



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

MEMORANDUM

To: Mayor and City Council

From: Paul Leonhardt, Planning & Zoning Manager

Date: July 22, 2024

Subject: Text Amendment for Community Residences and Recovery Communities

ITEM DESCRIPTION

This item is a proposed text amendment to create new use classifications and regulations for community residences and recovery communities.

CITY COUNCIL (JULY 8, 2024) UPDATE

The City Council conducted a public hearing on July 8, 2024 during which several members of the public spoke in opposition. A first set of speakers requested lower distance requirements and additional bed resident capacity. A second set of speakers requested increased distance requirements and permitting standards.

In consideration of public comment and City Council discussion, two changes were made to the proposed ordinance: First, the distance requirement for recovery communities from existing recovery communities was increased from 2,640 feet (1/2 mile) to 5,280 feet (1 mile) for recovery communities (no change for community residences). Second, the distance requirement for recovery communities from public and private elementary and secondary schools was increased from 1,000 feet to 2,000 feet.

PLANNING COMMISSION (JUNE 4, 2024) UPDATE

The Planning Commission conducted a public hearing on June 4, 2024, during which two members of the public spoke in opposition. The Planning Commission supported the general concept of the text amendment and recommended two changes. In unanimous motions, the Commissioners recommended a reduction of the buffer requirement from existing community residences and recovery communities from 7,500 feet to 2,640 feet and to strike the distance requirement from parks (initially proposed at 1,000 feet). Subject to those changes, Chair O'Brien and Commissioners Brown, Cameron, Gordon, and Shin recommended approval with Vice Chair Harris and Commissioner Edmundson absent.

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DISCUSSION

Prior History

On February 27, 2023, the City Council issued a moratorium on drug rehabilitation centers and other facilities for treatment of drug dependency that was subsequently extended through August 13, 2024. The issuance of the moratorium was caused by a conflict in the zoning ordinance. While there were references to drug rehabilitation centers and other facilities for the treatment of drug dependency in several code sections, the use was not included in the use table nor was it defined in the Zoning Ordinance, leading to unclear expectations and potential liabilities for the City.

In June 2023, the staff proposed narrowly drafted regulations for substance abuse treatment centers to the Planning Commission, which were later withdrawn. After discussion and public comment, the City Council instructed the staff to complete additional research and return with an updated proposal. In December 2023, the staff proposed alternative regulations to the Planning Commission, which recommended approval. The City Council did not take up the December 2023 proposal and instead elected to extend the moratorium to August 13, 2024.

The staff received the direction to better balance the interest of substance use and mental health disorder treatment providers with the City's interests in maintaining its character of a balanced mix of urban and suburban environments and amenities with equitable housing options and quality municipal services.

Implementation of House Bill 1073

House Bill passed in the 2024 legislative session, became effective on May 6, 2024, and is repealing the state mandate for lengthened public notification periods for halfway houses, drug rehabilitation centers, or other facilities for treatment of drug dependency. The City had those state requirements incorporated into its zoning ordinance in Secs. 27-331, 27-334, 27-356, and 27-358. This ordinance proposes to repeal said increased notification periods, implement the intent behind House Bill 1073, and create uniform notification periods for all use categories.

Summary of Proposed Use Classifications

Federal housing law identifies both persons in recovery from substance use disorders and those with mental health disorders as handicapped. Both may be considered a protected class, which bars discrimination in housing and zoning. In lieu of identifying distinctions in the treatment process, the proposed regulations simply reference individuals with disabilities and allow the operator to provide care for both conditions. Due to this broader view, the staff proposes to consolidate several individual existing use categories, including personal care homes, supportive living, and community living arrangements, into the herein proposed use categories. The existing categories were all narrowly-tailored use groups to accommodate residents with specific disabilities.

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Unlike standard treatment in the 20th century, contemporary mental health and substance use disorder treatment practices emphasize early integration of patients into the community. Acute institutions continue to exist: for instance, the DeKalb Regional Crisis Center provides crisis intervention and stabilization services, the duration of which range from less than a day to about seven days. Successful treatment, sometimes after acute treatment is complete, may take periods of 90 days, 180 days, a year, or sometimes longer. Research and best practices have shown that this treatment has the highest likelihood of success if it takes place in a group setting, in a structured and well-overseen environment, and within the larger community. The proposed regulations address each element.

Instead of distinguishing by type of disability or treatment, the proposed text amendment distinguishes two uses by use intensity and land use impacts. Community residences are group homes for residents with disabilities that resemble a typical residential household. Medical treatment is only provided incidentally, similar to other dwelling units, while support services may be provided. Examples include personal care homes for older people who need support for daily chores or a sober-living home for people in recovery from substance use disorders.

A second category, recovery communities, is for generally larger facilities that include multiple dwelling units with centralized services. These facilities do not attempt to emulate a typical household and thus warrant different zoning treatment. For instance, a resident may be moved from one dwelling unit to another based on the facility's operational needs.

Both types of uses have separate definitions and assigned zoning districts. For instance, community residences require a special land use permit in single-dwelling residential districts and recovery communities are not allowed.

It is important to differentiate the residential use groups of community residences and recovery communities from more intensive forms of treatment. These more intense forms are generally considered medical treatment and fall under those use categories. For instance, a medical doctor providing outpatient services for people undergoing detoxification falls under the medical office/clinic category. An inpatient facility providing acute inpatient medical treatment to patients with mental health/substance use disorders is considered to be a hospital, similar to Peachford Hospital.

	Community Residence	Recovery Community
Single-dwelling Residential	Special Use	Not Permitted
Multi-dwelling Residential	Permitted Use	Permitted Use
Commercial/Perimeter Center	Permitted Use	Permitted Use
Dunwoody Village	Special Use	Special Use

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Use Standards

Distance Requirement from Other Community Residences and Recovery Communities: To ensure that facilities are integrated into the larger Dunwoody community, to ensure the maintenance of the community's character, and to prevent the creation of a de-facto quasi-public or institutional district, distance requirements between facilities are suggested. The distances proposed are 2,640 feet for community residences and 5,280 feet for recovery communities. This ensures that facilities are spread amongst the different neighborhoods of the City.

Distance Requirement from Parks and Schools: To prevent spillover effects on schools and to ensure harmonious integration into the community, a 1,000-foot distance requirement for community residences and 2,000-foot distance requirement for recovery communities from such facilities is proposed. Initially, prior to the Planning Commission meeting, a 1,000-foot distance requirement on parks was proposed, too.

Operations Plan Requirement: Research has shown the importance of a facility operating in a well-regulated and licensed environment. The State of Georgia has a variety of state licensing categories for facilities that fall under the proposed community residence and recovery community use categories. For instance, a facility could be licensed as a personal care home or a drug abuse treatment and education program. Not all uses have applicable state licensing, however. A variety of non-profits have provided accreditation programs or model standards to fill this void. For instance, Oxford House is a nonprofit organization that provides membership to sober living homes subject to its standards. A list of applicable standards is provided in the appendix to this memorandum. As part of the permitting process for a community residence or recovery community, the operator would be required to submit an operations plan, which includes staffing requirements, applicable licensing standards, and a narrative how the facility will provide treatment to residents. Should the facility neither require licensing nor pursue accreditation, the staff will review the operations plan for equivalency.

Limits on Number of Residences: Community residences are limited to a maximum of five residents. This is to ensure that the household character of such a facility is maintained. With additional residents, such a residence would obtain a more institutional character. Should a facility wish to accommodate additional residents, the operator needs to first obtain a special land use permit and demonstrate how stability, a structured environment, and community integration can still be provided with the increased size.

Safety Considerations: Community residences and Recovery Communities are facilities to support disabled residents. To distinguish these uses from transitional housing facilities that re-integrate residents after incarceration and to protect the neighboring community, residents of community residences and recovery communities may neither be registered sex offenders nor be actively on parole or probation and be ordered to reside at a specific address. The proposed regulations also restrict recovery communities from moving into any

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multi-family development that is also occupied by the public at-large. For instance, a recovery community would not be allowed to occupy individual units on a floor in an apartment building.

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

ATTACHMENTS

Appendix A: Applicable Licensing and Accreditation Programs

Appendix B: Facility Location Maps

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**AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) OF THE
CITY OF DUNWOODY CODE OF ORDINANCES; TO DEFINE COMMUNITY
RESIDENCES AND RECOVERY COMMUNITIES AND CREATE USE
REGULATIONS FOR SUCH USES;**

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, drug rehabilitation centers or other facilities for treatment of substance dependency provide important services to Dunwoody residents; and

WHEREAS, residents with substance use disorders and undergoing a supervised rehabilitation program may have certain protections under federal law, including under the Americans with Disability Act; and

WHEREAS, the City of Dunwoody intends to permit such uses in its zoning districts citywide with permitting requirements similarly or less stringent to comparable uses; and

WHEREAS, state law regarding the notification period for certain zoning actions for drug rehabilitation centers or other facilities for the treatment of drug dependency and other uses has recently changed and the City of Dunwoody wishes to bring its requirements into conformance with said state law.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter 27 is amended as follows:

Section I: That Chapter 27 of the City Code is further amended by amending Code Section 27-57, to be entitled "Uses allowed", to read as follows:

Sec. 27-57. - Uses allowed.

The following table identifies uses allowed in residential zoning districts. See subsection 27-111(4) for information about how to interpret the use table.

	DISTRICTS			
USES	R-150 R-100 R-85 R-75 R-60 R-50	RA-5 RA-8	RM-150 RM-100 RM-85 RM-75 RM-HD	Supplemental Regulations
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>				
RESIDENTIAL				
Household Living				

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Detached house	P	P	P	27-147
Attached house	-	P	P	27-132
Multi-unit building	-	-	P	27-142
Group Living				
Convent or monastery	S	S	S	
Fraternity or sorority	-	-	P	
Nursing home	-	-	P	
<u>Community Residence</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>27-135.1</u>
<u>Recovery Community</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>27-146.1</u>
Personal care home, family (1—4 persons)	S	S	S	
Personal care home, group (5—7 persons)	S	S	S	
Personal care home, community (8+ persons)	-	-	S	
Child caring institution (1—6 persons)	-	-	P	
Community living arrangement (1—4 persons)	P	P	P	
Shelter, homeless	-	-	S	27-140
Supportive living	-	-	P	
Transitional housing facility	-	-	S	27-140
Party House	-	-	-	27-143.2
QUASI-PUBLIC AND INSTITUTIONAL				
Day Care				
Day care facility, adult (6 or fewer persons)	S	S	P	27-137
Day care facility, adult (7 or more)	-	-	P	27-137
Day care facility, child (6 or fewer persons)	S	S	P	27-137
Day care facility, child (7 or more)	-	-	P	27-137
Educational Services				
Kindergarten	-	-	P	27-141
Schools, private elementary, middle or senior high	S	S	S	27-148
Place of Worship	S	S	S	27-146
Utility Facility, Essential	E	E	E	27-151
COMMERCIAL				
Communication Services				
Telecommunication antenna, co-located	P	P	P	27-150
Telecommunication tower	-	-	S	27-150
Funeral and Interment Services				
Cemetery, columbarium, or mausoleum	S	S	S	
Lodging				
Bed and breakfast	S	S	S	27-133
Sports and Recreation, Participant				
Neighborhood recreation club	S	S	S	
AGRICULTURE				
Agriculture				
Community garden	P	P	P	27-135

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(Ord. No. 2013-10-15, § 1(Exh. A § 27-4.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. [2022-01-02](#), § I, 1-10-2022)

Section II: That Chapter 27 of the City Code is further amended by amending Code Section 27-72, to be entitled "Uses allowed", to read as follows:

Sec. 27-72. - Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See [subsection] 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>										
RESIDENTIAL										
Household Living										
Detached house	-	P	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	
Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
<u>Community Residence</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>27-135.1</u>
<u>Recovery Community</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>27-146.1</u>
Personal care home, family (1—4 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, group (5—7 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, community (8+ persons)	P	P	P	-	P	P	P	P	-	27-145
Child caring institution (1—6 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (7—15 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Community living arrangement (1—4 persons)				P		P	P			
Shelter, homeless	S	S	-	-	-	P	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	P	P	P	-	27-140
QUASI-PUBLIC AND INSTITUTIONAL										
Ambulance Service	-	-	-	-	-	P	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	

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Day care center, child (7 or more)	P	P	P	P	P	P	P	P		
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	P	P	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131
Communication Services										
Radio and television broadcasting stations	P	P	P	-	-	P	P	P	P	

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>										
Recording studios	P	P	P	-	-	P	P	P	P	
Telecommunication tower	A	-	A	-	S	A	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	P	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	P	P	P	P	
Eating and Drinking Establishments										
Microbrewery	S	-	-	P	P	P	P	P	P	
Wine Specialty Shop	S	-	-	P	P	P	P	P	P	
Distillery	S	-	-	P	P	P	P	P	P	
Brewery	-	-	-	-	-	-	-	S	S	
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	

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Restaurant, drive-in or drive-through	-	-	-	-	-	P	S	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	-	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P		
Movie theater	-	-	-	P	-	-	-	P	-	
Special events facility	-	P	-	-	-	P	P	P	-	
Financial Services										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	P [1]	-	P	P	P	P	P	P	P	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
Lodging	P	-	P	P	-	P	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	
Medical office/clinic	P	P	P	P	P	P	P	P	P	
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	P	P	P	P	27-143
Personal Improvement Service										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	

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Other retail sales	P [1]	-	P	P	P	P	P	P	-	
Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	
Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	P	-	P	P	27-134
Gasoline sales	-	-	-	-	-	P	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	P	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152
Vehicle sales and rental	-	-	-	-	-	S	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										
Agriculture										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Heliport	S	-	S	-	-	S	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	P	P	-	P	

[1] Within the O-I zoning district, other food and beverage sales and Other retail sales are limited as follows:

- Not permitted in any residential buildings or buildings with a residential component.
- Allowed only as an accessory use on the ground floor of a multi-story office or institutional building.
- Maximum floor area of the tenant suite is limited to 2,000 square feet.

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(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2015-06-13, § 1, 6-22-2015; Ord. No. 2019-05-08, § 1, 5-6-2019; Ord. No. 2020-03-04, § I, 3-9-2020; Ord. No. 2021-09-14, § III, 9-27-2021)

Section III: That Chapter 27 of the City Code is further amended by amending Code Section 27-104, Sub-Section (f) to be entitled "Uses", to read as follows:

Sec. 27-104. - Districts.

(f) *Uses.* The following applies to all Perimeter Center districts.

- (1) *Use table.* The following apply to the uses outlined in this section. Refer to figure 27-104-6, table of permitted uses.
 - a. *Use categories.* Refer to [sections] 27-111 through 27-116.
 - b. *Permitted and special uses.* Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to [section] 27-111(4), use tables.
 - c. *Number of uses.* A lot may contain more than one use.
 - d. *Principal and accessory uses.* Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
 - e. *Building type.* Each use shall be located within a permitted building type (refer to [section] 27-105, building types), unless otherwise specified.
- (2) *Use subcategories.* For the purposes of fulfilling the use mix requirements defined in each district table (refer to [section] 27-104(b), PC-1 district through [section] 27-104(e), PC-4 district), utilize the following subcategories of uses, consisting of those uses listed in the table, right, that may contribute to the mix. Some permitted uses are not included.
 - a. *Lodging and residence subcategory.*
 - Household living
 - Group living
 - Lodging
 - b. *Civic subcategory.*
 - Club or lodge, private
 - Cultural exhibit
 - Educational services
 - Hospital
 - Place of worship
 - c. *Office subcategory.*
 - Construction and building sales and service
 - Medical service
 - Office or consumer service

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Research and testing services

d. *Retail sales subcategory*

Retail sales

Food and beverage retail sales

e. *Service use subcategory.*

Animal services

Day care

Repair or laundry services, consumer

Personal improvement services

Eating and drinking establishments

Financial services

Entertainment and spectator sports

Sports and recreation, participant

Table of Permitted Uses

USES	DISTRICTS				
	PC-1	PC-2	PC-3	PC-4	Reference
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>					
RESIDENTIAL					
Household Living					
Detached house	—	—	—	P	
Attached house	—	P[1]	P[1]	P[1]	
Multi-unit building, rental	S	S	S	S	
Multi-unit building, owner-occupied	P	P	P	P	
Age-Restricted Multi-unit building, rental	S	S	S	S	
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Group Living					
<u>—Community Residence</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>27-135.1</u>
<u>Recovery Community</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>27-146.1</u>
QUASI-PUBLIC & INSTITUTIONAL					
Ambulance Service	S	S	S	S	
Club or Lodge, Private	P	P	P	—	
Cultural Exhibit	P	P	P	P	
Day Care	P	P	P	P	
Educational Services	S	S	S	S	
Hospital	S	S	S	—	
Place of Worship	P	P	P	P	27-146

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Utility Facility, Essential	P	P	P	E	27-151
COMMERCIAL					
Animal Services	P	P	S	—	27-131
Communication Services					
Telecommunications antenna mounted to building or similar structure	A	A	A	A	27-150
All other	P	P	P	P	
Standalone tower	S	S	S	S	
Construction and Building Sales and Services	P	P	P	—	
Eating and Drinking Establishments					
Food truck	P	P	P	—	27-138
Microbrewery	P	P	P	—	27-156
Wine specialty shop	P	P	P	—	27-157
Distillery	P	P	P	—	27-158
Other eating or drinking establishments	P	P	P	P	
Drive-through Facility	S	S	S	—	27-98(d)(8)
Entertainment and Spectator Sports					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Financial Services					
Banks, credit unions, brokerage and investment services	P	P	P	—	
Food and Beverage Retail Sales	P	P	P	—	
Funeral and Interment Services	P	P	P	—	
Lodging	P	P	P	S	
Medical Service	P	P	P	—	
Office or Consumer Service	P	P	P	—	
Parking, Non-accessory	S	S	S	S	27-98(d)(9)
Personal Improvement Service	P	P	P	—	
Repair or Laundry Service, Consumer	P	P	P	—	
Research and Testing Services	P	P	P	—	
Retail Sales	P	P	P	—	
Sports and Recreation, Participant					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Vehicle and Equipment, Sales and Service					
Gasoline sales	—	—	S	—	27-98(d)(7)
Vehicle sales and rental (indoor only)	P	P	P	—	27-154
Vehicle repair, minor	—	—	S	—	27-153
[1] Where more than 10% of the units are rental, a special land use permit is required					

Section IV: That Chapter 27 of the City Code is further amended by amending Code Section 27-107B, Sub-Section (f) to be entitled "Uses", to read as follows:

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Sec. 27-107B. - Districts.

(f) *Uses.* The following applies to all DV districts.

- (1) *Use table.* The following apply to the uses outlined in this section. Refer to figure 27-107B-6, use table.
 - a. *Use categories.* Refer to sections 27-111 through 27-116.
 - b. *Permitted and special uses.* Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to figure 27-107B-6, use tables.
 - c. *Number of uses.* A lot may contain more than one use.
 - d. *Principal and accessory uses.* Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
 - e. *Building type.* Each use shall be located within a permitted building type (refer to section 27-107D, building types), unless otherwise specified.
- (2) *Use subcategories.* For the purposes of fulfilling the use mix requirements defined in each district table (refer to section 27-107B(b) through section 27-107B(e)), utilize the following subcategories of uses, consisting of those uses listed in the table, that may contribute to the mix. Some permitted uses are not included.
 - a. Lodging and residence subcategory.
 1. Household living.
 2. Group living.
 3. Lodging.
 - b. Civic subcategory.
 1. Club or lodge, private.
 2. Cultural exhibit.
 3. Educational services.
 4. Hospital.
 5. Place of worship.
 - c. Office subcategory.
 1. Construction and building sales and service.
 2. Medical service.
 3. Office or consumer service.
 4. Research and testing services.
 - d. Retail sales subcategory.
 1. Retail sales.
 2. Food and beverage retail sales.
 - e. Service use subcategory.
 1. Animal services.
 2. Day care.
 3. Repair or laundry services, consumer.

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4. Personal improvement services.
5. Eating and drinking establishments.
6. Financial services.
7. Entertainment and spectator sports.

(3) *Live-work.*

- a. *Defined.* Accessory nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, or clients to visit.
- b. *Use standards.* All live-work is subject to the following:
 1. Live-work is only allowed when the dwelling unit to which it is accessory has been approved in accordance with figure 27-107B-6, use table.
 2. Live-work is only allowed on the ground story of a building.
 3. At least one person must occupy the dwelling containing the live-work use as their primary place of residence.
 4. The live-work use may employ no more than two persons not living on the premises at any one time.
 5. No business storage or warehousing of material, supplies, or equipment is permitted outside of the dwelling containing the live- work use.
 6. The nonresidential use of the live-work use is limited to a use allowed in the DV district.
 7. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

USES	DISTRICTS				
	DV-1	Dv-2	DV-3	DV-4	Reference
RESIDENTIAL					
Household Living					
Detached house	—	P[6]	—	—	
Attached house, rental	S	—	S	—	
Attached house, owner occupied	P	—	P	—	
Multi-unit building, rental	S[1]	S[1, 4]	S[1]	S[1]	
Multi-unit building, owner-occupied	S[1]	S[1, 4]	S[1]	S[1]	
Age-Restricted Multi-unit building, rental	P	P	P	P	

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USES	DISTRICTS				
	DV-1	Dv-2	DV-3	DV-4	Reference
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Live/work	See principal dwelling unit				27-107B(f)(3)
Group Living					
Community Residence	S	S	S	S	27-135.1
Recovery Community	S	S	S	S	27-146.1
Party House	-	-	-	-	27-143.2
QUASI-PUBLIC & INSTITUTIONAL					
Animal Services	S	S	—	P	
Microbrewery, wine, specialty shop, distillery, cidery	P[2]	—	—	P[2]	
Communication Services					
Telecommunications, antenna mounted to building or similar structure	A	A	A	A	
All other	P	P	P	P	
Standalone towers	S	S	S	S	
Construction and Building Sales and Services	P[2]	-	-	P[2]	
Eating and Drinking Establishments					
Food truck	P	P	-	P	27-138
Other eating and drinking establishments	P[2]	-	-	P[2]	
Drive-through facility	-	-	-	-	

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USES	DISTRICTS				Reference
	DV-1	Dv-2	DV-3	DV-4	
Entertainment and Spectator Sports					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Financial Services					
Brokerage and Investment services	P	P	-	P	
Banks, credit unions, savings and loan associations	P[3]	P[3]	-	P[3]	
Food and Beverage Retail Sales	P[2]	-	-	P[2]	
Funeral and Interment Services	-	-	-	-	
Lodging	P	P	-	P	
Medical Services	P	P	-	P	
Office or Consumer Service	P	P	-	P	
Parking, Non-accessory	P	P	-	P	27-107D(i)(5)
Parking Structures, Accessory or Non-Accessory	S[7]	S[7]	S[7]	S[7]	27-107D(i)(5)
Personal Improvement Service	P[2]	P[2]	-	P[2]	
Repair or Laundry Service, Consumer	P	P	-	P	
Research and Testing Services	P	P	-	P	
Retail Sales	P[2]	-	-	P[2]	
Sports and Recreation, Participant					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	

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USES	DISTRICTS				Reference
	DV-1	Dv-2	DV-3	DV-4	
Vehicle and Equipment, Sales and Service					
Gasoline sales	-	-	-	-	
Vehicle sales and rental	P[5]	-	-	P[5]	27-154
Vehicle repair, minor	-	-	-	-	27-153

P = use permitted as of right

A = special administrative permit required

S = special land use permit required

[1] No more than 60 percent of dwelling units may have a floor area of less than 800 square feet.

[2] Individual establishments shall not exceed 50,000 square feet in gross floor area.

[3] Use shall not be located within 1,320 feet of the same use (as measured in a straight line from property line to property line), including any uses not within a DV district.

[4] Use shall not be located on the ground story along any public or private street. When the use is allowed on the ground story it must be set at least 30 feet behind the street-facing façade.

[5] No more than four vehicles for sale or rent may be displayed on site. All vehicles for sale or rent must be located in conditioned space.

[6] Detached houses shall be subject to the street façade design requirements of the townhouse building type. No other building type standards shall apply.

[7] A special land use permit is only required for accessory or non-accessory parking structures when any above-ground portion of such structure is located within 200 feet of a single-family residential zoning district. The use is permitted as of right in all other locations.

(Ord. No. 2020-11-23, Exh. A, 11-30-2020; Ord. No. 2021-09-12, § 1, 9-27-2021)

Section V: That Chapter 27 of the City Code is further amended by amending Code Section 27-112, to be entitled "Residential use category", to read as follows:

Sec. 27-112. - Residential use category.

The residential use category includes uses that provide living accommodations to one or more persons.

- (1) *Household living category.* Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Dwelling units

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rented whole or in part for periods of less than one calendar month are not included in the household living category. They are considered a form of lodging (subsection 27-114(10)).

- a. *Detached house.* A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.
 - b. *Attached house.* A residential building containing two or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.
 - c. *Multi-unit building.* A residential building, other than an attached house building, containing two or more dwelling units that share common walls and/or common floors/ceilings.
 - d. *Mixed-use building, vertical.* A building in which commercial uses occupy the ground floor and dwelling units occupy one or more upper floors.
- (2) *Group living.* Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:
- a. *Nursing home.* An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.
 - ~~b. *Personal care home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. Personal care homes cannot provide nursing or other medical services, with the exception that those services defined specifically as "personal services" may be conducted by nurses or other appropriate medical personnel, or admit and retain residents who need continuous medical or nursing care.~~
 - ~~1. *Personal care home—Family.* A personal care home that offers care to at least one but not more than four persons.~~
 - ~~2. *Personal care home—Group.* A personal care home that offers care to at least five but not more than seven persons.~~
 - ~~3. *Personal care home—Community.* A personal care home that offers care to eight or more persons.~~
 - c. *Shelter, homeless.* The provision of overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.
 - ~~d. *Supportive living.* Four or more dwelling units in a single building or group of buildings that are de-signed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and that does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.~~
 - e. *Transitional housing facility.* The provision of long-term but not permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance.
 - f. *Child-caring institution.* Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful

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oversight) for children through 18 years of age outside of their own homes, and that is licensed by the state department of human resources as a child caring institution.

~~g. *Community living arrangement.* Any dwelling, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the department [of] behavioral health and developmental disabilities (DBHDD).~~

~~h. *Community residence:* A community residence is a residential living arrangement for five or fewer (although more may be allowed if a special land use permit is granted) unrelated individuals with disabilities living as a single functional family in a single dwelling unit who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by any staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services related to the residents' disabilities. A community residence seeks to provide the characteristics of a residential household by, amongst other things, providing a common housekeeping management plan and intentionally structured relationships to foster stability for its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment. Medical treatment is incidental as in any home. Supportive inter-relationships between residents are an essential component. Except as required by State law, a special land use permit must be granted to house more than five unrelated people in a community residence.~~

~~i. *Recovery Community:* Multiple dwelling units located on a single parcel, or a series of adjacent lots under unified ownership, providing a drug-free and alcohol-free living arrangement for people in recovery from substance use disorders or acute mental health disorders, (i) that are not held out to the general public for rent or occupancy and, (ii) which taken together, do not emulate a single family and are under the auspices of a single entity or group of related entities. Medical treatment shall not comprise treatment beyond that which would be provided in the confines of a residential setting.~~

- (3) *Party house.* A single unit detached, single unit attached, or multi-unit dwelling, including all accessory structures and the dwelling unit's curtilage, which is used for the purpose of hosting a commercial event. See subsection 27-143.2 for additional definitions.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-8.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. [2022-01-02](#), § V, 1-10-2022)

Section VI: That Chapter 27 of the City Code is further amended by adding Code Section 27-135.1, to be entitled "Community Residences", to read as follows:

a) Community residences are subject to the following regulations:

- (1) A community residence shall be located at least 2,640 linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the nearest lot line of the entire parcel of the closest existing community residence or recovery community. A community residence located less than 2,640 linear feet from the nearest existing community residence or recovery community shall first obtain a special land use permit.
- (2) A community residence shall be located at least 1,000 linear feet from the closest existing public or private elementary or secondary school. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the

nearest lot line of the entire parcel of the closest existing public or private elementary or secondary school. A community residence located less than 1,000 linear feet from the nearest existing public or private elementary or secondary school shall first obtain a special land use permit.

- (3) A community residence shall be limited to five or fewer residents plus applicable staff providing support services. A community residence exceeding five residents shall first obtain a special land use permit.
 - (4) The operator of a community residence shall submit an operations plan that includes (but is not limited to)
 - a. any state licenses the community residence intends to obtain,
 - b. any applicable charters, accreditations, or memberships such as an Oxford House Charter or Georgia Association of Recovery Residences membership,
 - c. a description of staff training and licensing requirements,
 - d. a description of how the community residence will emulate a household and be operated to achieve stability, a structured environment, and community integration,
 - a-e. rules and practices governing how the community residence is operated and that will protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications, and
 - f. a description how transition planning for departing residents will be administered and which factors and resources will be considered.
 - (5) Residents shall not be registered as a sex offender and residents shall not be actively on parole or probation and be ordered to reside at a specific address.
- b) Review criteria for community residences that require a special land use permit:
- (1) When a proposed community residence is required to obtain a special land use permit because it would be located within 2,640 linear feet of an existing community residence or recovery community, the City Council shall not approve a special land use permit for a community residence unless and until it finds that the applicant has demonstrated by clear and convincing evidence that:
 - a. The proposed community residence will not interfere with the stability, structured environment, and community integration of the residents of any existing community residence or recovery community and that the presence of other community residences or recovery communities will not interfere with the stability, structured environment, and community integration of the residents of the proposed community residence, and
 - b. The proposed community residence in combination with any existing community residences or recovery communities will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or a de facto quasi-public and institutional district by concentrating or clustering community residences or recovery communities in a neighborhood.
 - (2) When a proposed community residence is required to obtain a special land use permit because it would be located within 1,000 linear feet of an existing public or private elementary or secondary school, the City Council shall not approve a special land use permit for a community residence unless and until it finds that the applicant has demonstrated by clear and convincing evidence that:
 - a. The proposed community residence will not present safety or security concerns for students at the school, and

- b. The proposed community residence will not create a substantial burden to public services, including, but not limited to, streets, water, sewer, storm water, and public safety, and
 - c. If within 1,000 linear feet of an existing public or private elementary or secondary school, the proposed community residence will not present any distractions from or disruption of the educational mission of the particular school. The applicant will provide proof that the administration of the school has been informed of the application at least 15 days prior to the public hearing on the application.
- (3) In districts where a community residence is allowed only as a special use, the City Council shall not approve a special land use permit for a community residence unless and until it finds that the applicant has demonstrated by clear and convincing evidence that:
 - a. The proposed community residence will not interfere with the stability, structured environment, and community integration of the residents of any existing community residence or recovery community and that the presence of other community residences or recovery communities will not interfere with the stability, structured environment, and community integration of the residents of the proposed community residence;
 - b. The proposed community residence in combination with any existing community residences or recovery communities will not alter the character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or a de facto quasi-public and institutional district by concentrating or clustering community residences or recovery communities in a neighborhood;
 - c. The proposed community residence will be compatible with residential uses allowed as of right in the zoning district;
 - d. If the proposed community residence would be located in a zoning district where it is allowed only as a special use, the proposed community residence, alone or in combination with any existing community residences or recovery communities, will not alter the residential stability of the zoning district;
- (4) If an applicant seeks to house more than five unrelated individuals in a community residence, the City Council shall not approve a special land use permit for a community residence unless and until it finds that the applicant has:
 - a. Specified by how many individuals it wishes to exceed the as of right maximum of five residents and demonstrate the financial and therapeutic need to house the proposed number of residents greater than five;
 - b. Demonstrated that the primary function of the proposed community residence is residential where any medical treatment is merely incidental to the residential use of the property;
 - c. Demonstrated that the proposed community residence will emulate a residential household and operate as a functional family rather than as a boarding or rooming house, nursing home, short term rental, continuing care facility, motel, hotel, treatment center, rehabilitation center, institutional use, assisted living facility that does not comport with the definition of "community residence," or other nonresidential use; and
 - d. Demonstrated that the requested number of residents in the proposed community residence will not interfere with the stability, structured environment, and community integration of the occupants of any existing community residence or recovery community.

Section VII: That Chapter 27 of the City Code is further amended by adding Code Section 27-146.1, to be entitled "Recovery Communities", to read as follows:

a) Recovery communities are subject to the following regulations:

- (1) A recovery community shall be located at least 5,280 linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed recovery community to the nearest lot line of the entire parcel of the closest existing community residence or recovery community. A recovery community located less than 5,280 linear feet from the nearest community residence or recovery community shall first obtain a special land use permit.
- (2) A recovery community shall be located at least 2,000 linear feet from the closest existing public or private elementary or secondary school. Distance is measured from the nearest lot line of the entire parcel of the proposed recovery community to the nearest lot line of the entire parcel of the closest existing public or private elementary or secondary school. A recovery community located less than 2,000 linear feet from the nearest existing public or private elementary or secondary school shall first obtain a special land use permit.
- (3) The operator of a recovery community shall submit an operations plan that includes (but is not limited to)
 - a. any state licenses the recovery community intends to obtain such as a State of Georgia residential Drug Abuse Treatment and Educational Program license,
 - b. any applicable charters, accreditations, or memberships such as an Oxford House Charter or Georgia Association of Recovery Residences membership,
 - c. a description of staff training and licensing requirements,
 - d. a description of how the recovery community will be operated to achieve stability, structured environment, and community integration,
 - e. rules and practices governing how the recovery community is operated and that will protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications, and
 - f. a description how transition planning for departing residents will be administered and which factors and resources will be considered.
- (4) Residents shall not be registered as a sex offender and residents shall not be actively on parole or probation and be ordered to reside at a specific address.
- (5) A recovery community shall be located on a parcel that is exclusively for said purpose. Co-location in a multi-family residential community with units for sale or lease for general dwelling purposes shall not be permissible. It shall be a separate violation of this provision for each resident and for each 24 hour day or part thereof that such resident is present.

b) Review criteria for recovery communities that require a special land use permit:

- (1) When a proposed recovery community is required to obtain a special land use permit because it would be located within 5,280 linear feet of an existing community residence or recovery community, the City Council shall not approve a special land use permit for a recovery community unless and until it finds that the applicant has demonstrated by clear and convincing evidence that:
 - a. The proposed recovery community will not interfere with the stability, structured environment, and community integration of the residents of any existing community residence or recovery community and that the presence of other

community residences or recovery communities will not interfere with the stability, structured environment, and community integration of the residents of the proposed recovery community, and

- b. The proposed recovery community in combination with any existing community residences or recovery communities will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or a de facto quasi-public and institutional district by concentrating or clustering community residences or recovery communities in a neighborhood.

- (2) When a proposed recovery community is required to obtain a special land use permit because it would be located within 2,000 linear feet of a public or private elementary or secondary school, the City Council shall not approve a special land use permit for a recovery community unless and until it finds that the applicant has demonstrated by clear and convincing evidence that:

- a. The proposed recovery community will not present safety or security concerns for students at the school, and
- b. The proposed recovery community will not create a substantial burden to public services, including, but not limited to, streets, water, sewer, storm water, and public safety, and
- c. If within 2,000 linear feet of an existing public or private elementary or secondary school, the proposed recovery community will not present any distractions from or disruption of the educational mission of the particular school. The applicant will provide proof that the administration of the school has been informed of the application at least 15 days prior to the public hearing on the application.

- (3) In districts where a recovery community is allowed only as a special use, the City Council shall not approve a special land use permit for a recovery community unless and until it finds that the applicant has demonstrated by clear and convincing evidence that:

- a. The proposed recovery community will not interfere with the stability, structured environment, and community integration of the residents of any existing community residence or recovery community and that the presence of other community residences or recovery communities will not interfere with the stability, structured environment, and community integration of the residents of the proposed recovery community;
- b. The proposed recovery community in combination with any existing community residences or recovery communities will not alter the character of the surrounding neighborhood by creating an institutional atmosphere or a de facto quasi-public and institutional district by concentrating or clustering community residences or recovery communities in a neighborhood;
- c. The proposed recovery community will be compatible with any residential uses allowed as of right in the zoning district;
- d. If the proposed recovery community would be located in a zoning district where it is allowed only as a special use, the proposed recovery community, alone or in combination with any existing community residences or recovery communities, will not alter the residential stability of the zoning district;

Section VIII: That Chapter 27 of the City Code is further amended by adding Code Section 27-331, to be entitled "Public hearing notices", to read as follows:

Sec. 27-331. - Public hearing notices.

- (a) *Published notice.* At least 15 days before but not more than 45 days before the date of the public hearing to be held by the mayor and city council, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing. In the case of proposed amendments initiated by a party other than the city, the notice must also identify the location of the subject property and the property's existing and proposed zoning classification.
- (b) *Written (mailed) notice.* Written notice is required for all proposed amendments initiated by a party other than the city. The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of the city. The notices must be mailed at least 15 days before the date of the planning commission public hearing and not more than 45 days before the date of the city council public hearing. Written notices must indicate the nature of the proposed amendment and the date, time, place and purpose of the public hearing.
- (c) *Posted notice.* For all proposed amendments initiated by a party other than the city, a public hearing notice sign must be placed in a conspicuous location on the subject property at least 15 days before the date of the public hearing to be held by the mayor and city council. This notice sign must indicate the date, time, place and purpose of the public hearing.
- ~~(d) *Special requirements for drug treatment and dependency facilities.* When a proposed zoning map amendment relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, all published, written and posted notices of the public hearing to be held by the mayor and city council must include a prominent statement that the proposed zoning map amendment relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice must be at least six column inches in size and may not be located in the classified advertising section of the newspaper.~~

Section IX: That Chapter 27 of the City Code is further amended by adding Code Section 27-334, to be entitled "City council public hearing and decision", to read as follows:

Sec. 27-334. - City council public hearing and decision.

- (a) Upon receipt of recommendations from the planning commission, the mayor and city council must hold a public hearing on proposed amendments. Following the close of the public hearing, the mayor and city council must act by simple majority vote to approve the proposed amendment, approve the proposed amendment with conditions or deny the proposed amendment based on the applicable review and approval criteria of section 27-335. The mayor and city council are also authorized to defer action on the proposed amendment or allow the applicant to withdraw the proposed amendment without prejudice.
- ~~(b) *When a proposed zoning map amendment relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the mayor and city council public hearing must be held at least six months before and not more than nine months before the date of final action on the application.*~~

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2024-XX-XX

(Ord. No. 2013-10-15, § 1(Exh. A § 27-18.60), 10-14-2013)

Section X: That Chapter 27 of the City Code is further amended by adding Code Section 27-356, to be entitled "Public hearing notices", to read as follows:

Sec. 27-356. - Public hearing notices.

- (a) *Published notice.* At least 30 days before the date of the public hearing to be held by the mayor and city council, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing; the location of the subject property; and the property's existing and proposed zoning and use.
- (b) *Written (mailed) notice.* The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of the city. The notices must be mailed at least 30 days before the date of the city council public hearing. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.
- (c) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property at least 30 days before the date of the public hearing to be held by the mayor and city council. This notice sign must indicate the date, time, place and purpose of the public hearing.
- ~~(d) *Special requirements for drug treatment and dependency facilities.* When a proposed special land use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, all published and posted notices of the public hearing to be held by the mayor and city council must include a prominent statement that the proposed special land use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice must be at least six column inches in size and may not be located in the classified advertising section of the newspaper.~~

Section XI: That Chapter 27 of the City Code is further amended by adding Code Section 27-358, to be entitled "City council public hearing and decision", to read as follows:

Sec. 27-358. - City council public hearing and decision.

- (a) Upon receipt of recommendations from the planning commission, the mayor and city council must hold a public hearing on the special land use permit application. Following the close of the public hearing, the mayor and city council must act by simple majority vote to approve the special land use permit, approve the special land use permit with conditions or deny the special land use permit based on the applicable review and approval criteria of section 27-359. The mayor and city council are also authorized to defer action on the special land use permit or allow the applicant to withdraw the special land use permit without prejudice.
- ~~(b) *When a proposed special land use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the mayor and city council public hearing must be held at least six months before and not more than nine months before the date of final action on the application.*~~

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2024-XX-XX

SO ORDAINED, this ____ day of _____, 2024.

Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

Appendix A – Applicable Licensing and Accreditation Programs

Georgia does not have specific use categories or licensing requirements for community residences or recovery communities. Instead, depending on the services provided, a facility may be required to become licensed under one of the existing Department of Community Health programs. In addition, a variety of industry organizations have accreditation or membership programs that come with specific staffing or programmatic requirements. Applicable programs are named below:

Georgia Healthcare Facility Regulation Division

The state of Georgia has several different categories of licensure that apply to facilities for people with disabilities. One is the personal care home license, which applies to residences providing personal services, housing, and food to two or more adults. Another is the community living arrangement, which applies to residences providing personal services for two or more adults whose residential services are financially supported by the Department of Behavioral Health and Developmental Disabilities. The last category is the drug abuse treatment and education program, which applies to both residential and nonresidential programs treating drug dependent people, and has several subcategories depending on whether the program is residential or non-residential and the level of intensity of treatment. The drug treatment programs require a licensed physician to oversee medical services and must provide treatment in accordance with the American Society of Addiction Medicine (ASAM).

Acute Care Programs

-community mental health centers (federal only): "an entity that- (1) Provides outpatient services, including specialized outpatient services for children, the elderly, individuals who are chronically mentally ill, and clients of its mental health service area who have been discharged from inpatient treatment at a mental health facility; (2). Provides 24-hour-a-day emergency care services; (3) Provides day treatment or other partial hospitalization services, or psychosocial rehabilitation services; (4) Provides screening for patients being considered for admission to State mental health facilities to determine the appropriateness of this admission; (5) Meets applicable licensing or certification requirements for CMHCs in the State in which it is located; and (6) Provides at least 40 percent of its services to individuals who are not eligible for benefits under title XVIII of the Social Security Act."

-psychiatric rehabilitation treatment facilities (also known as residential mental health facility): "residential mental health facility for children and youth is a sub-classification of a "Specialized Hospital" and is defined as a facility providing twenty-four (24) hour care and having the primary functions of diagnosing and treating patients to age twenty-one (21) with psychiatric disorders to restore them to an optimal level of functioning."

Personal Care Homes

-personal care homes: "any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related

Lynn Deutsch Mayor

Eric Linton ICMA-CM City Manager

Sharon Lowery CMC City Clerk

Catherine Lautenbacher City Council Post 1

Rob Price City Council Post 2

Tom Lambert City Council Post 3

Stacey Harris City Council Post 4

Joe Seconder City Council Post 5

John Heneghan City Council Post 6

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to the owner or administrator by blood or marriage." More than 25 people: different staffing needs

-assisted living communities: "a personal care home serving 25 residents or more that is licensed by the department to provide assisted living care." Includes administration of medications by a certified medication aide and the provision of limited nursing services

-community living arrangements: "any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities."

Drug Treatment Programs

-drug abuse treatment and education program: "any system of treatment or therapeutic advice or counsel provided for the rehabilitation of drug dependent persons and shall include programs offered in residential and/or nonresidential settings." Subtypes include: outpatient drug treatment program, residential sub-acute detoxification program, residential intensive treatment program, residential transitional treatment program, specialized day treatment program – 24 hour physician coverage/experience with detoxification. Needs a clinical director who is responsible for all treatment services provided, must be either a doctor of medicine/licensed practitioner who is licensed to provide treatment for drug dependent persons/certified addiction counselor; also needs a licensed physician to oversee medical services. They also must provide treatment in accordance with the American Society of Addiction Medicine (ASAM)

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Third-part Accreditation

SAMHSA (US governmental agency) – Substance Abuse and Mental Health Services Administration; for opioid treatment programs; does not accredit but provides guidance for how to operate

CARF – Commission on Accreditation of Rehabilitation Facilities (nonprofit) – includes behavioral health, opioid treatment programs, and aging services; 84 facilities in Georgia accredited

The Joint Commission (also known as JCAHO) (nonprofit) – accredits health care organizations and programs which includes behavioral health, hospitals, and nursing homes; 566 facilities in Georgia accredited

ACHC – Accreditation Commission for Health Care, Inc (nonprofit) – accredits health care including behavioral health; 109 facilities in Georgia accredited

CQL – Council on Quality and Leadership (nonprofit) – for people with intellectual, psychiatric, and developmental disabilities; 50 facilities in Georgia accredited

COA – Council on Accreditation (nonprofit) – for behavioral health services/aging services/services for persons with developmental disabilities/residential services; approx. 50 facilities in Georgia accredited

To note, DBHDD provides discounts on fees for community living arrangements accredited by ACHC and for both community living arrangements and drug treatment and education programs accredited by CARF, the Joint Commission, CQL, and COA.

Others

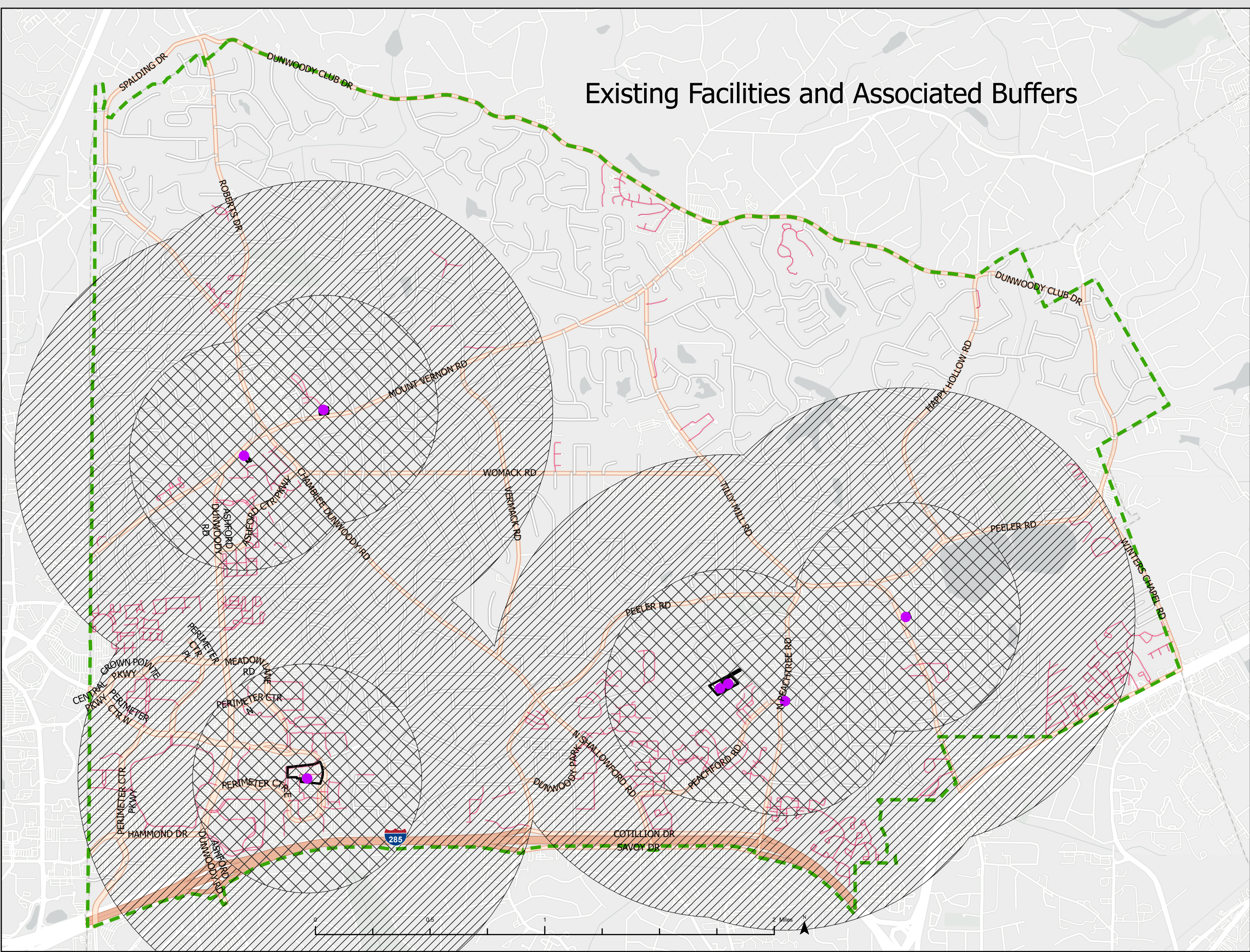
Oxford House – nonprofit in which applicant can apply for membership; sober living; must operate on democratic basis (each member has one vote); 4 currently in Georgia

Georgia Association of Recovery Residences (GARR) – maintains a standards system for recovery residence programs in the state; nonprofit in which recovery residences can apply for membership; many in Georgia









Sober Living America – nonprofit that provides low-cost recovery houses; 10 locations in Georgia

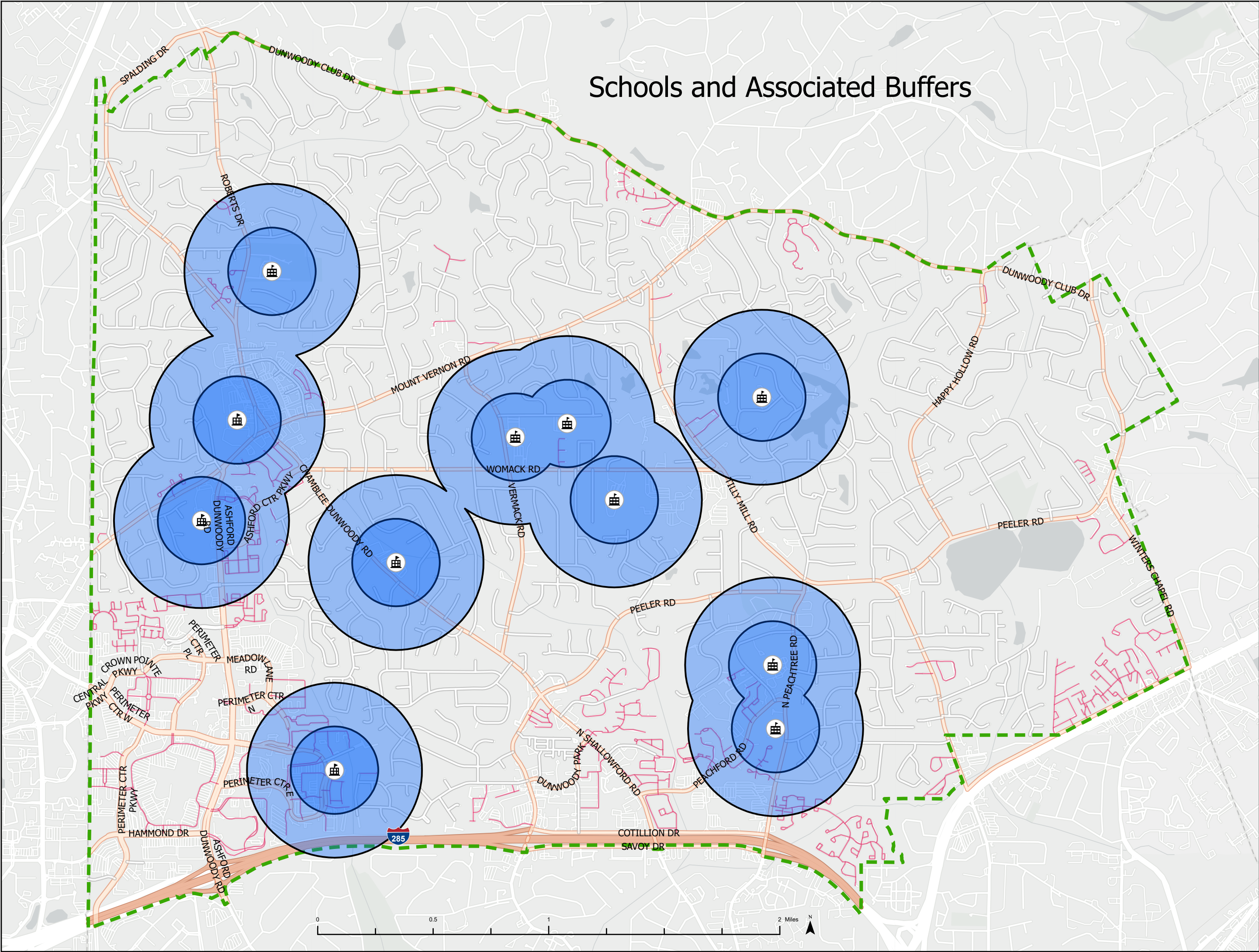
Existing Facilities and Associated Buffers

- Existing Facilities
- Buffer Distance
 - 0.5 mile
 - 1 mile
- Existing Facility Parcels
- Dunwoody City Limits
- Local Street
- Private Road
- Major Street
- Interstate



Schools and Associated Buffers

-  School
-  1000ft School Buffer
-  2000ft School Buffer
-  Local Street
-  Private Road
-  Major Street
-  Interstate
-  Dunwoody City Limits





Text Amendment – Community Residences and Recovery Communities

July 22, 2024

Summary

- The Zoning Ordinance currently has a gap that leaves the City legally vulnerable.
- While substance use disorder treatment is referenced, facilities are not included in the use table.
- To close that gap, staff proposes regulations that balance access to treatment without overwhelming the City's neighborhoods.
- This text amendment also addresses recent changes in state law.

Background

- People with substance addiction issues and undergoing a supervised rehabilitation program are considered a protected class under federal law.
- Residents with mental health or physical disabilities fall under the same protected class.
- Current ordinance provides different rules for the same protected class (personal care home, supportive living, community living arrangement).

Changes After 1st Read

- Increased distance buffers for recovery communities: 5,280 feet (1 mile) from existing recovery communities and community residences.
- Increased school buffers for recovery communities: 2,000 feet.
- No changes for community residences.

Use Categories

- Treat all small-scale forms of housing for handicapped residents the same: Community Residence
- Larger-scale option for mental health and substance use disorders that is more similar to a nursing home: Recovery Community

	Community Residence	Recovery Community
Single-dwelling Residential	Special Use	Not Permitted
Multi-dwelling Residential	Permitted Use	Permitted Use
Commercial/Perimeter Center	Permitted Use	Permitted Use
Dunwoody Village	Special Use	Special Use

Existing Facilities and Associated Buffers

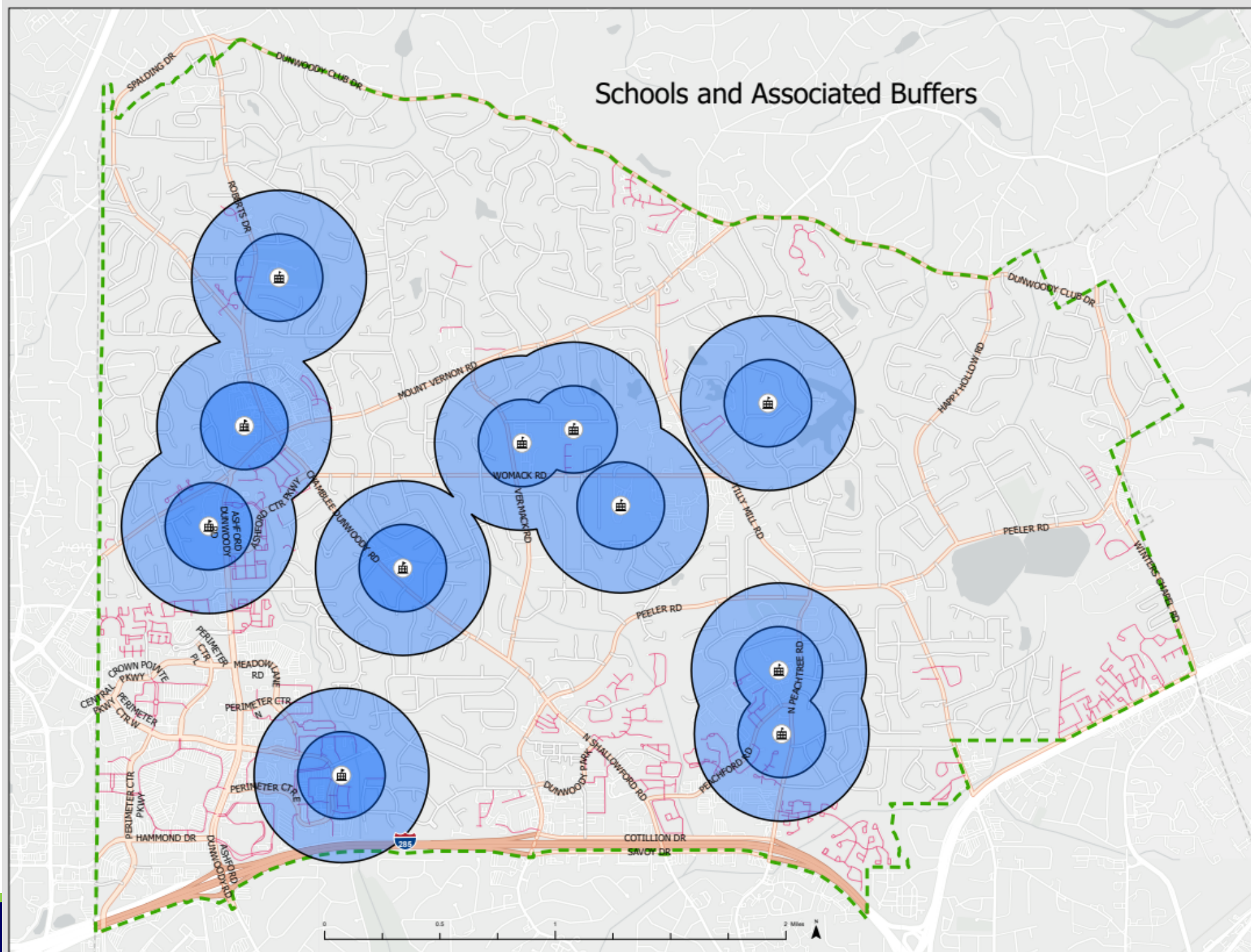


Existing Facilities

Buffer Distance

- 0.5 mile
- 1 mile
- Existing Facility Parcels
- Dunwoody City Limits
- Local Street
- Private Road
- Major Street
- Interstate

Schools and Associated Buffers



Use Standards

- Operations plan is required.
- Facility limit of five residents for community residences; more residents through SLUP process.
- No sex offenders, no people on parole or probation who have to reside at a specific address.
- Recovery communities cannot co-locate in existing apartment communities.

Summary & Next Steps

- Current proposal provides pathway for small and large facilities while preventing clustering and maintaining protections and room for community input.
- Proposal simplifies the code by consolidating several group home categories into the Community Residence category.
- This is a second read; staff recommends approval.



City of
Dunwoody
Georgia

Paul Leonhardt

From: Robert Wittenstein [REDACTED]
Sent: Wednesday, June 5, 2024 9:28 AM
To: Paul Leonhardt
Subject: RE: Text Amendment for Community Residences and Recovery Communities

Caution: External Message

Thank you, Paul.

I am disappointed in three elements in the proposed changes and plan to speak against them at next week's meeting.

- The requirement that Community Residences require a Special Land Use permit.
- The stipulation that Community Residences and Recovery Communities be located more than 1,000 feet from any park.
- The reduction in the size of a Community Residence from 7 to 5 residents.

Regards,
 Robert Wittenstein

From: Paul Leonhardt <Paul.Leonhardt@dunwoodyga.gov>
Sent: Tuesday, June 4, 2024 4:45 PM
To: [REDACTED]
Subject: Text Amendment for Community Residences and Recovery Communities

Hi Robert,

We have submitted the draft documents for the text amendment for community residences and recovery communities. See attached for a copy of the ordinance and the memo with a bit of background.

If you have any questions, please just let me know. The public hearing at the Planning Commission will be next Tuesday at 6pm.

Best, Paul



Paul Leonhardt, AICP
 Planning & Zoning Manager
 Deputy Community Development Director

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