

Sec. 206-3. Residential Uses

206-3.2. Group Living

A. Defined

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap or disability. No policy or practice of this UDO is intended to have a disparate impact on a protected class. Further, in order to avoid prohibited discrimination, if a person or persons identified as a protected class believes a reasonable accommodation can be made to any use restriction, that person or persons must make an application for a special use or zoning text or map change.

Group living includes the following:

1. [Addiction treatment facility.](#)
2. [Assisted living facility.](#)
- ~~3.~~ Boarding or rooming house.
4. [Collective residence.](#)
5. [Nursing facility \(skilled\)](#)
- ~~2-6.~~ 6. [Nursing home.](#)
- ~~3-7.~~ Retirement community (continuing care).
- ~~4-8.~~ Hospice.
- ~~5-9.~~ Monastery or convent.
- ~~6-10.~~ _____ Shelter.

B. Addiction Treatment Facility

1. Defined

An inpatient facility for treatment and recovery for substance abuse and addiction.

C. Assisted Living Facility

1. Defined

A facility for the frail elderly that provides rooms, meals, personal care, and supervision for self-administered medication. Facility may also provide specialized memory care.

D. Boarding or Rooming House

1. Defined

A dwelling in which meals, lodging, or both are furnished for compensation to more than two, but not more than ten non-transient persons.

E. Collective Residence

1. Defined

Any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one or more personal services, support, care, or treatment exclusively for two or more persons who are not related to the owner or administrator of the residence by blood or marriage and which is licensed as a group home, personal care home, or community living arrangement pursuant to O.C.G.A. § 31-2-4(d)(8). Any residence that Georgia law requires to be licensed as a Community Living Arrangement, Group Home, Personal Care Residence, or any other facility permitted by the State of Georgia to house two or more unrelated persons, is considered to be a collective residence.

2. Use Standards

Where a collective residence is allowed by a special use permit, it is subject to the following:

- a. The facility must be licensed by the Department of Human Resources of the State of Georgia. Before applying for a special use permit, the applicant must seek a specific permit from the State of Georgia for operating the collective residence. All details of the State application must be attached to the special use permit application and must be incorporated by reference as a condition of said permit. If the applicant changes the operation of the collective residence from the type disclosed in the State application, the special use permit will be automatically revoked and the applicant must apply for a new special use permit for the new type of community residence. The new application must be judged by the City on its own merits and subject to the full review for a new special use permit, which may be denied based on the required criteria of these use standards. The fact that a different type of community residence has been operated at this same site has no bearing on the new application.
- b. The facility must apply for and receive an occupation tax certificate/business license from the City before operation. The certificate and license must be revoked if any condition of the special use permit is violated.
- c. The facility must apply for, earn, and maintain nonprofit corporation status in accordance with the requirements of O.C.G.A. § 14-3-120 et seq., unless otherwise stated in these use standards.
- d. The facility must submit annual reports to the City Manager, just as the community residence would for a member under O.C.G.A. § 14-3-1620 et seq.
- e. The facility must comply with all parking requirements, except that no more than six parking spaces are allowed at any community residence unless otherwise allowed or required by the special use permit.

- f. Every bedroom in the residences must contain at least 80 square feet of floor area for each person who sleeps in that room.
- g. Community living arrangements and family personal care homes are subject to the following:
 - i. Special use permits may only be granted for the care of up to six persons without a variance from the City Council.
 - ii. Except as otherwise stated in i above, operations are subject to Sec. 206-8.12 (Home Occupation).
- h. Group homes are subject to the following:
 - i. The dwelling unit must be licensed by the Department of Human Resources of the State of Georgia as a child care institution.
 - ii. Group homes are exempt from the requirements of article XVIII, subsection 18.4G. to the extent they require that the owner of the group home live on-premises, and to the extent that subsection 18.4G.requires that only two or fewer employees occupy the premises. At least one employee must occupy the premises. Two is the minimum number of employees that must work on the premises.
- i. Family personal care homes are subject to the following:
 - i. The dwelling unit must be the primary and legal place of residence for the owner of the family personal care home.
 - ii. For purposes of this these use standards, "owner" of the family personal care home means an individual, not a partnership or corporation, who is an officer in the nonprofit corporation that owns the place of residence at which the personal care home is located. Dwelling and premises must maintain a residential character.
- j. If the use fails to comply with any threshold requirement under these use standards, its special use permit is subject to revocation by the Director pursuant to Sec. 103-10 (Special Use Permits).
- k. Collective residences may not be located within 1,500 feet of each other. This distance is measured by the most direct route of travel on the ground in the following manner:
 - i. From the main entrance of the collective residence;
 - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - iv. To the main entrance of the next closest collective residence.
- l. The application for a special use permit must include the following:
 - i. A full review of fire code compliance and fire access requirements must be made and to the extent that special needs are demonstrated, the special use permit can be conditioned by including additional conditions.
 - ii. All environmental health requirements must be disclosed and modifications to the facility may be required as a condition of the special use permit.

- iii. A parking plan to accommodate all residents, staff, visitors, and professionals caring for residents, and the granting of a special use permit may be conditioned on compliance with parking requirements of this UDO. Parking in the public right-of-way is prohibited.
- iv. The real estate that is the subject of the special use permit must be owned at the time of application and during the term of the special use permit by the nonprofit organization operating the facility.
- v. The application for the special use permit must be in a form prepared by the Director and must incorporate disclosure of all the following:
 - a. All information required to demonstrate compliance with the requirements of these use standards.
 - b. A full and complete financial disclosure by the applicant to include financial statements that reveal how trust funds of residents will be maintained, a balance sheet showing the overall capital structure of the nonprofit organization, and a full capital disclosure targeted at the financial condition of the specific facility to be operated at the site of the special use permit.

F. Retirement Community (Continuing Care)

1. Defined

A managed residential facility for elderly adults that allows residents to age in one community, with on-site access to healthcare services and a transition to greater levels of care over time. These facilities provide distinct levels of care: independent living in which residents live on their own and have access to a wide array of amenities; assisted living, which provides help with daily tasks such as bathing and dressing; and, 24-hour nursing home-style care. As a resident's health needs increase, they transition from one level to the next, all within the same community.

G. Hospice

1. Defined

A health care facility for the terminally ill that emphasizes pain control and emotional support for the patient and family, typically refraining from taking extraordinary measures to prolong life.

H. Monastery or Convent

1. Defined

A place of residence providing group living accommodations to a community of persons living in seclusion under religious vows.

I. Shelter

1. Defined

A facility providing temporary sleeping facilities for displaced persons.