

Request for City Council Action

Date: March 3, 2015

Agenda Section: General Business No. 6	Originating Department: Planning Services/Legal
Item: An Ordinance amending Section 5-16-1 and Section 15-11-4 of the Revised Code of the City of Carbondale, Illinois Relative to the Definition of Extended Stay Hotel/Unit; and amending Section 7-9-1 Relative to the Definition of Permanent Resident. No. 6.2	Approved:

Background and Summary:

At the direction of the Carbondale City Council, the Carbondale Planning Commission held a public hearing regarding a possible text amendment within Title 15 relative to the definition of Extended Stay Hotel/Unit. This amendment accompanies a proposed text amendment to Title 5 which will add a definition of Extended Stay Unit. A definition of Extended Stay Hotel/Unit currently exists within Title 15; however, if the council chooses to add a definition to Title 5, it is staff's recommendation that Title 15 be amended with the same definition.

Furthermore, a text amendment is being proposed to amend the definition of Permanent Resident within Section 7-9-1. The City of Carbondale first implemented a municipal hotel/motel tax in 1984 at a rate of 4.00% under its home rule authority granted by the State of Illinois. In 2003, the City raised the municipal hotel/motel tax to 8.00% and in 2014 it was raised to 9.00%. The revenues from the tax are used primarily to fund the operations of the Carbondale Convention and Tourism Bureau with the balance used to fund the general operation of the City. Currently, this tax is required for all overnight stays for the first 7 days. The proposed change to the definition of Permanent Resident within Section 7-9-1 would extend the taxing period to cover the first 30 days.

Attached for City Council review are the following:

1. An Ordinance approving the text amendment request.
2. A copy of the unapproved minutes of the Planning Commission for public hearing PC 15-08.
3. A copy of the staff report to the Planning Commission. (PC 15-08)

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on February 18, 2015, and voted (6 yes-0 no) to recommend approval of the proposed text amendment to the City Council. A notice of the public hearing was published in the *Southern Illinoisan* on February 1, 2015. No one spoke in favor and no one spoke in opposition to the proposed text amendment.
2. *Financial Impact:* None
3. *Staff Impact:* Staff will be responsible issuing licenses and performing inspections.

Recommended Action:

It is recommended that the City Council move “To adopt the Ordinance approving amendments to Section 5-16-1 and Section 15-11-4 relative to the definition of Extended Stay Hotel/Unit; and an amendment to Section 7-9-1 relative to the definition of Permanent Resident.”



CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2015-___

AN ORDINANCE AMENDING SECTION 15-11.4 AND SECTION 5-16-1 OF THE REVISED CODE OF THE CITY OF CARBONDALE, ILLINOIS RELATIVE TO THE DEFINITION OF EXTENDED STAY HOTEL/UNIT; AND SECTION 7-9-1 OF THE REVISED CODE OF THE CITY OF CARBONDALE, ILLINOIS RELATIVE TO THE DEFINITION OF PERMANENT RESIDENT

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THE 3rd DAY OF MARCH, 2015

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 4th day of March, 2015.

CERTIFICATE OF PUBLICATION

I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 4th day of March, 2015.

Jennifer R. Sorrell, City Clerk
City of Carbondale, Illinois

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING SECTION 15-11.4 AND SECTION 5-16-1 OF THE REVISED CODE OF THE CITY OF CARBONDALE, ILLINOIS RELATIVE TO THE DEFINITION OF EXTENDED STAY HOTEL/UNIT; AND SECTION 7-9-1 OF THE REVISED CODE OF THE CITY OF CARBONDALE, ILLINOIS RELATIVE TO THE DEFINITION OF PERMANENT RESIDENT

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, The City of Carbondale initiated a text amendment to amend Section 15-11.4 of the Revised Code of the City of Carbondale, Illinois, relative to the definition of Extended Stay Hotel/Unit; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 1st day of February, 2015, being at least (15) days prior to said hearing; and,

WHEREAS, a hearing of the Planning Commission of the City of Carbondale was called at 6:00 p.m. on the 18th day of February, 2015, at City Council Chambers in said City to consider the zoning classification for said property; and,

WHEREAS, the Planning Commission conducted said hearing pursuant to the notice given, and to the laws of the State of Illinois; and,

WHEREAS, said Planning Commission thereafter filed with the City Council a report of its hearing disclosing its findings of fact and its recommendation, said recommendation being as

follows: to approve PC 15-08, text amendment to Section 15-11.4 of the Carbondale Revised Code; and,

WHEREAS, the City Council of the City of Carbondale has considered the findings of fact filed by the Planning Commission, the record of the Commission's public hearing, and the provisions of the zoning ordinance, and based thereon, finds that it is in the best interests of the City of Carbondale, Illinois that the zoning ordinance be amended; and

WHEREAS, the changing of the definition of Extended Stay as set out in PC 15-08 also requires the changing of the definition of Permanent Resident in Title 7 of the Carbondale Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

Section 1. That Section 15-11.4 of the Revised Code of the City of Carbondale is hereby amended as provided in Exhibit "A," attached hereto and made a part of hereof by reference.

Section 2. That the definition of EXTENDED STAY UNIT is hereby added to Title 5, Section 16-1 which is hereby amended to read as follows:

EXTENDED STAY UNIT: A hotel or motel unit with accommodations which meets the following requirements:

- i. A unit occupied by not more than two occupants shall have a minimum of not less than 220 square feet. A unit occupied by three occupants shall have a minimum of not less than 320 square feet. These required areas shall be exclusive of the areas required by ii and iii;
- ii. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each have a clear working space of not less than 30 inches in front. Light and ventilation conforming to the requirements of the Carbondale Revised Code; and
- iii. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

Section 3. That the definition of PERMANENT RESIDENT contained in Title 7, Section 9-1 is hereby amended to read as follows:

PERMANENT RESIDENT:	Any person who occupied or has the right to occupy any room or rooms in motel or hotel for at least seven (7) <u>more than thirty (30)</u> consecutive days.
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Section 4. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

Section 5. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

Section 6. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 7. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

Section 8. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Donald D. Monty, Acting Mayor

ATTEST: _____
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

absence of current or potential profit in the sale, lease or other use of the property without acquisition of a Certificate of Appropriateness is not, in itself, considered economic hardship.

ECO-TOURISM: Offering experiences for visitors through natural and cultural attractions within a rural setting. Typically, enterprises in this category are independently owned and serve as a regional destination.

EMPLOYEE(S): In regard to off-street parking requirements, employees mean all who work in the enterprise including owners (other than purely stockholders), partners, management, and office personnel.

ENGINEERING ADVISORY COMMITTEE (EAC): The Engineering Advisory Committee shall be an administrative body to act in a technical capacity for the Commission, the City Manager, and the City Council. Said Committee shall consist of the following officials or their duly authorized representatives: The Development Services Director (chairperson), the Public Works Director, the Fire Chief, a Planning Services designee, a Building and Neighborhood Services designee, and such other persons as may be designated by the City Manager. Appropriate County and Township government officials and water district officials shall be consulted as individual subdivision circumstances necessitate. It shall be the duty of the EAC to examine and review all proposed street dedications or abandonments, tentative plat maps of subdivision, and to make recommendations to the Planning Commission, City Manager, and City Council.

EQUIPMENT FACILITY: Any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a build-out of an existing structure, pedestals and other similar structures.

EXTENDED STAY ~~HOTEL~~/UNIT: A hotel or motel unit with accommodations ~~for sleeping along with in-unit full kitchen and bathroom facilities, which meets the following requirements:~~

- i. A unit occupied by not more than two occupants shall have a minimum of not less than 220 square feet. A unit occupied by three occupants shall have a minimum of not less than 320 square feet. These required areas shall be exclusive of the areas required by ii and iii;
- ii. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each have a clear working space of not less than 30 inches in front. Light and ventilation conforming to the requirements of the Carbondale Revised Code; and
- iii. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

EXTERIOR FEATURES: The architectural character, general composition and/or general appearance of an improvement, including, but not limited to, the kind, color and texture of building materials, the type, design and character of windows, doors, light fixtures, signs, fences and appurtenant elements.

FAA: Federal Aviation Administration.

FAMILY DAY CARE HOME: A residential structure occupied by the care provider's family that provides care for three or fewer children for less than 24 hours per day not including the family's natural, foster or adopted children. Family day care homes do not need a license from the state and are permitted in all residential zoning districts and most districts in which residential uses are permitted.



MINUTE EXCERPTS
PC 15-08
Carbondale Planning Commission
Wednesday, January 28, 2015
Room 108, 6:00 p.m.
City Hall/Civic Center

Mr. Anz opened PC 15-08 to order at 6:43 p.m.

Members Present: Grant, Loos, Anz, Field, Lilly and Kang

Members Absent: Barke, Schachel, Love and Bradshaw (ex-officio)

Staff Present: Wallace, Taylor

1. Public Hearings

PC 15-08 - The City of Carbondale has requested a text amendment relative to the legal definition of Extended Stay Hotel/Unit.

Mr. Anz declared Public Hearing PC 15-08 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Anz asked Mr. Taylor to present the staff report.

Mr. Taylor, Planner for the City of Carbondale, was sworn in and read part A of the staff report.

Mr. Anz asked if there were any questions of staff.

Mr. Grant asked how the square footages were being determined.

Mr. Kevin Baity, City Manager for the City of Carbondale, answered that the square footage was based on the current occupancy standards in the Residential Building Code.

Mr. Grant asked Mr. Baity if the maximum allowed occupants would go up to three unless it is a very large room then it would fall under the definition of a dormitory.

Mr. Kevin Baity answered that he believes so, yes.

Mr. Wallace explained that a dormitory in the code is described with a central kitchen for the use of multiple rooms and with an extended stay hotel you would need to supply a kitchenette per room.

Mr. Grant asked about responsibilities of cleaning the facilities.

Mr. Wallace answered that housekeeping should be provided by the facility for the overall cleanliness of the unit.

Mr. Grant asked for clarification that the bathroom for an extended hotel room would be in the room and not a community bathroom.

Mr. Wallace explained that a dormitory may have a shared bathroom but with an extended stay room the facility would be required to have a bathroom in each unit.

Mr. Anz asked if anyone would like to speak in favor of the application.

No one spoke in favor

Mr. Anz asked if anyone would like to speak in opposition of the application.

Mr. Chennakesavula, manager of Royal Plaza Inn, asked how this would affect his business for his regular customers that come to stay at his hotel weekly, monthly and seasonally; and if they change to an extended stay hotel if they would still be allowed to have daily customers.

Mr. Wallace answered that the Royal Plaza Inn would not have to change all the rooms to extended stay rooms they would have the option to have both types of rooms on their property.

Mr. Chennakesavula stated the Royal Plaza Inn is willing to comply with any changes, now that they know more information about the updated proposed code.

Mr. Anz asked if anyone else would like to speak in opposition.

There was no one.

Mr. Anz asked if any commission members would like to question any persons in opposition.

There was a brief discussion between Mr. Chennakesavula and Mr. Grant about his property and possible future changes.

Mr. Anz asked Mr. Taylor to complete the staff report.

Mr. Taylor read part B and C of the staff report, with a recommendation to approve PC 15-08.

Mr. Anz asked if there were any questions for staff.

There were none

Mr. Anz asked if there were any questions from anyone to anyone.

There was a brief discussion regarding dormitories.

Mr. Anz asked if there were any more questions to anyone from anyone.

There were none.

Mr. Anz declared the Public Hearing closed at 7:00pm.

Mr. Kang moved, seconded by Ms. Lilly, that the Commission accept as findings of fact Part A of the staff report for PC 15-08, no person spoke in favor of or in opposition to and one person asked general questions about the change.

The motion passed on a unanimous voice vote.

Mr. Kang moved, seconded by Ms. Lilly, that the Planning Commission recommend to City Council, they approve PC 15-08.

Roll Call Vote:

Yes – 6 (Grant, Loos, Anz, Field, Kang, Lilly)

No – 0

Mr. Anz announced that this would go to Council on March 3, 2015.

M-E-M-O-R-A-N-D-U-M

TO: City of Carbondale Planning Commission
FROM: Travis Taylor, Planner
RE: PC 15-08, Text amendment relative to the definition of Extended Stay Hotel/Unit
DATE: February 11, 2015

(Planning Commission Public Hearing on Wednesday, February 18, 2015 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
City of Carbondale
200 South Illinois Avenue
Carbondale Il, 62901

2. Requested Action and Background:

During the January 14, 2015, Carbondale Planning Commission meeting, the Commission initiated a text amendment relative to the definition of Extended Stay Hotel/Unit within Title 15 of the Carbondale Revised Code. This text amendment was initiated to coincide with future actions by City Council to add a definition of Extended Stay Unit within Title 5 of the Revised Code.

Title 5 of the Carbondale Revised Code pertains to the licensing of businesses and occupations within Carbondale. Under Title 5, all hotels and motels are required to maintain a license from the City of Carbondale. With this licensing, the City conducts inspections once a year of all hotel and motel units to insure compliance with City and building codes. Staff finds that these inspections often yield violations which stem from units being occupied for an extended period of time. While the Revised Code offers methods with which to regulate these units, there is currently no definition of extended stay units within Title 5 of the Revised Code. The City Council is now seeking to amend Title 5 to include an appropriate definition which may be used to define and regulate extended stay units.

A definition of an extended stay unit currently exists within Title 15. However, if Title 5 is amended with a different definition, it is staff's opinion that the Title 15 definition of Extended Stay Unit should mirror that definition to maintain consistency within the Carbondale Revised Code. A copy of the staff recommended changes to the definition of Extended Stay Unit is attached as Exhibit A.

PART B. ANALYSIS

The Carbondale City Council is proposing to add a definition of Extended Stay Unit within Title 5 and amend the definition of Extended Stay Hotel/Unit within Title 15. The proposed amendment will provide specific guidelines for these types of units to insure that long-term guests are provided the appropriate utilities and amenities needed for a long-term stay.

The proposed amendment first regulates the occupancy of extended stay units. The proposed definition states that an extended stay unit may be occupied by no more than two occupants provided that the unit is at least 220 square feet, or three occupants if the unit is at least 320 square feet. The proposed definition also requires extended stay units to provide specific kitchen and bathroom facilities. Units must provide a kitchen sink, cooking appliance, and refrigeration facility with a clear working space no less than 30 inches in front of the appliance. All lighting and ventilation for the kitchen must conform to the requirements of the Carbondale Revised Code. The unit will also be required to provide a separate bathroom with a water closet, lavatory, and bathtub or shower.

The Carbondale City Council will act upon the proposed amendment to Title 15 at the same time as the amendment to Title 5. Should the City Council choose to modify the proposed definition within Title 5, it is expected that reciprocal changes will be made to the proposed definition for Title 15.

PART C. RECOMMENDATION

Based on the analysis presented in this report, Staff recommends the Planning Commission approve PC 15-08.

absence of current or potential profit in the sale, lease or other use of the property without acquisition of a Certificate of Appropriateness is not, in itself, considered economic hardship.

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