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MEMORANDUM

To: Mayor and City Council

From: Paul Leonhardt, Deputy Community Development Director

Date: August 25, 2025

Subject: Text Amendment to Amend Regulations and Procedures for Group Living Uses

ITEM DESCRIPTION

This item presents changes to group living uses, including community residences and recovery communities. The goal of the text amendment is to clarify that the regulations and procedures comply with legal requirements, are free of conflicts, and treat similar uses in a consistent manner.

DISCUSSION

During the July 22, 2024 meeting, the City Council adopted regulations for community residences and recovery communities. These regulations went into effect on August 13, 2024 after a previously adopted moratorium expired.

After adoption, questions were raised about the amendments that required clarification. The City engaged in additional review, which has resulted in the attached changes to regulations and procedures for group homes.

PLANNING COMMISSION RECOMMENDATION

On July 8, 2025, the Planning Commission conducted a public hearing. Nobody spoke in support or opposition. The **Planning Commission recommended approval** of the proposed ordinance in a unanimous 5-0 decision, with Chair O'Brien and Commissioners Brown, Cameron, Gordon, and Wallach voting in support.

ATTACHMENTS

Ordinance

**AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) OF THE
CITY OF DUNWOODY CODE OF ORDINANCES; TO AMEND ZONING
REGULATIONS AND PROCEDURES FOR GROUP LIVING USES AND OTHER
PURPOSES;**

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

WHEREAS, group living uses are valuable and necessary to accommodate various groups of residents in need of assistance with activities of daily living and/or treatment options; and

WHEREAS, residents undergoing supervised rehabilitation programs or requiring assistance with activities of daily living may have certain protections under federal law, including under the Americans with Disability Act; and

WHEREAS, the City of Dunwoody's rules regarding group living facilities are intended to compliment and reference the State of Georgia's licensing requirements for certain such facilities ; and

WHEREAS, the City of Dunwoody intends to allow such uses in its zoning districts with permitting requirements similarly to comparable uses; and

WHEREAS, the City of Dunwoody wishes to adjust the language in its zoning ordinance to ensure the ordinance is compliant with federal and state requirements, is free of conflicts, and is easy to interpret.

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 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 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.

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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. *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.

c. *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.

d. *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 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.

e. *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, or individuals who need assistance with one or more activities of daily living or administration of medication, living as a single functional family in a single dwelling unit, or in multiple dwelling units within the same structure, 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. Community residence includes facilities defined by state law as a personal care home, assisted living community, or intermediate care home,

f. *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; Ord. No. 2024-07-05, § V, 7-22-2024)

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Section II: 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:

Sec. 27-135.1. - Community residences.

(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. The term public or private elementary or secondary school shall include any facility that offers education in one or more of the grade levels from kindergarten through 12th grade. 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-resemble or simulate~~ a household or households and be operated to achieve stability, a structured environment, and community integration,
- 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~~may approve a special land use permit for a community residence ~~unless and until if~~ 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

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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 may~~ approve a special land use permit for a community residence ~~unless and until if~~ 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 may~~ approve a special land use permit for a community residence ~~unless and until if~~ 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;

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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.

(Ord. No. 2024-07-05, § VI, 7-22-2024)

Section III: 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:

Sec. 27-146.1. - Recovery communities.

(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. The term public or private elementary or secondary school shall include any facility that offers education in one or more of the grade levels from kindergarten through 12th grade. 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.

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(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 may~~ approve a special land use permit for a recovery community ~~unless and until if~~ 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 may~~ approve a special land use permit for a recovery community ~~unless and until if~~ 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 may~~ approve a special land use permit for a recovery community ~~unless and until if~~ 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;

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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.

(Ord. No. 2024-07-05, § VII, 7-22-2024)

SO ORDAINED, this ____ day of _____, 2025.

Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney