, corporation, firm, or governmental agency to house employees or individuals on valid work orders;
 - 2. Where there is written documentation, consistent with HIPAA privacy rules, that a hotel or motel guest is considered family or is providing care for a patient who is admitted at a local hospital or is undergoing hospice care; or
 - 3. Where an insurance company or federal, state, or local agency has provided documentation that a hotel or motel guest has been displaced from their home by a natural disaster or fire.
- E. For any hotel or motel permitted for construction after April 2023, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Public-facing entry points shall

Fraternity house or sorority house	P	P	P	SP							
Hotel or Motel	X	X	X	X	X		P	P	P		
Hotel	P	SP	X	X	X	X	P	P	P		✓
Motel	X	X	X	X	X	X	P	P	P		✓