

## 1. Agenda

### Documents:

[08-09-2016 ZOAMD16-005 BOC AGENDA.PDF](#)

[08-09-2016 ZOAMD16-006 BOC AGENDA UPDATED.PDF](#)



# DEVELOPMENT SERVICES DEPARTMENT MEMORANDUM

**To:** Newton County Board of Commissioners  
**From:** Judy T. Johnson, Zoning Administrator  
**Date:** August 9, 2016  
**RE:** ZOAMD16-005 – Amendment regarding Alcohol Ordinance and areas allowed for on-site consumption

On July 26, 2016, the Planning Commission unanimously recommended approval of ZOAMD16-005. The major changes in the Amendment include opening up & expanding areas that may apply for an on-site consumption license.

Here is a list of the major changes made in the ordinances below:

- Expansion of the geographic locations where alcoholic beverages (liquor, beer, wine) can be sold at restaurants and hotels.
  - Licenses will be granted if the facility is in the existing encouraged-development overlays or in general commercial or highway commercial zoning districts.
  - In all other areas a conditional use permit is required, meaning the County can grant permission on a case-by-case basis depending on the proposed use.
- Expansion of alcohol pouring rights to several other types of facilities (besides restaurants and hotels).
  - List of expanded facilities:
    - County clubs (beer and wine).
    - Golf courses (beer and wine).
    - Indoor commercial recreational facilities (beer and wine).
      - Dance halls, nightclubs, etc. are expressly excluded from this category.
    - Outdoor commercial recreational facilities (beer and wine).
    - Private clubs (beer and wine).
    - Special events facilities (liquor, beer and wine).
  - In each of these new types of facilities, an alcohol pouring license is subject to a conditional use permit, meaning the County can grant permission on a case-by-case basis depending on the proposed use.
- Expansion of the sale of alcohol by licensed caterers.
  - An unlimited number of catered events can be held at facilities that have already been granted an alcohol license.
  - Increases from 4 to 8 the number of catered events that can be held at facilities that don't have an alcohol license.



# DEVELOPMENT SERVICES DEPARTMENT MEMORANDUM

To: Newton County Board of Commissioners  
From: Judy T. Johnson, Zoning Administrator  
Date: August 9, 2016  
RE: ZOAMD16-006 – Group Residences for children –  
updated # 5

In the attached zoning amendment concerning Group Residences for children all changes to the current ordinance are highlighted in yellow. The following is from the draft minutes regarding the questions and concerns of the Planning Commission and how these questions have been addressed.

ZOAMD16-004 raised concerns from the Planning Commission and Staff - these questions are addressed in the new proposed amendment, ZOAMD16-006, as follows:

1. **Com. Bob Kitchens:** We have children under 18 and adults over 18; what about 18 year olds? Are they excluded? Staff addressed this by changing the wording on both the adult group home reading “Group residence for persons **18 years of age and over** with a disability, home occupation” and for a child group home reading, “Group residence for persons **up to the age of 18 years old** with or without a disability” – this clearing defines what happens before age 18 and after turning 18.
2. **Com. Jody Smith:** No maximum number of residents? Staff has changed the wording to reflect “**up to 6 children**”. This establishes a maximum number.  
“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.”
3. Staff has added a “**Group residence for persons up to the age of 18 years old with or without a disability, congregate**” for requests to have more than 6 children in one residence. Since the State will allow 6 to 16 individuals in one “home”, I am trying to prevent any claim that the new ordinance governing Group Residences would not allow for more than 6 thus violating someone’s rights. This is done similarly to the over 18 group residences with a required CUP.
4. In the Use Table (Sec. 505 & last page of the amendment) you will see that I have opened adult group residences (PCH) to all residential zoning districts same as child or up to 18 yrs old. – This again is to keep in line that the new ordinance will not violate anyone’s rights with a disability no matter what age.
5. **Sec. 510-298 F. is eliminated in its entirety for a distance restriction. Although to my knowledge it has not been challenged in court, to deny one type residence dealing with handicapped individuals to locate next door to another handicapped residence is definitely a violation of the FHA since regular housing is not restricted this way. To avoid future issues, Item # F. will be entirely deleted. #F “To prevent the institutional atmosphere created by a concentration or clustering of several group residences thereby defeating the group residence goal of integrating individuals into the community, each group residence shall be a minimum of five hundred (500) feet from any other group residence or similar use if located in a single-family residential zoning district. (Said distance shall be measured from property lines.”**