

**A RESOLUTION
ENTITLED**

A RESOLUTION PROVIDING FOR 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 ESTABLISHING COMMUNITY RESIDENCE REQUIREMENTS INCLUDING AN AMENDMENT TO TITLE I, ARTICLE 5: DEFINITIONS AND TO TABLE II. 2.01 PERMITTED USES SUBJECT TO THE NEW SECTION 2.01 6; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Dougherty County, Georgia has found that it is in the best interest of the citizens of Dougherty County to amend its present Zoning Ordinance by 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 establishing Community Residence Requirements including an Amendment to Title I, Article 5: Definitions and to Table II 2.01 Permitted Uses subject to the new Section 2.01 6.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Dougherty County, Georgia and it is hereby resolved by Authority of same as follows:

SECTION I The attached Dougherty County Community Residence Requirements 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 including an Amendment to Title I, Article 5: Definitions is hereby approved and the staff of the Albany-Dougherty Planning and Development Services Department is hereby authorized to make said change in the Albany Dougherty Zoning Ordinance.

SECTION II The attached Table II.2.01 Permitted Uses table subject to the new Section 2.01 6 amending Table II.2.01 is hereby approved and the staff of the Albany-Dougherty Planning and Development Services Department is hereby requested to make the necessary changes in the Albany Dougherty Zoning Ordinance.

SECTION III All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

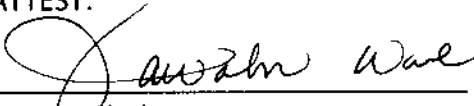
This the 4th day of January, 2021.

BOARD OF COMMISSIONERS OF
DOUGHERTY COUNTY, GEORGIA

BY: 

Christopher S. Cohilas, Chairman

ATTEST:



County Clerk



MEMORANDUM

Date: December 4, 2020
To: The Board of County Commissioners
From: Albany Dougherty Planning Commission
Subject: Proposed Text Amendment

At the November 16, 2020, Regular Meeting of the Board of County Commissioners, the County Commission authorized the Planning Commission and staff to provide a Proposed Text Amendment to Title II, Article 2, Section 2.01 6 (a-n): Community Residence Requirements of the Zoning Ordinance establishing regulations for the unincorporated County, including proposed amendments to Title I, Article 5: Definitions and to Table II.2.01 Permitted Uses subject to proposed Section 2.01 6 (a-n).

Billy Merritt offered a motion to recommend approval for the proposed Text Amendment; seconded by Jimmy Hall; the motion carried 6-0 with the following votes:

William Geer Tie or Quorum
Billy Merritt Yes
Art Brown Yes
Jimmy Hall Yes
Sanford Hillsman Absent
Yvonne Jackson Absent
Aaron Johnson Yes
Charles Ochie Yes
Helen Young Yes
Dominique Riggins Absent

Dougherty County Community Residences

Community Residence Requirements (NEW SECTION-Title II, Article 2, Section 2.01 6)

- (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 county'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 county after one hundred twenty (120) days from the effective date of this section, unless the community residence has been registered with the county. The county 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 County. 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 county concerning the use of the property. The name and telephone number of the agent responsible for the community residence will be provided by the county to any neighbors who contact the county with complaints about the community residence. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the county and resolving 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) *Access by Public Right-of-Way.* Access to a community residence must be provided directly off an improved public right-of-way that meets either city or county standards.
- (l) *Signage.* Community residences must comply with the sign ordinance provisions in the zoning regulations for the underlying zoning district where the structure is located.
- (m) *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.
- (n) *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.

(o) *Reasonable Accommodation Policy:*

Purpose

It is the policy of Dougherty County, pursuant to the Fair Housing Amendments Act of 1988, to provide individuals with disabilities reasonable accommodation in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing for individuals with disabilities. The purpose of this section is to provide a formal procedure under which a disabled person may request a reasonable accommodation in the application of zoning policy, practice or procedures, and to establish relevant criteria to be used when considering such requests, all so as not to limit meaningful access to housing for the disabled.

Applicability

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities, or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures; or even waiving certain requirements when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use or zoning policy, practice or procedure acts as a barrier to fair housing opportunities.

This section is intended to provide for minor structural modifications and/or regulatory exceptions. Nothing in this section shall be interpreted to require the county to waive or reduce development or building fees associated with the granting of a reasonable accommodation request.

Application

Requests for reasonable accommodation shall be in writing and provide the following information:

A. Required information:

1. Applicant's name, address, and telephone number
2. Address of the property for which the request is being made
3. The name and address of the property owner and the owner's written consent to the application
4. The current use of the property
5. General information about the nature of the disability of the subject individual(s) that are the focus of the request
6. Zoning code provision, regulation or policy from which accommodation is being requested
7. Explain how the requested accommodation relates to the needs of the disabled person(s)

- B. Review with other land use applications: If the project for which a reasonable accommodation request is being submitted also requires some other land use approval (such as a rezoning) then the applicant shall submit the reasonable accommodation application first for a determination before proceeding with the other applications.

Approval Authority

1. **Director of Planning.** The Director of Planning has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The Director of Planning may refer the matter to the Planning Commission and or the Historic Preservation Commission as appropriate.
2. **Planning Commission.** The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Director of Planning or when a reasonable accommodation request includes any other land use request.
3. **Historic Preservation Commission.** The Historic Preservation Commission has the authority to decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Director of Planning or when a reasonable accommodation request includes any exterior design modifications.

Notice Requirements

No advance notice or public hearing is required for consideration of reasonable accommodation requests before the Director of Planning. Requests for reasonable accommodation subject to review by the Planning or Historic Preservation

Commissions shall require advance notice but no public hearing. In this situation, advance notice shall be accomplished by including the request in the advertisement of the meeting agenda.

Decision

The Director of Planning shall render a written decision or refer the matter to the Planning Commission within 7 days after the application is complete. The Planning or Historic Preservation Commission shall approve, approve with conditions or deny the application, in writing, within 30 days of receiving the application from the Director of Planning.

Findings

The reviewing authority shall approve the application, with or without conditions, if it can make the following findings:

1. The housing will be used by a disabled person;
2. The requested accommodation is necessary to make specific housing available to a disabled person;
3. The requested accommodation would not impose an undue financial or administrative burden on the county; and
4. The requested accommodation would not require a fundamental alteration in the nature of a county program or law, including land use and zoning.

Appeal

A decision by the Director of Planning may be appealed within thirty (30) days to the Planning Commission and a decision of the Planning or Historic Preservation Commission may be appealed to the County Commission within thirty (30) days.

Fees

There shall be no fee for an application requesting reasonable accommodation. If the project for which the request is being made requires other planning permit(s) or approval(s), fees for applicable applications shall apply as established. There shall be no fees for appeals to decisions on reasonable accommodation.

Definitions (Title I, Article 5)

Child Care Institution (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).

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 boarding house, 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.

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/trair	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	Y	Y	Y	Y	Y	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		Y
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	CC												
Group Care Home 7-15 residents							Y	CC	Y	Y	CC	Y	Y	Y					
Congregate Care Home 16 + residents							Y	CC	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			CC	Y	Y	Y			H		
Bed and Breakfast, max 3 rooms ****	CC	CC	CC	CC	CC		AR	Y	Y	Y	CC	Y	Y	Y			H		AR#
Inn, max 12 rooms																			
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	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