

# 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 March 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-Absent
- Andy Stone, Service-Safety Director-Present
- Ally Rapp Lee-Absent

### Staff Present:

- David Riggs-Code Enforcement Director
  - Meghan Jenning-City Planner
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## 2. Approval of the minutes from the February 18, 2026, meeting.

**Motion:** Ms. Knisely moved to approve the minutes as presented.

**Second:** Mr. Stone seconded the motion.

**Vote:** Motion passed 3-0.

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## 3. Cases

No cases were presented.

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## 4. Communications

### Residential Care Facility and Recovery Housing - Draft Language with Law Director's Review

#### Overview and Discussion

- Mr. Stone:
  - read the Law Director’s review of the draft language developed by the Planning Commission (see attached).
  - explained that the Law Director recommends allowing one additional unrelated person in a recovery house to enable applying the density restriction for this type of use.
  - explained that R1 districts would permit residential care facilities for one to five unrelated residents if licensed and inspected under state law, with a 1,000-foot density requirement between facilities.
  - said recovery housing in R1 would require a rental permit, periodic inspections, registration with the Ohio Department of Behavioral Health, and a 1,000-foot separation from other recovery houses.
  - noted that ongoing certification requirements were moved from zoning to the housing code (Title 29).
  - explained certification will be verified during annual rental inspections, since zoning permits are issued once while recovery houses have 18 months to complete state certification.
- Ms. Knisely asked if a facility could register with the state and begin the 18-month certification period, while still passing the 12-month inspection before certification is complete.
- Mr. Stone noted the certification period could still be ongoing during the first annual inspection and confirmed that situation could occur but said the issue would be caught during the second year inspection if certification had not been completed.
- Mr. Stone said the same changes were made in the B2 zoning district for consistency. He explained recovery housing would be treated as residential uses and not allowed on the first floor in B2 or B3 districts.
- Mr. Kotowski asked whether the same changes were applied to R3 zoning.
- Mr. Stone confirmed they were.
- Mr. Stone discussed issues related to shared driveways, referencing the Madison Street situation, and suggested requiring documentation of driveway agreements between property owners through the rental inspection program rather than the zoning code.
- Mr. Kotowski expressed concern that problems may be related to facility management rather than zoning and asked whether the permitting process would address these issues or if enforcement would rely on complaints and state oversight.
- Mr. Riggs explained the City’s existing enforcement process, which includes issuing a notice of violation, allowing time for correction, issuing an order to comply, and pursuing legal action through the Law Director if necessary, noting this system is already used for long-term rentals.
- Mr. Stone emphasized the distinction between housing code violations (property condition is owner responsibility) and resident behavior issues such as trash, parties, or fires, which are addressed through other enforcement mechanisms.

- Mr. Kotowski noted that several recovery housing facilities operate in Athens and are managed by different organizations contracted by the state. He stated that, to his knowledge, the City has not had issues with those facilities and asked if problems had only occurred with the Nex Level organization.
- Mr. Riggs responded that the City has not received complaints about other existing facilities but had received complaints regarding properties at 51 Madison Avenue and 34 Lorraine Avenue, both operated by Nex Level.
- Mr. Kotowski stated that it seems important to ensure organizations hired by the state properly manage facilities within the community, though he acknowledged that the City may only be able to address issues after they occur.

### **Public Comment and Discussion**

- Ms. Pfaff, Executive Director of Athens-Hocking-Vinton Alcohol, Drug Addiction and Mental Health Services Board, asked whether a certificate of occupancy would still be required in the R3 zone.
- Mr. Riggs explained that the requirement begins in the R3 zone and is intended to ensure facilities comply with state law and Department of Behavioral Health requirements for certificates of occupancy at certain occupancy levels.
- Ms. Pfaff asked for clarification on why the requirement would apply in R3 but not in R1 and questioned whether it could result in a situation where more people could live in an R1 home than in an R3 facility.
- Mr. Riggs explained that Ohio law requires certificates of occupancy for structures but provides exemptions for single-family, two-family, and three-family dwellings. Facilities housing six or more people are considered a commercial use under the Ohio Building Code and must meet additional safety requirements such as fire suppression.
- Mr. Stone noted that a typical single-family home with many family members would still be exempt from the certificate of occupancy requirement due to those state exemptions.
- Mr. Riggs stated if you have six people or six units in a facility it would be required to have fire suppression and certificate of occupancy for that type of operation.
- Ms. Knisely questioned whether requiring a certificate of occupancy would impose an undue regulation on recovery housing, since R1 single-family homes do not require a certificate of occupancy.
- Mr. Stone stated that because the requirement is not applied to other single-family residences, it cannot be applied specifically to recovery housing.
- Mr. Riggs stated that the exemption applies throughout the State of Ohio for one-, two-, and three-family homes.
- Mr. Kotowski questioned whether certificates of occupancy are often required for commercial or multi-resident facilities because occupants rely on the safety of the building, whereas single-family homes involve personal decisions by the occupants.
- Mr. Stone added that the City's housing inspection process would still address life-safety issues, including bedroom size, egress requirements, and occupancy standards, and that

relationships between occupants would be verified if necessary when applying occupancy limits.

- Mr. Swank, 4th Ward City Council, asked whether the City could prohibit recovery houses in R1 zones and instead limit them to R3 zones, and whether anything in the Ohio Revised Code would prevent such a restriction.
- Mr. Stone explained that individuals recovering from drug or alcohol addiction are considered a protected class under Ohio law 4112.01, and prohibiting them from living in R1 zones could violate state and federal fair housing protections.
- Mr. Swank responded that he understood the protection for individuals but questioned whether the City could regulate situations where multiple individuals with the same classification reside together in a facility. He also suggested requiring marriage licenses or similar verification if couples are counted as one household unit.
- Ms. Knisely asked whether the City's domestic partner registry could serve as verification in such situations.
- Mr. Stone stated that such verification could potentially occur through the rental permit process, noting that zoning permits are issued once and residents may change over time.
- Mr. Swank expressed concern that resident turnover could make enforcement difficult and emphasized the need for clearer requirements to prevent facilities from operating without proper approval.
- Mr. Riggs provided examples from several sections of the Ohio Revised Code where household units, families, or individuals may be defined differently, noting that definitions vary across statutes.
- Mr. Swank stated that the primary issue in recent cases appeared to be the lack of on-site supervision and management. He asked whether the City could require 24-hour on-site supervision for recovery housing facilities.
- Mr. Stone responded that the Commission should be cautious about drafting regulations based on a single incident and emphasized that the goal should be to create regulations that apply broadly across the City.
- Ms. Knisely referenced information suggesting that some jurisdictions require a 24/7 responsible contact or local agent, though this may not necessarily require on-site supervision.
- The Chair noted that the operator previously stated they had a designated resident supervisor within the facility, though not necessarily staff living on site.
- Mr. Stone suggested that identifying a responsible individual, such as a house manager, could potentially be included as part of the rental permit process.
- Ms. Ruben agreed with prior comments that poorly regulated recovery housing can negatively affect the reputation of recovery housing programs and nonprofit organizations that rely on community support.
- Ms. Ruben questioned the need for the proposed amendments. She also expressed concern that the draft language could permit recovery houses without adequate regulation and fails to address issues like occupancy duration and relapse. She also highlighted ambiguities in how residents would be counted, including whether couples or on-site staff are included, and emphasized that these uncertainties could impact building code compliance and fire safety requirements.
- Mr. Stauffer expressed concern that the proposal may not be ready to move forward due to unresolved questions. He emphasized the need to protect the quality of life in R1

neighborhoods and raised concerns about the impact of poorly managed recovery housing. While noting that existing providers have generally operated well, he cited recent issues related to management and oversight. He suggested considering local supervision requirements, safety measures, spacing and lot size regulations, limits on facility concentration, and clearer accountability regarding who resides in and oversees these facilities.

- Mr. Kotowski asked whether recovery houses could be restricted from R1 zones.
- Mr. Riggs stated that under Ohio Revised Code 5119.341, licensed residential facilities must be treated as a permitted use in residential zones, and communities that attempt to prohibit them are facing legal challenges. He explained that the City must generally treat them similarly to other long-term residential uses.
- Mr. Stone noted that residential care facilities and recovery houses are defined differently and suggested that the City could examine potential zoning approaches, though legal considerations would apply.
- Mr. Stone added that one registered recovery house currently exists in a residential zone and would likely be grandfathered if zoning changes were adopted.
- Ms. Knisely asked whether the item was being discussed as a communication.
- Mr. Kotowski stated that if the Commission wanted to move the item forward as a case, it would require a vote to do so.
- The Commission discussed whether the proposal should move forward as a case or remain a communication. Members noted that additional questions had been raised and that further input may be helpful before advancing the proposal.
- Ms. Knisely asked whether moving the item forward as a case, potentially to be heard in two weeks, would allow time to address outstanding questions while still providing public notice and an opportunity for the public to comment as they had in the current discussion.
- Mr. Stone encouraged members of the public to submit written comments with specific suggestions or proposed language changes to assist the Commission in evaluating potential revisions.
- Mr. Stone discussed potential regulatory approaches, noting the distinction between zoning, which determines whether a use is allowed, and ongoing permitting, which could address operator and tenant behavior.
- Mr. Swank stated that, in their view and based on conversations with residents, the specific regulatory details were not the primary concern. Instead, the central issue was whether recovery homes should be permitted in R1 neighborhoods at all.
- The Commission discussed the possibility of requesting an opinion from the Law Director regarding whether recovery houses could legally be restricted from R1 zones.

**Motion:** Mr. Kotowski made a motion to request that the law director review whether the Commission has grounds to restrict recovery housing in R1 zones.

**Second:** Mr. Stone seconded the motion.

**Vote:** Motion passed 3-0.

- Mr. Kotowski summarized next steps, stating that the item would remain a communication, with plans to seek legal input and public feedback before potentially bringing it forward as a formal case at a future meeting.
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## **5. Reports**

No reports were presented.

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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**

Brief discussion occurred regarding future conversations about data center development and potential impacts such as power, water use, and land use considerations.

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## **8. Adjournment**

With no further business, the meeting was adjourned at approximately 1:12 p.m.



Outlook

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## Planning Commission Proposed Changes to Title 23 and Title 29

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**From** Lisa Eliason <leliason@ci.athens.oh.us>

**Date** Tue 3/3/2026 12:01 PM

**To** Andy Stone <astone@ci.athens.oh.us>

**Cc** Monica Flowers <mflowers@ci.athens.oh.us>

 1 attachment (311 KB)

03.03.26 FINAL Title 23 and 29 revisions.pdf;

You asked, on behalf of the Athens City Planning Commission, for me to review the legality of proposed changes to the Athens City Zoning Code (Title 23) and the Athens City Housing Code (Title 29) to regulate Residential Care Facilities and Recovery Housing Residences. The Planning Commission wishes to recommend regulations for these entities that comply with federal law, specifically the Fair Housing Act and Amendments, 42 U.S.C. § 3604 ("FHA") and the Americans with Disabilities Act, 42 U.S.C. § 12132 ("ADA"). Specifically, the Planning Commission wishes to impose a density requirement for these residences. Pursuant to R.C. 4112.01, individuals recovering from drug and alcohol addiction are disabled under Ohio law.

I reviewed your proposed changes, state and federal statutes, and case law. Based upon that review, I made some suggestions in the document attached to this email. I believe my suggestions bring the proposed changes into compliance with the FHA and ADA.

Residential Care Facilities are governed by R.C. 5119.34 as to the number of residents in an R-1 Residential Zone and Multi-Family Zone. R.C. 5119.341(D) recognizes a "political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities..."

Based upon my review of the law, I recommend that Recovery Housing Residences in an R-1 Residential Zone house four unrelated residents. The Athens City Code currently permits three unrelated individuals to live in a "housekeeping" unit in an R-1 Residential Zone. The City cannot apply the 1,000-foot density requirement to Recovery Housing Residences of up to three unrelated residents because it would be treating disabled individuals differently than nondisabled individuals. There is no 1,000-foot density requirement imposed upon nondisabled individuals in an R-1 Residential Zones. As a result, to impose a 1,000-foot density requirement, Recovery Housing Residences must be granted a benefit that other housekeeping units are not, namely, the ability to house more than three unrelated residents.

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