

STAFF ANALYSIS
TEXT AMENDMENTS FOR
UNIFIED ZONING ORDINANCE

June 2020

The Unified Zoning Ordinance was adopted by Dalton, Varnell, and Whitfield County in July and August of 2015. Since that time the staff, who works to administer the Ordinance on a daily basis, identified needed corrections or clarifications, and identified oversights, all for the purpose of improving the context and readability of the zoning text.

The resulting text changes, as proposed, are listed in excerpts (attached) that identifies the current text or current zoning, then proposes the corrected text or new zoning. The legal advertisement ran on Friday, June 5, 2020; copies of the proposed amendments were made available to the public in the Office of the Whitfield County Board of Commissioners, and in the Clerk's Office at Varnell and Dalton City Halls as of Tuesday June 16, 2020.

Proposed Text Amendments: The proposed text amendments are listed as they appear within the UZO's current text. The current text recommended to be omitted will be stricken through, while the language recommended to replace the omitted text will be highlighted. For the staff, the proposed amendments are considered clean-up and clarification of past ordinances in the new format of the Unified Zoning Ordinance. It remains possible that more amendments may be found and a new list will be started by the staff as we move forward with administration. Maintaining an effective ordinance is part of the process.

Just as a note, the advertisement and the availability of the proposed amendments for public review is part of the process. Simultaneously, consideration of additions all the way through the public hearing is possible. If a citizen presents a proposed change at the public hearing, then consideration of that proposal, yea or nay, is part of the process. Any such additions will be highlighted and the paperwork following the public hearing will be thorough in identifying the proposed amendments in their final form in readiness for final action by each government participating in the Unified Zoning Ordinance.

Staff Recommendation: The proposed text amendments are recommended for adoption to modify the ordinance text in order to address issues and allow for up-to-date definitions. The first text amendment is to allow for more flexibility in regard to the number of rooms permitted for boutique hotels, while limiting the number of rooms from that of conventional hotels. This amendment will only affect the Article II--Definitions section of the ordinance.

The other amendments are in regard to Group Homes and Personal Care Homes. It was discovered that the current definitions of these uses may not be in alignment with Georgia State regulatory language, and it was decided that thorough research would help to correct those definitions. Upon

discussing the definitions of those uses, it was discovered that some changes to the Permitted Use Table would be necessary as well. The amendments to the Permitted Use Table are in order to ensure that the various uses in discussion would be in alignment with the density and characteristics of the various residential zone districts within the UZO.

Proposed Text Amendments

EXAMPLE Unmarked text indicates existing text for context

~~EXAMPLE~~ Strikethrough indicates existing text to be omitted

EXAMPLE Yellow highlighted text indicates the proposed new definitions to replace stricken text

EXAMPLE Green highlighted text indicates the permitted zone districts for the new definitions

1. **Boutique Hotel.** A small lodging facility with ~~35~~ 50 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days. Access to each guest room shall be through an inside lobby supervised at all times.
2. ~~Assisted Living Home. Synonymous with Personal Care Home.~~
Assisted Living Facility/Community. A personal care facility serving twenty-five (25) or more residents that is licensed by the Georgia Department of Community Health to provide assisted living care. This includes the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation.

Permitted Outright in Zones: C-2 and M-1

3. **Community Living Arrangement.** An establishment regulated by the Georgia Department of Community Health and operated by any person, firm, partnership, association, proprietorship, company or corporation, which, for a fee, provides or arranges for the provision of daily personal services, supports, care, or treatment exclusively for two (2) 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.)

Permitted Outright in Zones: **R-1, R-2, R-5, R-6, and R-7**

- ~~4. Day Care Home, Group. An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than seven (7) and not more than eighteen (18) children under eighteen (18) years of age who remain at such establishment for not more than sixteen (16) hours per day.~~

An establishment regulated by the Georgia Department of Family and Children's Services (DFCS) and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than seven (7) and not more than eighteen (18) children under eighteen (18) years of age who remain at such establishment for not more than sixteen (16) hours per day.

Permitted Outright in Zones: **C-1, C-2, and C-4**

Permitted Via Special Use Permit in Zones: **MUand PUD**

- ~~5. Child Care Learning Center. An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, society, agency, firm, partnership, proprietorship, company, or corporation, which, for a fee, supervises and/or cares for not less than nineteen (19) children under eighteen (18) years of age, who remain at such establishment for not more than sixteen (16) hours per day.~~

An establishment regulated by the Georgia Department of Family and Children's Services (DFCS) and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than nineteen (19) children under eighteen (18) years of age who remain at such establishment for not more than sixteen (16) hours per day.

Permitted Outright in Zones: **C-2**

Permitted Via Special Use Permit in Zones: **MUand PUD**

- ~~6. Adult Day Care/Day Health. An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, society, agency, firm, partnership,~~

proprietorship, company, or corporation which, for a fee, supervises, cares for, provides recreational and social services, and/or health and rehabilitative services for persons eighteen (18) years of age or older who, because of some mental or physical impairment which limits either the person's major life activities or has a record of impairing such activities, remain at such establishment for not more than sixteen (16) hours per day.

Adult Day Center. An establishment regulated by the Georgia Department of Community Health and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises, cares for, provides recreational and social services and/or health and rehabilitative services for three (3) or more persons eighteen (18) years of age or older who, because of some mental or physical impairment, which either limits the person's major life activities or has a record of impairing such activities, remain at such establishment for not more than sixteen (16) hours per day.

Permitted Outright in Zones: C-2

Permitted Via Special Use Permit in Zones: R-7, C-1, and PUD

- 7. Group Home.** A single family dwelling, approved and licensed by the State of Georgia Department of Human Resources, housing who are mentally /physically handicapped, elderly, terminally ill, AIDS/HIV victims, Alzheimer's patients, or children and teens with emotional problems, operating as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing the organization and stability of a home environment.

Also known as a Child Caring Institution (CCI) A child-welfare facility licensed by the Georgia State Department of Human Services which either primarily or incidentally provides full-time room, board and watchful oversight to six or more children through 18 years of age outside their own homes.

Permitted Outright in Zones: R-6, R-7, and C-2

Permitted Via Special Use Permit in Zones: SA, R-1, R-2, R-5, MU, and PUD

- 8. Health Department.** The State Department of Human Resources and/or the Whitfield County Health Department and/or the Whitfield County Board of Health.

Depending upon the context, either the Georgia Department of Community Health, and/or the Whitfield County Health Department, and/or the Whitfield County Board of Health.

9. **Personal Care Home.** ~~An intermediate care facility licensed or approved to provide full-time assistance as necessary, including, but not limited to rooms, meals, and attention to personal needs, to non-family ambulatory individuals who, by reason of advanced age or infirmity, are unable to care completely for themselves, but who remain largely self-sufficient. Synonymous with “Assisted Living 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 (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage. This 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.

For purposes of this Ordinance, Personal Care Homes are sub-classified, as follows:

Family Personal Care Home. A home for adults in a family type residence, non-institutional in character, which offers care to two (2) to six (6) persons.

Permitted Outright in Zones: GA, SA, R-1, R-2, R-5, R-6, and R-7

Permitted Via Special Use Permit in Zones: MU and PUD

Group Personal Care Home. A home for adults in a residential setting, non-institutional in character, which offers care to seven (7) to fifteen (15) persons.

Permitted Outright in Zones: R-6 and R-7

Permitted Via Special Use Permit in Zones: SA, R-1, R-2, R-5, MU, and PUD

Congregate Personal Care Home. A home for adults which offers care to sixteen (16) or more persons.

Permitted Outright in Zones: R-7

Permitted Via Special Use Permit in Zones: R-6, MU, and PUD