

**ORDINANCE OF THE
NEWTON COUNTY BOARD OF COMMISSIONERS
TO AMEND THE ZONING ORDINANCE OF NEWTON COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Newton County, Georgia is tasked with the protection of the County's health, safety, and general welfare, and is authorized to exercise zoning and planning powers; and

WHEREAS, the Board of Commissioners has determined that larger group home residences for children may be suitable in residential zoning districts to promote compatibility with Federal, State and Local Laws and regulations regarding group residences for children; and

WHEREAS, by furthering the above-stated goals, these amendments will serve the public health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners, Newton County, Georgia, and it is hereby ordained by the authority of the Constitution of Georgia (1983), Art. IX, Sec. II, Par. I, II and IV, that the Zoning Ordinance, Newton County, Georgia is amended as provided herein:

SECTION 1

Article I, Division 105 of the Newton County Zoning Ordinance is hereby amended so as to delete the following definitions: Group residence for persons with a disability, home occupation; Group residence for persons with a disability, congregate; and Group residence (non-disability) and replace with the definition of Group residence for persons 18 years of age and over with a disability, home occupation; Group residence for persons up to the age of 18 years old with or without a disability, home occupation; Group residence for persons up to the age of 18 years old with or without a disability, congregate; Group residence for persons 18 years of age or over with a disability, congregate; and amend the definition of Resident Manager, as shown:

Sec. 105-020 SPECIFIC DEFINITIONS

Group residence for persons 18 years of age and over with a disability, home occupation

A residence in which a resident manager (who is a member of the family residing in the residence) and up to three unrelated persons with a disability protected under the Fair Housing Act reside and which is licensed by the State Department of Community Health as a Personal Care Home or Community Living Arrangement. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of

others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Group residence for persons up to the age of 18 years old with or without a disability, home occupation

Any dwelling, whether operated for profit or not, which undertakes, through its ownership or management, to provide full-time care for minors up to the age of 18 years old outside of their homes. Full-time care shall include, but is not limited to, the provision of room, board, health care, counseling, and other related services. Group residences for children are allowed in all residential zoning districts with up to 6 children. This use is also known as a Group Home or Child Care Institution (CCI) and requires licensure by the State of Georgia Department of Human Services Residential Child Care Licensing Unit. This use shall not include Foster Care Homes.

Group residence for persons 18 years of age or over with a disability, congregate.

A residence in which 5 or more unrelated persons with a disability protected under the Fair Housing Act reside and which is licensed by the State Department of Community Health as a Personal Care Home or Community Living Arrangement. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Group residence for persons up to the age of 18 years old with or without a disability, congregate

Any dwelling, whether operated for profit or not, which undertakes, through its ownership or management, to provide full-time care for minors up to the age of 18 years old outside of their homes. Full-time care shall include, but is not limited to, the provision of room, board, health care, counseling, and other related services. Group residences congregate is for 7 or more children. This use is also known as a Group Home or Child Care Institution (CCI) and requires licensure by the State of Georgia Department of Human Services Residential Child Care Licensing Unit. This use shall not include Foster Care Homes.

Resident Manager

A person who lives in a group residence and is responsible for daily operation of the residence and care given to residents on a 24-hour per day basis. In Group Home Residences for persons under the age of 18 years old regulated by the State Department of Human Services or State Department of Community Health the Resident Manager may include the adequate Child Care Staff Worker(s) in accordance with the Official Code of Georgia (O.C.G.A.) Sec. 49-5-1 et seq., (Rule 290-2-5-.08 Administration and Organization Part 6).

SECTION 2

Article V of the Newton County Zoning Ordinance is hereby amended so as to amend the Use Table as shown in Exhibit "A".

SECTION 3

Article V of the Newton County Zoning Ordinance is hereby amended so as to delete subsection 510-298, in its entirety, and to insert in lieu thereof, the following:

Sec. 510-298 GROUP RESIDENCE

- A. The following standards apply to a Group Residence for persons 18 years of age and over with a disability, home occupation:
 - 1. The design and or maintenance of the structure used for the group residence must be residential in appearance and in keeping with neighboring homes. No external signage or other evidence of the use of the dwelling as other than a residential dwelling unit shall be permitted.
 - 2. The group residence shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties by reason of traffic, noise, light, refuse, parking or other activities. Adequate off-street parking shall be provided for residents, staff and visitors such that, except for planned special events, there are no vehicles parked on the street or road right-of-way; and visitation hours and any outside provision of services shall be restricted so as to not create undue traffic congestion.
 - 3. Personal services may be provided for residents; however, no medical or nursing services shall be provided.
 - 4. A group residence for persons 18 years of age and over with a disability, home occupation, with 4 or fewer persons is allowed as of right in all residential zoning districts. The resident manager, who must be a member of the family residing in the residence, is counted toward the limit.

- B. The following standards apply to a Group Residence for persons up to the age of 18 years old with or without a disability, home occupation:
 - 1. The design and or maintenance of the structure used for the group residence must be residential in appearance and in keeping with neighboring homes. No external signage or other evidence of the use of the dwelling as other than a residential dwelling unit shall be permitted.
 - 2. The group residence shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties by reason of traffic, noise, light, refuse, parking or other activities. Adequate off-street parking shall be provided for residents, staff and visitors such that, except for planned special events, there are no vehicles parked on the street or road right-of-way; and visitation hours and any outside provision of services shall be restricted so as to not create undue traffic congestion.
 - 3. Personal services may be provided for residents; however, no medical or nursing services shall be provided.
 - 4. A Group Residence for persons under the age of 18 years old with or without a disability, home occupation, is allowed as of right in all residential zoning districts, with up to six children. The Resident Manager is responsible for daily operation of the residence and care given to residents on a 24-hour per day basis. In Group Home Residences for persons up to the age of 18 years old regulated by the State Department of Human Services or State Department of Community Health the Resident Manager may include

the adequate Child Care Staff Worker(s) in accordance with the Official Code of Georgia (O.C.G.A.) Sec. 49-5-1 et seq., (Rule 290-2-5-.08 Administration and Organization Part 6).

- C. A Group residence for persons 18 years of age or over with a disability, congregate, and a Group Residence for persons up to the age of 18 years old with or without a disability, congregate are allowed with conditional use in the OI, CN, CH and CG zoning districts.
- D. The operator of the group residence shall comply with all applicable local, state and federal laws and regulations. Copies of all applicable licenses and permits, including but not limited to a Newton County business license, and State licenses, shall be provided to the Development Services Department. Evidence shall be made available to the Development Services Department on an annual basis that the group residence maintains and is in compliance with all licensing requirements.
- E. The group residence shall comply with all applicable building, housing, and fire codes. A fire inspection shall be required prior to the issuance of a business license and shall be required annually prior to the renewal of said business license.
- F. The applicant shall submit a 24-hour crisis intervention plan. It shall be within the county's discretion to require the group residence to enter into a memo of understanding with the appropriate local agencies such as schools, hospitals or other crises intervention agencies for provision of emergency services, including, where applicable, 24-hour crises intervention.
- G. The operator of a group residence housing juveniles shall provide the Newton County Sheriff's Department with a current list of residents. If any of the juveniles were placed in the group residence by the Department of Family and Children's Services, a list shall also be provided to the Newton County Office of the Department of Family and Children's Services. Said list shall be updated within ten days of a change in residents. The operator of the group residence shall also provide a 24-hour contact number for the person or organization owning the group residence.

SECTION 4

Article 2, Section 285-020 C of the Newton County Zoning Ordinance is hereby amended so as to replace "Group residence for persons with a disability, congregate" with "Group residence for persons 18 years of age or over with a disability, congregate, and Group Residence for persons up to the age of 18 years old with or without a disability, congregate".

SECTION 5

Article 2, Section 290-020 C of the Newton County Zoning Ordinance is hereby amended so as to delete the "Group residence for persons with a disability, home occupation", "Group residence for persons with a disability, congregate", and "Group residence (non-disability)" categories in the table, and replace them with the following:

Type of Use	Mixed Use District
Group Residence for persons 18 years of age and over with a disability, home occupation	A
Group residence for persons up to the age of 18 years old with or without a disability, home occupation	A
Group residence for persons 18 years of age or over with a disability, congregate	CU
Group residence for persons up to the age of 18 years old with or without a disability, congregate	CU

SECTION 6

Article 3, Section 300-090 of the Newton County Zoning Ordinance is hereby amended so as to delete in its entirety, and to insert in lieu thereof, the following:

Sec. 300-090 C.O.R.D.-PRD CONDITIONAL USE PERMITS

The following uses may be allowed by conditional use permit subject to authorization as provided in Section 620-060, as indicated below:

- A. Adult day care center
- B. Child day care center
- C. Group residence for persons 18 years of age or over with a disability, congregate
- D. Group residence for persons up to the age of 18 years old with or without a disability, congregate
- E. Home stay bed and breakfast residence
- F. Kindergarten
- H. Neighborhood recreation club
- G. Place of worship
- H. Private elementary, middle, and high school
- I. Telecommunications support structure or antenna
- J. All uses that are listed as Conditional Uses for the CN Zoning District in the Use Table of Article Five.

SECTION 7

Article 4, Section 440-020 of the Newton County Zoning Ordinance is hereby amended so as to replace the reference to “Group residence for persons with a disability, congregate; Group residence (non-disability)” in the table with “Group Residence for 18 years of age and over with a disability, home occupation”; and “Group Residence for persons up to the age of 18 years old with or without a disability, home occupation”.

SECTION 8

Article 4, Section 445-020 of the Newton County Zoning Ordinance is hereby amended so as to replace the reference to “Group residence for persons with a disability, home occupation” in the

table with “Group residence for persons 18 years of age or over with a disability, congregate”; and “Group Residence for persons up to the age of 18 years old with or without a disability, congregate”.

SECTION 9

Article 4, Section 450-020 Almon Overlay District Residential Use Chart of the Newton County Zoning Ordinance is hereby amended so as to replace the reference to “Group Residence, disability, home occupation (Residential)” in the categories in the table, and replace it with the following:

ALMON OVERLAY DISTRICT RESIDENTIAL USE¹ (Use Categories for Mixed Use)	APPLICABLE STANDARD	TIER 1 and TIER 2 (Developed Residential Zoning)	TIERS 2 and 3 (Mixed Use)	TIER 3 (Residential Zoning)
Group Residence for persons 18 years of age and over with a disability, home occupation	510-298	A	A	A
Group residence for persons up to the age of 18 years old with or without a disability, home occupation	510-298	A	A	A

SECTION 10

Article 4, Section 450-020 Almon Overlay District Non-Residential Use Chart of the Newton County Zoning Ordinance is hereby amended so as to replace the reference to “Group Residence, disability, congregate (Commercial) and Group residence, non-disability (Commercial)” in the categories in the table, and replace it with the following:

ALMON OVERLAY DISTRICT NON-RESIDENTIAL USE² (Use Categories for Mixed Use)	APPLICABLE STANDARD	TIER 1³	TIER 2 (Current Undeveloped or Redeveloped Residential Zoning)	TIERS 2 and 3 (Current OI or CN Zoning)	TIERS 2 and 3 (Current CH or CG Zoning)	TIERS 2 and 3 (Mixed Use)
Group residence for persons 18 years of age or over with a disability, congregate	510-298			CU	CU	CU
Group residence for persons up to the age of 18 years old with or without a disability, congregate	510-298			CU	CU	CU

SECTION 11

Article 4, Section 460-030 Salem Overlay District Residential Use Chart of the Newton County Zoning Ordinance is hereby amended so as to replace the reference to “Group Residence, disability, home occupation (Residential)” in the categories in the table, and replace it with the following:

SALEM OVERLAY DISTRICT RESIDENTIAL USE¹ (Use Categories for Mixed Use)	APPLICABLE STANDARD	TIER 1 and TIER 2 (Developed Residential Zoning)	TIERS 2 and 3 (Mixed Use)	TIER 3 (Residential Zoning)
Group Residence for persons 18 years of age and over with a disability, home occupation	510-298	A	A	A
Group residence for persons up to the age of 18 years old with or without a disability, home occupation	510-298	A	A	A

SECTION 12

Article 4, Section 460-030 Salem Overlay District Non-Residential Use Chart of the Newton County Zoning Ordinance is hereby amended so as to replace the reference to “Group Residence, disability, congregate (Commercial) and Group residence, non-disability (Commercial)” in the categories in the table, and replace it with the following:

SALEM OVERLAY DISTRICT NON-RESIDENTIAL USE² (Use Categories for Mixed Use)	APPLICABLE STANDARD	TIER 1³	TIER 2 (Current Undeveloped or Redeveloped Residential Zoning)	TIERS 2 and 3 (Current OI or CN Zoning)	TIERS 2 and 3 (Current CH or CG Zoning)	TIERS 2 and 3 (Mixed Use)
Group residence for persons 18 years of age or over with a disability, congregate	510-298			CU	CU	CU
Group residence for persons up to the age of 18 years old with or without a disability, congregate	510-298			CU	CU	CU

SECTION 13

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

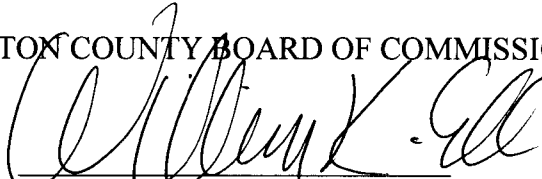
SECTION 14

This Ordinance shall be in force and take effect on August 17, 2016.

Adopted and approved by the Board of Commissioners on the 16th day of August, 2016, after a public hearing on said date.

NEWTON COUNTY BOARD OF COMMISSIONERS

By:



William K. Ellis, Chairman

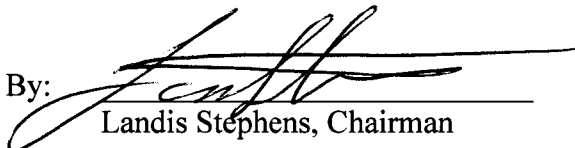
Attest:


Jackie Smith, Clerk

Recommended for approval and adopted by the Newton County Planning Commission on the 26th day of July, 2016, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By:



Landis Stephens, Chairman

Attest:

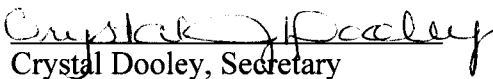

Crystal Dooley, Secretary

EXHIBIT "A"

SEC. 505 USE TABLE

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	A-R	R-1	R-2	R-3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M-1	M-2
Dwelling, Single Family		A	A	A	A	A	A	A	A	A	A	A						
Group Residence for persons 18 years of age and older with a disability, home occupation	510-298	A	A	A	A	A	A	A	A	A	A	A						
Group residence for persons up to the age of 18 years old with or without a disability, home occupation	510-298	A	A	A	A	A	A	A	A	A	A	A						
Group residence for persons 18 years of age or over with a disability, congregate	510-298												CU	CU	CU	CU		
Group residence for persons up to the age of 18 years old with or without a disability, congregate	510-298												CU	CU	CU	CU		