

AN ORDINANCE

ENTITLED 13-107

AN ORDINANCE AMENDING A PORTION OF TITLE II, DISTRICT REGULATIONS AND REQUIREMENTS OF THE ALBANY DOUGHERTY ZONING ORDINANCE SO AS TO ESTABLISH A NEW SECTION 2.01 6: COMMUNITY RESIDENCE REQUIREMENTS, INCLUDING PROPOSED AMENDMENTS TO TITLE I, ARTICLE 5: DEFINITIONS AND TO TABLE II.2.01 PERMITTED USES SUBJECT TO THE NEW SECTION 2.01 6; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, this Commission, by Resolution 12-R173, adopted on September 25, 2012, established a temporary 120 day moratorium on the acceptance of any and all applications for occupation tax certificates regarding personal care homes; and

WHEREAS, in response to the moratorium, staff has had an opportunity to prepare text amendments to the Zoning Ordinance regarding community residence requirements; and

WHEREAS, it would be in the best interests of the citizens of the City of Albany to amend its present Zoning Ordinance, all as set forth in Agenda Items discussed on January 15, 2013 and February 7, 2013, prepared by the Planning and Development Services Department,

BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, Title II, Article 2 of the Zoning Ordinance shall be amended to add a new **Section 2.01 6: Community Residence Requirements**, to read as follows:

Section 2.01 6: Community Residence Requirements.

- (a) *Purpose and intent.* This section is intended to address the regulation of non-traditional living arrangements in existing single-family residential neighborhoods as well as in other zoning districts throughout the community. It is adopted in response to concerns that these types of living arrangements could impact the residential character of the neighborhoods in which they are located. This section

is designed to help protect the character and stability of the city's neighborhoods while also maintaining a non-institutional setting for this type of housing.

- (b) *Applicability.* No person shall establish or operate a community residence (as defined in this ordinance), or let a person occupy any rooming unit in any community residence except in compliance with the provisions of this article.
- (c) *Business registration of existing community residences.* No person shall operate a community residence unless he holds a valid Occupational Tax Certificate (OTC) issued in the name of the operator and for the specific dwelling. Property owners operating a community residence shall register the community residence as an existing business within one hundred twenty (120) days from the effective date of this section. It shall be unlawful to continue to use or operate a community residence in the city after one hundred twenty (120) days from the effective date of this section, unless the community residence has been registered with the city. The city shall compile and maintain a list of registered community residences.
- (d) *Occupational Tax Certificate application requirements.* The application for an OTC shall include the agent of the property and the resident manager as applicable. The applicant for an OTC required by this section shall file with the application the following:
 - (1) A copy of the recorded plat for the property;
 - (2) A site plan, if no current as-built survey exists;
 - (3) A parking plan for the structure detailing where and how many vehicles are to be parked on site including a written statement describing the plan.
 - (4) A floor plan of each floor of the building. Said floor plan shall be drawn to an acceptable architectural scale and shall show all stairs, halls, the location and size of all windows, the location and size of habitable rooms and the exits of each floor to be occupied. The intended use of every room in the building must be indicated on the floor plans submitted. For residences with 7 or more occupants (excluding employees or managers) complete architectural plans signed by a registered architect are required, and;
 - (5) A written statement indicating the number of persons proposed to be accommodated or allowed on each floor. Services to be provided, if any.

Upon receipt of a complete application, the property may be assigned a conditional OTC. Conditional OTCs are granted to provide the applicant the local documentation necessary to apply for any required state license. This will be converted to permanent status when proof of state licensing is presented if

applicable. Failure to provide a copy of the state license within 6 months voids the conditional OTC.

- (e) *State license.* When licensing is required by the state for the operation of a community residence as defined by this ordinance, proof of such license must be presented to obtain a permanent OTC. All such facilities shall display both their state license and OTC so they are plainly visible from the front doorway of the facility.
- (f) *Inspections.* All community residences must obtain fire and electrical inspections (where necessary, as a requirement of state or local laws) before either a certificate of occupancy or OTC may be issued or renewed by the City. Certification evidencing satisfactory inspections must be displayed in plain view visible from the front doorway of the facility.
- (g) *Distance separation.* Community residences shall be separated from any other community residence by a minimum of one thousand (1000) feet as measured from the property line of the existing licensed establishment to the property line of the proposed location. The method of measurement shall be the direct route of travel along a paved or otherwise improved route appropriate for public vehicular, bicycle or pedestrian traffic.
- (h) *Appointment of agent and agent responsibilities.* As part of the registration process, property owners of existing and new community residences shall appoint an agent, who lives in Dougherty County, as the person responsible for the property. The designated agent shall be available to be contacted twenty-four (24) hours a day, seven (7) days a week. The agent is the party designated to receive all notices from the city concerning the use of the property. The name and telephone number of the agent responsible for the community residence will be provided by the city to any neighbors who contact the city with complaints about the community residence. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the city and problems if they occur.
- (i) *Occupancy.* Maximum occupancy for any structure is determined by the location's zoning designation and the International Property Maintenance Code requirements.
- (j) *Construction, renovation, site improvements and design requirements.* In all residentially zoned districts, the square footage of an existing dwelling shall not be enlarged by more than 25 percent to facilitate use of the structure as a

community residence. In no case shall alterations be permitted to an existing community residence for the purpose of increasing the number of persons served by such facility. Exterior modification of an existing dwelling and provision of required parking shall be compatible with the residential character of the surrounding neighborhood design and scale including landscaping. Any new construction shall be compatible with the residential character, scale and materials of the surrounding neighborhood and comply with historic district guidelines where applicable.

- (k) *Signage.* Community residences must comply with the sign ordinance provisions in the zoning regulations for the underlying zoning district where the structure is located.
- (l) *Parking.* Parking congestion must be avoided. Both on-site and off-site parking shall conform to the standards contained elsewhere in this ordinance and be designed in such a way so as to be compatible with the residential character of the surrounding neighborhood.
- (m) *Responsibility for maintenance.* The property owner, property agent, and resident manager (where applicable) of each community residence shall be individually responsible for the maintenance of safe and sanitary conditions in every part of the community residence. This is to include the maintenance of the exterior of the structure and landscaping. Exterior maintenance must be such that the structure's outward appearance is that of a residence, so as not to detract from the residential character of the neighborhood. Failure to meet these standards is grounds for non-renewal of the location's OTC.
- (n) *Appeals.* A variance from these requirements may be requested in cases where the strict adherence to the regulations would cause an undue hardship upon the applicant. Such a variance may only be granted to provide reasonable accommodations. The appeal process shall be governed by Title 3, Article 5: of the City of Albany and Dougherty County zoning ordinance:

SECTION 2. From and after adoption of this Ordinance, Title I, Article 5 of the Zoning Ordinance shall be amended to add the following definitions:

Community Living Arrangement (CLA): 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 (DBHDD).

Community Residence: A dwelling unit occupied by two or more typically unrelated persons as their normal place of residence, but in which separate cooking facilities are not provided for such resident persons. The term *community residence* includes but is not limited to fraternity house, sorority house, rooming house, boarding house, community living arrangement and personal care home. A retirement community, nursing home, hotel or motel or bed and breakfast inn shall not be deemed to be a group residence as herein defined.

Memory care services: means the additional watchful oversight systems, program, activities and devices that are required for residents who have cognitive deficits which may impact memory, language, thinking, reasoning, or impulse control, and which place the residents at risk of eloping, i.e. engaging in unsafe wandering activities outside the home.

Memory care unit: means the specialized unit or home that either holds itself out as providing memory care services or provides personal services in secured surroundings.

Personal care home: A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for two or more adults are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term *personal care home* shall not include a *child caring institution*, *transitional housing*, a *rehabilitation housing facility*, a *rooming house*, a *boardinghouse*, or any facility that provides residential services for federal, state or local correctional institutions. *Personal care home* includes a *community living arrangement*, which is an establishment licensed by the state which undertakes through their ownership or management to provide or arrange for the provision of daily personal services, care or treatment for two or more adults who are not related to the owner or administrator and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities. The term also includes *memory care units* which provide memory care services in a secured environment.

- (1) ***Family Personal Care Home:*** A Personal Care home in a family type residence, non-institutional in character, which offers care for two to six adults.

- (2) *Group Personal Care Home:* A Personal Care home in a residence or other type of building that is non-institutional in character and offers care for seven to 15 adults.
- (3) *Congregate Personal Care Home:* A Personal Care home that offers care to 16 or more adults.

Personal Services includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Private home care provider: Provides “private home care services” which means an agency that is licensed to provide through its own employees or agents services at a client's residence that involves direct care to that client and includes nursing services, personal care tasks and companion or sitter tasks.

Recovery Residences: Housing for persons released from prison, jail or mental health facility who need a more restrictive environment than outpatient services to establish or maintain abstinence from alcohol and other drugs and criminal or other behavioral issues. *Recovery Residences* are categorized according to the intensity of the substance abuse services/counseling that is delivered.

- (1) *Standard Recovery Residences* require all residents to attend one or more hours of substance abuse services or counseling, or mental health counseling per week.
- (2) *Intensive Recovery Residences* require all residents to attend five or more hours of substance abuse counseling, or mental health counseling per week, delivered by certified substance abuse counselors.

Rooming, Lodging or Boarding House: A dwelling unit within which a resident family or manager offers lodging or lodging and meals, but no other personal services, to two or more unrelated adults in exchange for monetary compensation or other consideration.


Structured Housing: Housing for individuals who meet prison-release eligibility requirements but who do not have an available residence and for probationers or parolees who become displaced. Does not include substance abuse or mental health treatment, although other programs may be provided. Attendance at available programs is not required in Structured Housing.

Transitional housing facility: A building or buildings in which is provided long-term but no permanent living accommodations for more than six (6) persons who have no permanent residence and are in need of long-term housing assistance.

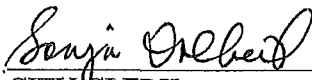
SECTION 3. From and after adoption of this Ordinance, Table II.2.01 Permitted Uses shall be amended in accordance with this Ordinance. The amended Table is attached hereto and incorporated herein by reference as fully as if set forth verbatim.

SECTION 4. This ordinance shall become effective immediately upon its adoption and simultaneously therewith the moratorium in Resolution 12-R173 ends.

SECTION 5. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.


MAYOR

ATTEST:


CITY CLERK
Adopted: Feb. 26, 2013

Introduced By Commissioner: Bob Langstaff, Jr.
Date(s) read: 2-26-13

AN ORDINANCE
ENTITLED 15-106

AN ORDINANCE AMENDING TITLE I, ARTICLE 5 OF THE ALBANY DOUGHERTY ZONING ORDINANCE SO AS TO DEFINE CHILD CARE INSTITUTIONS; AMENDING TABLE II.2.01; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, it would be in the best interests of the citizens of the City of Albany to amend its present Zoning Ordinance, all as set forth in Agenda Item discussed on February 17, 2015, prepared by the Planning and Development Services Department,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, Title I, Article 5 of the Zoning Ordinance shall be amended to add a new definition to read as follows:

Child Care Institutions (CCI): Any child-welfare facility which either primarily or incidentally provides full-time room, board and watchful oversight to six or more children through 18 years of age outside of their own homes, as licensed or commissioned by Georgia Department of Human Services, Office of Residential Child Care (ORCC). This may include, at the discretion of the Planning Director, child caring facilities also regulated by ORCC for individuals up to 21 years of age, including Outdoor Child Caring Programs (OCCP), Children's Transition Care Centers (CTCC), Maternity Homes, and Runaway and Homeless Youth Programs (RHYP).

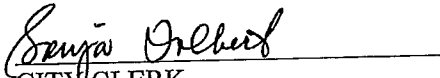
SECTION 2. From and after adoption of this Ordinance, Table II.2.01 Permitted Uses shall be amended in accordance with this Ordinance. The amended Table is attached hereto and incorporated herein by reference as fully as if set forth verbatim.

SECTION 3. This Ordinance shall become effective immediately upon its adoption.

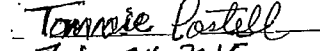
SECTION 4. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.


MAYOR

ATTEST:


CITY CLERK

Adopted: February 24, 2015

Introduced By Commissioner: 
Date(s) read: Feb 24, 2015

Zoning Districts	Single-Family Residential				Traditional Mixed-Use				Business				Industry		Rural				
	R-E 10 ac	R-G 2 ac	R-1 .3 ac	R-2 .2 ac	R-3 +du	R-MHS mobile	R-MHP rec/trail	C-R th/apt	C-1 neigh'd business	C-5 OIR	C-6 tras	C-7 PD	C-2 mu	C-3 mu	C-8 parks	M-1 light	M-2 heavy	FH flood	AG 40ac
USES	☞	☞									**								
Residential																			
Single-Family, except mobile homes	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y cnty only			H	Y	
Duplex					Y			Y	Y	Y	Y	Y	Y	Y			H		
Apartments								Y	Y	Y	Y	Y	Y	Y			H		
Townhouse								Y	Y	Y	Y	Y	Y	Y			H		
Mobile homes						Y	Y										H	AR#	Y
Accessory dwelling unit (in-law suite) max 800 sf or 50% of sf primary dwelling unit	Y	Y	Y	Y	Y					Y	CC						H		
Other Multi-unit, Multi-story Condominium								Y	Y	Y	CC	Y	Y	Y			H		
Personal Care Home***																			
Family Care Home 2-4 residents			Y	Y	Y	Y		Y											
Family Care Home 5-6 residents			CC	CC	CC	CC													
Group Care Home 7-15 residents								Y	Y	Y	CC	Y	Y	Y					
Congregate Care Home 16 + residents								Y	Y	Y	CC	Y	Y	Y					
Child Caring Institutions***																			
Child-welfare facility 6 residents			CC	CC	CC	CC													
Child-welfare facility 7-15 residents							Y	CC	Y	Y	CC	Y	Y	Y					
Child-welfare facility 16+ residents							Y	CC	Y	Y	CC	Y	Y	Y					
Recovery Residence																			
Structured Housing																			
Transitional Housing																			
Miscellaneous Rooms for Rent																			
Rooming House/Lodging House, min of a weekly stay, max 20 rooms								AR	Y	Y	CC	Y	Y	Y			H		
Bed and Breakfast, max 3 rooms ****	CC	CC	CC	CC	CC			AR	Y	Y	CC	Y	Y	Y			H	AR#	
Inn, max 12 rooms									Y	Y	CC	Y	Y	Y			H		
Hotels/Motels and Similar Business Minimum guest unit size 250 sf								AR	Y	Y	CC	Y	Y	Y			H		
Day Care (including kindergartens)																			
Family Day Care 6 or fewer clients	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y*	H	Y	
Group Day Care 7 -18 clients		CC	CC	CC	CC	CC	CC	Y	Y	Y	CC	Y	Y	Y	Y*	Y*	H		
General Day Care 19+ clients								AR	Y	Y	CC	Y	Y	Y	Y*	Y*	H		

Y=Permitted AR=Administrative Review CC=City/County Commission Approval CC/Cnty=County Commission Approval in County k=thousand sf=square feet H=All uses in the FH zoning are regulated by Title II, Article 7.
 Note: Special Use Permits require City/County approval as indicated by a CC ☞ R-E and R-G district applies to County only
 * On-site facility for employees' family members
 ** C-7 Uses shall include 20% residential and 20% commercial/retail
 *** See Title II, Article 2, Section 2.01 (6) for additional requirements.
 **** Not allowed in R-E, R-G, R-1, R-2, R-3, and C-R Districts in the County



COMMUNITY RESIDENCE APPLICATION

Property address: _____

Zoning of property: _____

Property owner's name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

Name of applicant if different: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

Operator of facility: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

24 hour contact for facility: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

What type of community residence is the proposed facility?

- Personal Care Home
- Child Caring Institution
- Community Living Arrangement
- Recovery residence
- Structured housing
- Transitional housing
- Miscellaneous rooms for rent (boarding/lodging/rooming)
- None of the above

Number of residents per floor: _____

Services to be provided, if any: _____

Description of remodeling/construction: _____

The following information is required for zoning certification and occupational tax certificate (OTC):

- A copy of the recorded plat for the property;
- A site plan showing proposed site improvements including landscaping and parking;
- A floor plan of each floor of the building drawn to an acceptable architectural scale and shall show all stairs, halls, the location and size of all windows, the location and size of habitable rooms and the exits of each floor to be occupied. The intended use of every room must be indicated. For residences with 7 or more occupants (excluding employees or managers) complete architectural plans signed by a registered architect are required.

NOTE: Once the zoning is certified, a conditional OTC may be issued. Proof of licensing by the state (if required) must be presented within 6 months to convert the conditional OTC to permanent status. Failure to provide this documentation will void the conditional OTC.

The annual renewal of an OTC for a community living arrangement is contingent upon satisfactory operation and upkeep of the facility. The facility must not negatively impact the character of its surroundings. Exterior maintenance must be such that the structure's outward appearance is that of a residence, so as not to detract from the residential character of the neighborhood. The overall goal is that of a non-institutional setting for these types of residences. Any property that becomes a nuisance is subject to non-renewal of its OTC.

I have read and understand the above statement. Further, I also hereby depose and say that all statements herein, and attached statements submitted are true and accurate to the best of my knowledge and belief.

Sworn to and subscribed before me this ___ day of _____, 20_____

Signature of applicant: _____

Notary Public: _____ My commission expires: _____