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**712.02 Community residences**

A. Intent and Purpose.

The Fair Housing Amendment Act (1988) states that local zoning regulations may not prohibit community residences and requires that municipalities provide “reasonable accommodation” of such uses. The City of Marietta regulates community residences using criteria based upon the actual use of the facility and the number of individuals utilizing its services. This provides individuals with opportunities for normalization instead of institutionalization thereby reducing social costs and fostering personal growth and responsibility while also allowing the City to maintain viable neighborhoods based primarily upon similar single family or planned multi family dwellings.

B. Group Homes.<sup>1,2</sup>

Group homes are defined throughout the entirety of this ordinance as dwellings shared by individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall also apply to homes for the handicapped; however, the term “handicapped” shall not include current illegal use of or addiction to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

1. Group homes with 3 or fewer residents, exclusive of resident staff, are permitted uses within the R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, and PRD-SF zoning districts, provided:
  - a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
  - b) The operator of the group home obtains certification from the appropriate state licensing body.
  - c) No other such facility or halfway house is located within 1,000 feet as measured from property line to property line.
2. Group homes with more than 3 residents, exclusive of resident staff, may be permitted within the R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, and PRD-SF zoning districts only if granted a Special Land Use Permit (SLUP) after a public hearing before City Council.
3. Group homes are considered permitted uses by right in RM and RHR zoning districts, subject to those standards set forth therein.

C. Halfway Houses.<sup>1,2</sup>

Halfway houses are temporary residential living arrangements for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes:

- to help them recuperate from the effects of drug or alcohol addiction;

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<sup>1</sup> Legistar #20160309, 6/8/2016.

<sup>2</sup> Legistar #20210484, 7/14/2021



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- to help them reenter society while housed under supervision or while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs; or
  - to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.
1. Halfway houses may be permitted within OI, RM, and RHR zoning districts only if granted a Special Land Use Permit (SLUP) from City Council and are limited to one bed per 250 gross square feet of heated building space.
    - a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
    - b) The operator obtains certification from the appropriate state licensing body.
    - c) No other such facility is located within 1,000 feet as measured from property line to property line.