

# Athens City Planning Commission

A regular meeting of the Athens City Planning Commission was held in the City Council Chambers, third floor of City Hall, on February 4, 2026, at 12:00 PM

## 1. Call to Order

Chair John Kotowski called the meeting to order at 12:01 PM and administered the oath to those in the audience intending to speak before the Commission. A quorum was established.

### Planning Commission Members

- Chris Knisely, Vice Chair-Present
- John Kotowski, Chair-Present
- Steve Patterson, Mayor-Present
- Andy Stone, Service-Safety Director-Present
- Ally Rapp Lee-Present

### Staff Present:

- David Riggs-Code Enforcement Director
  - Meghan Jenning-City Planner
  - Lance Allison-Assistant Code Enforcement Director
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## 2. Consideration and approval of the minutes from the January 21, 2026, meeting.

**Motion:** Mr. Patterson moved to approve the minutes.

**Second:** Ms. Knisely seconded.

**Vote:** Motion passed 4-0 with Mr. Kotowski abstaining.

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## 3. Cases

No cases to present.

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## 4. Communications

### Residential Healthcare Facilities and Recovery Housing

#### Overview

- Mr. Riggs presented an overview of zoning code issues related to residential health care facilities and recovery housing facilities. He:
  - explained that as the city grows and new land uses emerge, the zoning code must be updated to remain effective.
  - noted that recovery housing facilities are beginning to locate in the community but are not defined in the City of Athens zoning code.
  - stated that this lack of definition creates uncertainty about where recovery housing facilities should be located and how they should be regulated.
  - stated that although recovery housing facilities are defined in the Ohio Revised Code, the City's zoning code, which hasn't been updated since the 1960s, does not address them.
  - emphasized the need for the City to add a local definition for recovery housing facilities and to determine appropriate zoning districts and regulatory controls.

### **Commission Discussion and Questions**

- Mr. Kotowski asked if Mr. Riggs was proposing to add them.
- Mr. Riggs stated that he is proposing to add these uses to the City's code, but first he would like to:
  - Define residential health care facilities using Ohio Revised Code definitions and correct existing zoning inconsistencies.
  - Distinguish between residential health care facilities and recovery housing facilities in accordance with state law.
  - Confirm that residential health care facilities remain permitted in R-1 due to state preemption, while allowing reasonable regulatory controls such as density or spacing limits.
  - Propose regulatory options, including caps on the number of facilities or minimum separation distances.
  - Recommend a permitting process for recovery housing facilities, similar to other rental or short-term rental permits, to be placed in Title 29.
  - Suggest periodic inspections for recovery housing facilities consistent with other rental properties.
- Mr. Kotowski asked Mr. Riggs if he was going to put some information together for the commission.
- Mr. Riggs asked the commission for guidance first on whether residential health care facilities should remain permitted in R-1 under state law, where recovery housing facilities should be allowed, and whether density limits or a permitting process should be required.
- Ms. Rapp Lee recused herself due to a conflict of interest.
- Mr. Patterson clarified that the discussion involves two separate uses under the Ohio Revised Code: residential health care facilities, which are subject to state preemption, and

recovery housing facilities, which are not currently defined or regulated in the Athens City Code. He noted that this area of the code has not been amended and emphasized the need for the City to address these gaps.

- Mr. Kotowski asked for clarification on the discussion.
- Mr. Stone clarified that the City Code has an outdated definition for residential health care facilities and an error listing it as principally permitted in R-1 and conditionally in R-3, which should be corrected. He added that the current definition is similar to the state's, though the state adds categories and licensing requirements.
- Mr. Riggs read City Code Title 23.04.01 for the R-1 residential zone, noting that residential health care facilities for the developmentally disabled are listed as a principally permitted use, provided they comply with all federal, state, and local laws and regulations.
- Mr. Stone stated there is probably another section in the city code with an actual definition of residential healthcare facilities.
- Mr. Riggs noted that Section 23.04.03(C2) lists residential health care facilities for persons with disabilities as a conditional use, but the language differs and needs cleanup. He cited Ohio Revised Code 5119.90, defining recovery housing for individuals recovering from alcohol or drug addiction, providing a drug- and alcohol-free environment, peer support, and recovery services, and noted that opiate addiction is regulated separately.
- Mr. Stone suggested keeping the City's definitions simple rather than creating multiple categories, noting that references to state law can be made.
- Mr. Stone noted that Ohio University drives housing market pressures, with many single-family homes converted to student rentals. He emphasized considering these pressures when setting density, zoning, and recommendations for recovery housing.
- Mr. Riggs suggested breaking the issue into sections, starting with definitions. He asked the commission for guidance on whether to keep the current City Code definition for residential health care facilities or adopt the state definition, and similarly for recovery housing facilities. Once defined, the uses can be established in the Code, followed by decisions on where they should be permitted.
- Mr. Kotowski asked why the Commission would consider using a different definition than the state's.
- Mr. Riggs responded that he recommends not doing so.
- Mr. Kotowski stated that his initial instinct would be to keep the definitions aligned, noting that the City's definition already closely reflects the state's.
- Mr. Riggs noted that the only exception to using the state's definitions is that recovery housing does not include opiate addiction, which the City would want to add. He stated that once both uses are defined, the commission should provide guidance on where they should be permitted. He added that residential health care facilities are currently

principally permitted in R-1, but under state law can be allowed in any residential zone, and recommended following that guidance.

- Mr. Stone suggested keeping residential health care facilities in R-1 but adding a density restriction, proposing a minimum 500-foot spacing between facilities to prevent clustering.
- Mr. Kotowski asked about the allowable density for residential health care facilities.
- Mr. Stone stated that the City can regulate the density of residential health care facilities but cannot prohibit them due to state preemption.
- Mr. Kotowski noted that it makes sense to impose density restrictions if residential health care facilities remain in the R-1 zone.
- Mr. Stone suggested a 500-foot spacing between residential health care facilities as an initial guideline.
- Mr. Stone clarified that for Level 2 state-licensed residential health care facilities, local governments are preempted from restricting occupancy, even for more than five residents, which is where the 500-foot spacing preemption comes from.
- Mr. Kotowski asked about occupancy, noting his understanding that recovery housing facilities allow up to five unrelated individuals.
- Mr. Stone clarified that for Level 2 state-licensed residential health care facilities, local governments are preempted from restricting occupancy. Recovery housing occupancy is determined by local zoning.
- Mr. Riggs clarified that residential health care facilities are classified by state law into three classes:
  - Class A: 2–3 persons
  - Class B: 1–5 unrelated persons (ORC 5119.341) (preempted in any residential zone)
  - Class C: 6–16 persons (permitted in multi-family residential zones, conditionally permitted)
- Mr. Stone noted that for recovery housing, the Board should consider permitting locations in R-1, R-2, R-3, or M zones, explaining that while residential use isn't allowed in M zones, business uses like hotels are, which could potentially be converted.
- Mr. Patterson asked for the Ohio Revised Code definition of a medical health care facility, specifically who occupies the facilities rather than the services provided.
- Mr. Riggs noted that the City Code defines residential health care facilities for individuals with developmental disabilities.
- Mr. Patterson clarified that this includes individuals with conditions such as Down syndrome, Asperger's, or severe autism, but does not include substance use disorders.
- Mr. Riggs stated that recovery housing facilities do not fall under residential health care facilities and are not a subset of them.

- Mr. Patterson emphasized the importance of clearly defining recovery houses in Athens and determining their permitted locations, noting the city's limited housing stock and the need to protect existing R-1 residential areas.
- Ms. Knisely suggested that the City's zoning framework for residential health care and recovery facilities should generally align with the structure of the Ohio Revised Code to avoid conflicts.
- Mr. Riggs clarified that group homes, residential health care facilities, and recovery housing are three separate categories.
- Mr. Stone noted that successful existing recovery houses in Athens, such as the Clem House in an R-3 zone, can serve as a model for crafting permitting and zoning regulations.

### **Public Comments and Discussion**

- Dianne Pfaff, Executive Director of the Alcohol, Drug Addiction, and Mental Health Services Board serving Athens, Hocking, and Vinton County, noted that the City's definition of residential facilities referring only to developmental disabilities may need clarification, as Ohio Department of Behavioral Health code 5119.341 also addresses residential facilities for individuals with mental illness.
- Ms. Pfaff expressed support for high-quality, locally operated residential facilities and recovery houses, noting that the Board contracts with five state-certified recovery houses that meet high standards and demonstrate strong outcomes.
- She stated that the 317 Board does not regulate or certify facilities but serves as an educational partner, client rights advocate, and resource for the City and public.
- In response to Mr. Stone's questions about permitting, Mr. Riggs discussed the possibility of a local permitting process for recovery housing facilities, noting gaps in state oversight during the 18-month certification period. He suggested local licensing and inspections similar to residential rentals to address health and safety concerns, and requested guidance from the Commission.
- Ms. Pfaff supported this approach, noting pending state legislation to address the certification gap, and emphasized that state-certified recovery houses follow robust standards, including ethics, client rights, and good neighbor policies.
- Mr. Riggs noted that local zoning and permitting could provide additional enforcement tools without duplicating state regulation.
- Ms. Pfaff noted that fire code and occupancy limits are key safety considerations and emphasized that recovery houses should not be zoned to the fringes of the community, as residents follow high accountability standards and need access to employment to support their recovery.
- Mr. Patterson asked if The Adam and Amanda Rehabilitation Center would qualify within that category.
- Ms. Pfaff confirmed it is in a residential type-one zone.
- Mr. Patterson noted it is currently in an R-3 zone along Dairy Lane, as is the Clem House.

- Mr. Mullins of Briarwood Drive raised concerns about unregulated recovery houses near his home, citing safety incidents, lack of state certification, and negative impacts on neighborhood quality of life.
- Mr. Stauffer of Elmwood Place expressed strong concern about the impact of outside recovery housing operators on Athens neighborhoods, particularly in R1 zones.
- He emphasized the need for the City to work within state law while protecting local residents and maintaining quality of life, suggesting greater spacing between facilities (potentially 1,000–1,500 feet rather than 500 feet).
- Mr. Swank, Fourth Ward City Councilman, stated that the current situation reflects a failure to address a change in use under zoning and urged stronger local oversight, clearer permitting processes, and more restrictive regulations for recovery houses, while continuing to support well-regulated, compliant facilities and individuals in recovery.
- Mr. Stone explained that the two residents mentioned by speakers today prompted the discussion but are being addressed separately.
- He asked whether Mr. Swank has guidance on density limits for residential health care facilities in R-1 districts and on which zoning districts and density standards should apply to recovery housing.
- Mr. Swank noted that Metropolitan Housing operates several houses in Athens with 24-hour supervision and responsive management, and that their placement and density appear to be working effectively.
- He highlighted well-run local recovery programs such as Clem House, the Gathering Place, and Timothy House, which integrate successfully into their neighborhoods and provide visible community engagement.
- Mr. Stone confirmed Clem House was zoned R-3 and the Central Avenue recovery house is zoned R-1.
- He cautioned that while these programs work well, introducing new recovery houses into R1 neighborhoods could cause public concern due to fear of the unknown, even though placing them “out of sight” is not a preferred solution.
- Mr. Patterson asked Mr. Swank for his thoughts on allowing recovery housing in M zones, noting that while residential use is typically not allowed, hotels are permitted and M zones are not on the city’s fringe.
- Mr. Swank stated that he would have no objection to recovery housing being located in a site if mental health and recovery professionals determine it is appropriate, taking into account accessibility, available services, and proximity to public transportation.
- Ms. Rubin of Maplewood Drive clarified that Ohio Revised Code 5119.341 applies to state-licensed facilities, not recovery housing. She emphasized the importance of understanding state laws, certification, and registration requirements before permitting recovery housing in Athens. She urged meaningful public notice, neighborhood engagement, and proper oversight of unregistered and uncertified recovery houses in R1 zones.
- Mr. Stone asked Ms. Rubin for her recommendations on zoning, permit type, and density for recovery housing, noting the Planning Commission is seeking resident input to guide its recommendations to City Council.
- Ms. Rubin stated that she is not prepared to recommend specific zoning for recovery housing. She emphasized the importance of residents and officials informing themselves

about how these operations function, the challenges encountered, and reviewing related testimony on House Bill 58 to better understand statewide practices.

- Ms. Sloan of May Avenue noted that Ohio’s Recovery House Dwelling inspection form emphasizes that recovery housing should be separated from other businesses, residences, or activities on the same property. She stressed that shared driveways or parking can create problems and recommended that future recovery houses avoid sharing facilities or spaces.
- Mr. Kotowski asked the Commission if they had any recommendations to help Mr. Riggs prepare definitions and detailed proposals for future review.
- Mr. Patterson encouraged attendees to work with Director Riggs and the Planning Commission to ensure recovery housing is properly addressed in the code. He noted that the process will continue with opportunities for public input at both Planning Commission and City Council meetings.
- Mr. Riggs stated that Athens is reviewing how other communities handle recovery housing, as they face similar challenges, but he seeks input from the community and Planning Commission to develop solutions tailored to the city’s unique needs.
- Mr. Stone asked whether, if a permit is required for an activity in a zone and that permit is not maintained, the property owner loses the zoning entitlement to conduct that activity. He cited first-floor residential uses as an example and asked whether the same principle would apply to recovery housing permits.
- Mr. Riggs explained that the zoning code allows “grandfathered” legal nonconforming uses, which may continue even if no longer permitted in a zone, but cannot resume if inactive for a year or more. He noted that permitting for recovery houses would fall under Title 29, separate from zoning, allowing existing houses to remain as nonconforming uses while new permits and inspections are applied.
- Mr. Stone emphasized that while recovery houses in R1 zones must maintain permits to operate, losing a permit does not remove the underlying zoning entitlement. Once a zone allows the use, the entitlement remains, even if permits are temporarily lost.
- Mr. Kotowski asked if this will continue to be a communication at the next Commission meeting.
- Mr. Riggs stated that at the next meeting, he plans to present draft legislation for review, including updated definitions for new uses in the zoning code. He suggested that residential health care facilities follow Ohio Revised Code Title 5119 definitions and remain regulated under existing zoning. For recovery houses, he proposed initially allowing them in R3, B, and M zones, with permitting, inspections, and associated fees handled under Title 29. This approach would provide an additional regulatory layer for recovery houses, separate from state oversight of residential health care facilities.
- Ms. Knisely stated she would like to receive the draft legislation a few days before the next meeting so she can have time to research and come up with questions.
- Mr. Stone suggested the draft legislation not be placed on the agenda as a case unless it is fully developed by the close of business the Friday before the next meeting.
- Mr. Kotowski asked whether the recovery housing facilities include individuals recovering from opioid addiction.
- Mr. Riggs stated he would like to treat opioid addiction separately from other types of drug addictions.
- Mr. Kotowski asked if there would be stricter regulations for opioid recovery facilities.

- Mr. Riggs noted the Commission could choose not to permit opioid recovery facilities if desired.
- Ms. Pfaff stated she believed recovery houses serve individuals recovering from any substance use disorder, including alcohol and opioids; not limited to any particular type.
- Mr. Riggs stated he believed people recovering from opioid addiction may have an extra step before entering recovery houses.
- Ms. Pfaff stated that they are still part of the overall recovery housing system model.
- Mr. Kotowski asked whether occupancy limits apply to couples.
- Mr. Riggs clarified occupancy is determined by the state-issued certificate of occupancy. Commercial facilities must comply with state laws, including posting the allowed number of residents. For six or more residents, fire suppression systems are required.
- Mr. Riggs suggested that recovery houses be required to obtain a certificate of occupancy (CO) from the State of Ohio Building Department, which determines how many people may occupy the facility.
- He also noted that all commercial or for-profit recovery facilities are required by state law to have a CO, which must be posted publicly and specifies the allowed number of residents.
- Mr. Riggs stated that determining occupancy limits and fire safety requirements (like sprinkler systems) for recovery houses should be handled at the state level through the certificate of occupancy (CO). This allows the city to enforce occupancy limits without defining them locally.
- Mr. Stone noted that in R1 zones, the city restricts occupancy to no more than three unrelated people and has historically counted a married couple as one person. This approach avoids the city having to determine marital status.
- He emphasized that zoning occupancy limits are entitlements, not permits, and remain regardless of changes in household composition over time.
- Mr. Stauffer recommended using the maximum allowable distance between facilities to best protect R-1 zones.
- Mr. Swank asked what actions would be taken in the short term regarding the two existing properties at 51 Madison and 34 Lorraine, noting this was a key concern for the public even though it is not a Planning Commission decision.
- Mr. Stone stated that both properties were cited for not obtaining a use permit, have until Friday to comply, and will then be reviewed for zoning compliance.
- Mr. Riggs stated that official complaints have been filed with the Ohio Department of Behavioral Health for both facilities.
- Mr. Patterson stated that he has reached out to contacts in the governor's office to ensure the state understands the challenges facing the City of Athens.
- Mr. Lee stated that he owns 51 Madison and believes the tenants should comply with all applicable federal, state, and local laws, as well as the terms of their lease agreements, which require adherence to those laws.

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## 5. Reports

### Meghan Jennings-City Planner

Nothing to report.

**Lance Allison-Assistant Code Enforcement Director**

Nothing to report.

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**6. Opportunity for Citizens to Speak About Items Not Listed on the Agenda**

No additional comments were offered on items not listed on the agenda.

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**7. Announcements & Other Business**

- Mr. Patterson reminded residents and businesses that they are responsible for clearing sidewalks, including 18 inches from the curb in uptown areas. He emphasized the importance of fully clearing sidewalks and ADA parking spaces to ensure accessibility and noted that citations may be issued for noncompliance.
- Next meeting scheduled for February 18, 2026.