

**ORDINANCE NO. 2021-03.A**

**AN ORDINANCE TO AMEND THE CITY OF POOLER CODE OF ORDINANCES, APPENDIX A- ZONING, ARTICLE III. – GENERAL PROVISION BY ADDING SECTION 28 -INDEPENDENT SENIOR HOUSING AND TO AMEND TABLE 4.1 – ALLOWED USES BY ZONING DISTRICT; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Pooler that the Code of Ordinances of the City of Pooler, Georgia are hereby amended as follows:**

**I**

That Appendix A- Zoning, Article III – Zoning Districts be amended by adding:

**Section 28. – *Independent Senior Housing***

- (A) *Definition.* “*Independent Senior Housing*” is defined as a residential facility that: (i) is designed and constructed for the specific purpose of housing senior citizens aged 62 or older who are independent and do not require assistance with daily living activities; (ii) is designed to enable seniors to live on their own, but with the security and convenience of community living, including recreational, educational and social activities; and (iii) contains individual residential housing units that do not include or provide supportive services such as medical care, assisted living or food preparation.
- (B) *Purpose.* The Independent Senior Housing use is established to provide locations for the development of dwelling units limited to those persons aged 62 and older, pursuant to standards that reflect the unique character of independent senior residential occupancy. The use is further established in recognition of the significant differences between independent senior citizen housing and traditional multi-family developments, specifically:
- (1) the unique needs of independent senior citizens warrant certain architectural features that are not typically seen in traditional, non-age-restricted multi-family residential developments; and
  - (2) the impacts of independent senior citizen housing developments are lower than those of traditional, non-age-restricted multi-family residential developments. Independent Senior Housing developments, by nature and design, minimize impact to traffic, schools, and other elements that require municipal resources to manage and maintain.
- (C) *General requirements.* All Independent Senior Housing developments shall meet the following general requirements:
- (1) All units within an Independent Senior Housing development shall be restricted to occupancy by persons 62 years of age or older, as defined by the Fair Housing Act, as may be amended from time to time.
  - (2) An Independent Senior Housing use shall be permitted only as a conditional use, and only in those zoning districts set forth in Table 4.1 which allow Independent Senior Housing as a conditional use. Accordingly, the development of an Independent Senior Housing development shall require a conditional use permit (issued pursuant to Article V, Section 7 of this ordinance).

(3) A site development plan shall be submitted to and approved by the Mayor and Council of the City of Pooler for all Independent Senior Housing developments. The approved plan shall constitute the approved use for the site and any subsequent change in land use for the property that is not consistent with the approved plan shall be resubmitted in the same manner and shall require review and a recommendation by the Pooler Planning and Zoning Commission and review and approval by the Mayor and Council.

(4) Prior to occupancy of any Independent Senior Housing project developed pursuant to this Section, the project proponent shall provide documentation limiting the use of the project to an Independent Senior Housing use, and vesting the right to enforce such limitation in the City. Such documentation shall be in a form satisfactory to the City Attorney and shall be recorded against the property in the county real estate records.

(D) *Development Standards.* Specific standards must be set forth in the site development plan which shall include, at a minimum:

(1) Density. The density for an Independent Senior Housing development shall be governed by the density established in the approved site development plan, but in no event shall the density exceed twenty-five (25) units per net acre.

(2) Unit Mix. The permissible dwelling units within an Independent Senior Housing development shall be studios, 1 bedroom and 2 bedroom units only. No dwelling units with greater than two bedrooms shall be allowed.

(3) Parking. Subject to the terms of the approved site development plan, an Independent Senior Housing development shall be required to provide a minimum and maximum number of parking spaces for the following categories of dwelling units within the development:

	<u>Minimum</u>	<u>Maximum</u>
a. For Each studio or 1 BR unit:	0.5 spaces	1.0 space
b. For Each 2 BR unit:	0.8 spaces	1.2 spaces
c. For Each 10 dwelling units:	1.0 guest space	1.5 guest spaces

(4) Height. Subject to the terms of the approved site development plan, the maximum height of the Independent Senior Housing development shall be fifty-five (55) feet.

(5) Architectural Features. All Independent Senior Housing developments shall include the features set forth below:

a. Entryways, walkways and hallways in the common areas of the development, and doorways and paths of access to and within the residential units, shall be as wide as required by laws applicable to new multi-family housing construction for provision of access to persons using a standard-width wheelchair.

b. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty walking.

c. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.

d. Access to all common areas and residential units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

- e. The development shall be designed to encourage social contact by providing at least one common room and outdoor common open space.
- f. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
- g. The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 *et seq.*).

(6) Universal Design Features. All Independent Senior Housing projects shall implement, at minimum, the following universal design principles (universal design is a method of design that allows aging in place by creating an environment that can be used by everyone, regardless of age or physical condition):

- a. No-step entries.
- b. One-story living such that an eating area, bathroom, and sleeping area are available on the same floor.
- c. Front doors with a minimum width of 36 inches to accommodate the use of wheelchairs and 32-inch free-swing doors (34-inch door) on all interior doors.
- d. Hallway minimum width of 42 inches to accommodate the use of wheelchairs.
- e. Room thresholds that are flush.
- f. Adequate lighting throughout the dwelling unit.
- g. Lever door handles and rocker light switches.
- h. Additional closet rod brackets to allow potential access from a wheelchair.
- i. Adequate space for maneuverability and access to facilities to those using wheelchairs.

## II

All ordinances or parts of ordinances in conflict with the ordinance as hereby repealed.

## II

And to amend Table 4.1 *Allowed Uses by Zoning District* as follows allowing Independent Senior Housing as a conditional use in R-2, R-3, R-4, C-1, C-2, R-A, RA-1, and RA-2:

P	Permitted by Right
C	Permitted with Conditional Use Approval
	Prohibited

Table 4.1 Allowed Uses by Zoning District

Uses with NAICS Codes are found within the NAICS Manual : <https://www.census.gov/eos/www/naics/>

Uses in R-1A, R-1B, R-1C are listed in this table under R-1

\*Uses in a PUD are determined case-by-case by the Board

Uses in R-2A, R-2B, R-2C are listed in this table under R-2

Uses in R-3A, R-3B, R-3C are listed in this table under R-3

NAICS Code	Use	R-1	R-2	R-3	R-4	MH-1	MH-2	MH-3	C-1	C-2	C-P	I-1	I-2	R-A	RA-1	RA-2	PUD*
623311	Continuing Care Retirement Communities with on-site nursing care facilities		C	C	C					C				P	P	P	
623312	Assisted-Living Facilities and Other Homes for the elderly without on-site nursing care facilities		C	C	C				C	C				P	P	P	
	Independent Senior Housing		C	C	C				C	C				C	C	C	
6239	Boot or Disciplinary Camps for Delinquent Youth				C												
6239	Personal Care Homes for the Disabled without nursing care				C					C							
6239	Halfway Group Homes for Delinquents or Ex-Offenders				C												
6239	All Other Residential Care Facilities, such as orphanages and group foster homes				C												
624	Social Assistance including food banks, temporary shelters, job training and vocational rehabilitation									C							
6244	Child Day Care Services	C	C	C	C				C	P	P			P	P	P	
71	Arts, Entertainment, and Recreation																
7111	Performing Arts including dance, theater, comedy and music								P	P							
7112	Spectator Sports stadiums for teams and racetracks	C	C														
712	Museums, Historical Sites, and Similar Institutions including zoos, botanical gardens, nature parks and wildlife sanctuaries									P							
	Military Museum (with or without alcohol sales including catered events)									P							

### III

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall be in no way affect the validity of the remaining portions of this ordinance.

### IV

This ordinance shall be effective immediately upon its adoption by the Mayor and City Council of Pooler, Georgia.

1st Reading: 4/5/21

2nd Reading: 6/7/21

This 8TH day of JUNE, 2020.

CITY OF POOLER, GEORGIA

*D. Howard C. Benton*

Rebecca C. Benton, Mayor

Attest:

Kiley Fusco

Kiley Fusco, City Clerk

Date: 6/8/21