CITY COUNCIL
ATLANTA, GEORGIA

A SUBSTITUTE ORDINANCE 04-O-0179
BY: ~~ZONING COMMITTEE~~ Ivory Lee Young Jr. Z-04-24
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AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ZONING CODE OF THE CITY OF ATLANTA, FOR THE PURPOSE OF CLARIFYING AND/OR REDEFING CERTAIN TERMS IN SECTION 16-29.001(16) "HUMAN SERVICES" AND INCLUDING PERSONAL CARE HOMES, REHABILITATION CENTERS, NURSING HOMES AND TO ADD A DEFINTION FOR ASSISTED LIVING FACILITIES; TO PROVIDE HOW PERMITS APPLICATIONS FOR SUCH USES ARE TO BE PROCESSED; TO REGULATE THE PARKING REQUIRED FOR SUCH USES; TO AMEND VARIOUS SECTIONS OF THE ZONING CODE TO SPECIFY WHERE AND HOW SUCH USES MAY BE PERMITTED AND FOR OTHER PURPOSES.

WHEREAS, interim controls have been placed on the processing of applications for Personal Care Homes to allow the Bureau of Planning to update its map of personal care homes and related used for the purpose of determining if an application meets the distance requirements and to review the other procedures used in processing such applications; and

WHEREAS, Section 16-29.001 of the City of Atlanta Zoning Code (the "Zoning Code") contains definitions of terms; and

WHEREAS, the Zoning Code also defines the various zoning classifications where uses are allowed and the manner in which uses are permitted in; and

WHEREAS, it is in the best interest of the city to clarify and amend certain definitions in the Zoning Code associated with Personal Care Homes in an effort to become more consistent with local, state, federal and county government regulations and to adopt legislation for that purpose; and

WHEREAS, it is in the best interests of the City and for the health, safety and welfare of its residents and businesses that these definitions be adopted to provide more specific guidance as to where personal care homes, assisted living facilities, and rehabilitation centers may be located, and to provide how such applications will be processed.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1. That Section 16-29.001(16) of the Zoning Code of the City of Atlanta be amended by striking the existing language and replacing it with the following:

(Work session comments –5/17/04)

(16) Human Services:

The definitions in this section replace the definitions of "small family care home," "family care home," "group home," "congregate care home" and "convalescent home" and all such uses and facilities existing under those definitions are henceforth to be defined by this section and subject to the restrictions set forth in this part.

(a) Personal Care Homes: Any dwelling, facility or structure ("facility") required to be licensed by or registered with the State of Georgia as a personal care home is a personal care home for the purpose of this ordinance. Any facility which for any reason is not required to be licensed by or registered with the State of Georgia as a personal care home, or fails to be licensed by or registered with the State of Georgia as a personal care home but, which through its ownership or management undertakes for a fee or accepts a grant or utilizes its own funding to provide or arrange for the provision of housing, food service, and one or more personal services for two other persons, who are not related to the owner or administrator by blood, marriage or adoption shall also be considered a personal care home for the purpose of this definition. No use defined as a personal care home may be permitted as a home occupation. This definition shall apply without regard to whether any fee charged is paid by the individual to whom the services are provided or by another person, the source of the grant, or the funding source for the operational costs and without regard to whether the facility is operated for profit or not for profit. Personal services include but are not limited to individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. For the purposes of this ordinance, a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3 (as amended) shall also be considered a personal care home. The approval and/or issuance of any special use permit for operation of a personal care home by the city shall precede the issuance of permits or licenses from the State of Georgia, provided however that any special use permit granted under the terms of this part shall be conditioned on the issuance of the appropriate permits, licenses or registrations required by the State of Georgia.

All personal care homes shall comply with the following standards:

1. No such facility shall be located within 2,000 feet of any Personal Care Home, Assisted Living Facility, Community Service Facility as defined in O.C.G.A. §37-4-2(6), Nursing Home, Rehabilitation Center, or Supportive Housing Facility.

2 The holder of any special permit issued in accordance with Sec. 16-25.001 *et seq.* of this part, whenever such permit was granted, shall make no alterations or additions to the primary structure for the purpose of increasing the number of persons to whom personal care services are provided.

3. All personal care homes must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater.

4. No signs regulated by Chapter 16-28A shall be permitted other than those permitted by the regulations of the zoning district within which such personal care home is located.

5. Each location shall be within 1,500 feet of a public transportation station or transit stop or the operator of the personal care home shall be required to provide transportation service for its occupants as a condition of the special use permit.

6. Where such use is allowed in any zoning district, and no parking requirements for the use are specified, the parking requirements to be applied will be those governing residential uses but one additional space shall be required for each four beds.

(b) ***Assisted Living Facility***: A personal care home as defined in this section but having 25 or more beds and which offers a range of accommodations that range from independent residential housing options to housing options with personal services. A residential use, which could otherwise be classified as multi-family is to be considered to be an Assisted Living Facility if it registered with or licensed by the State of Georgia as an assisted living home. Any dwelling, facility or structure which for any reason is not required to be licensed by or registered with the State of Georgia as an assisted living home, or fails to be licensed by or registered with the State of Georgia as an assisted living home but, which through its ownership or management undertakes for a fee or accepts a grant or utilizes its own funding to provide or arrange for the provision of housing, food service, and one or more personal services for any person and which also provides beds for twenty-four or more persons, who are not related to the owner or administrator by blood, marriage or adoption shall also be considered an assisted living home for the purpose of this definition. This definition shall apply without regard to whether any fee charged is paid by the individual to whom the services are provided or by another person, the source of the grant, or the funding source for the operational costs and without regard to whether the facility is operated for profit or not for profit. Personal services include but are not limited to individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. For the purposes of this ordinance, a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3 (as amended) shall also be considered with twenty-five (25) or more beds shall also be considered an assisted living facility. The approval and/or issuance of any special use permit for operation of an assisted living facility by the city may precede the issuance of permits or licenses from the State of Georgia, provided however that any special use permit granted under the terms of this part shall be conditioned on the issuance of the appropriate permits, licenses or registrations required by the State of Georgia.

Such facilities shall comply with the following standards:

1. No such facility shall be located within 2,000 feet of any Personal Care Home, Assisted Living Facility, Community Service Facility as defined in O.C.G.A. §37-4-2, Nursing Home, Rehabilitation Center, or Supportive Housing Facility.

2. Any assisted living facility must specify the maximum number of beds for which personal services, of the type offered in a personal care home, will be made available.

3. The holder of any special permit issued in accordance with Sec. 16-25.001 *et seq.* of this part, whenever such permit was granted, shall make no alterations or additions to the primary structure for the purpose of increasing the number of persons to whom personal care services are provided.

4. All Assisted Living Facilities must provide at least 80 square feet of personal living space per resident or provide that amount required by the State of Georgia for the licensing of assisted living homes, whichever is greater.

5. No signs regulated by Chapter 16-28A shall be permitted other than those permitted by the regulations of the zoning district within which such personal care home is located.

6 Each location shall be within 1,500 feet of a public transportation station or transit stop or the operator of the personal care home shall be required to provide transportation service for its occupants as a condition of the special use permit.

7. Where such use is allowed in any zoning district, and no parking requirements for the use are specified, the parking requirements to be applied will be those governing multi-family residential uses.

(c) Rehabilitation Centers: A facility providing onsite rehabilitative services whether operated for profit or not for profit. Onsite rehabilitative services are those rehabilitative services of the kind enumerated in O.C.G.A. § 31-6-2(5) and also includes counseling services, and/or therapeutic services offered as a part of any organized program for the mental, psychological, substance abuse recovery, and occupational or physical rehabilitation of any person. This section shall not apply to hospitals or services located on the premises of a hospital or services offered to individuals by one or more licensed medical professional(s) in a private office setting or personal services offered as part of a permitted home occupation.

1. No such facility shall be located within 2,000 feet of any Personal Care Home, Assisted Living Facility, Community Service Facility as defined in O.C.G.A. §37-4-2, Nursing Home, Rehabilitation Center, or Supportive Housing Facility.

2. The holder of any special permit issued in accordance with Sec. 16-25.001 *et seq.* of this part, whenever such permit was granted, shall make no alterations or additions to the primary structure for the purpose of increasing the number of persons to whom personal care services are provided.

3. Any rehabilitation center having a residential component shall provide at least 80 square feet of personal living space per resident or provide that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater.

4. No signs regulated by Chapter 16-28A shall be permitted other than those permitted by the regulations of the zoning district within which such personal care home is located.

5. A rehabilitation center also containing a residential component (with or without personal services), also provide rehabilitative services to non-residents, shall be required to provide one additional parking space for each 300 square feet of floor area (excluding the personal living space of the residents) in addition to compliance with any parking regulation of the zoning district governing parking for a residential use.

6. Each location shall be within 1,500 feet of a public transportation station or transit stop or the operator of the personal care home shall be required to provide transportation service for its occupants as a condition of the special use permit.

7. Any rehabilitation center applying for a special use permit relating to the location or relocation of a, drug rehabilitation center, or other facility for treatment of drug dependency shall be required to complete the application, sufficiently in advance of the date that final action is expected on the decision, to ensure compliance with the public hearing and posted notice requirements of O.C.G.A. § 36-66-4 (as amended).

(d) *Nursing Home*: This section adopts the definition of nursing home set forth in the Georgia Administrative Code 290-5-8-.01 (as it may be amended) which defines such use as a facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision and which maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental

supervision of the home. No personal care home, assisted living facility, rehabilitation center or any other type of facility may be permitted under this part as a nursing home unless it meets the definition of nursing home set forth in the Georgia Administrative Code and is licensed by the State of Georgia as a nursing home.

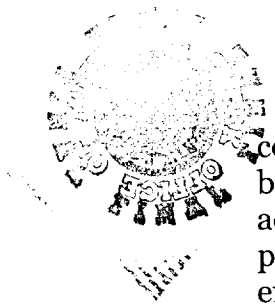
1. No such facility shall be located within 2,000 feet of any Personal Care Home, Assisted Living Facility, Community Service Facility as defined in O.C.G.A. §37-4-2, Nursing Home, Rehabilitation Center, or Supportive Housing Facility.

2. Where such use is allowed in any zoning district where no regulation governing parking requirements for nursing homes exists, the parking requirements will be one for every four beds.

(e) Measurement of Distance: The required separation between personal care homes, assisted living facilities, rehabilitation centers and/or nursing homes established in paragraphs (a) (b) (c) and (d) above shall be measured in a straight line from the nearest lot line of such a use to the nearest lot line of the property occupied by or proposed to be occupied by, any other such use. The required access to public transportation station or transit stops for personal care homes and/or rehabilitation centers established in paragraphs (a) (b) (c) and (d) above shall be measured in a straight line from the nearest lot line of such use to the nearest lot line of public transportation station or the marker establishing the transit stop.

(f) Enforcement of Distance Regulations: Each lot of record existing as of the effective date of this ordinance occupied by or for which application has been made to be occupied by a personal care home or rehabilitation center shall be construed as a separate and distinct use. The distance requirement in paragraphs (a) (b) (c) and (d) measured as defined in paragraph (e) shall be applicable to each such lot of record containing a personal care home, assisted living facility, rehabilitation centers or nursing home notwithstanding common ownership of such property, the existence of a common lease agreement for any or all of the property, or any other common operational characteristics.

(g) Time Limits Related to State of Georgia License, Permit or Registration Requirements: Any special use permit issued for the uses defined in this section shall become void if the license, permit or registration required by the State of Georgia has not been issued within (6) six months of the date of approval of the special permit or within sixty (60) days of the issuance of a certificate of occupancy for new construction. If any such license, permit or registration required by the State of Georgia has expired or been revoked and is not renewed or reissued, and the special permit has not been transferred to another applicant within six (6) months of the date that such revocation or expiration became effective, the special use permit shall become null and void. If all steps required for the application for transfer of the special permit have been



completed within six months of the date that such revocation or expiration became effective, the special permit will remain effective until the date that final action is taken on the application for transfer. An applicant who receives a special permit by transfer has six months after the date that the transfer becomes effective to obtain any license, permit or registration required by the State of Georgia, or the special permit shall be void. Any special permit, which becomes void pursuant to this sub-section shall not require any act by the governing body to revoke the permit for the continued operation of the use to be in violation of this part.

Section 2. That the uses permitted in **R-1 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 2A That Section 16-03.005(1)(g) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 2B That Section 16-03.005(1)(j) of the Zoning Code of the City of Atlanta, which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 2C. That Section 16-03.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 2D. That Section 16-03.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space

per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required

Section 3. That the uses permitted in **R-2 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 3A. That Section 16-04.005(1)(g) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 3B. That Section 16-04.005(1)(j) of the Zoning Code of the City of Atlanta, which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 3C. That Section 16-04.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 3D. That Section 16-04.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

Section 4. that the uses permitted in **R-2A zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 4A. That Section 16-04A.005(1)(f) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 4B. That Section 16-04A.005(1)(h) of the Zoning Code of the City of Atlanta, which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 4C. That Section 16-04A.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 4D. That Section 16-04A.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

Section 5. That the uses permitted in **R-3 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 5A. That Section 16-05.005(1)(g) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 5B. That Section 16-05.005(1)(j) of the Zoning Code of the City of Atlanta, which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 5C. That Section 16-05.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 5D. That Section 16-05.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six

occupants, a second additional space is required.

Section 6. That the uses permitted in **R-3A zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 6A. That Section 16-05A.005(1)(f) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 6B. That Section 16-05A.005(1)(h) of the Zoning Code of the City of Atlanta which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 6C. That Section 16-05A.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 6D. That Section 16-05A.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

Section 7. That the uses permitted in **R-4 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 7A. That Section 16-06.005(1)(g) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 7B. That Section 16-06.005(1)(j) of the Zoning Code of the City of Atlanta, which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 7C. That Section 16-06.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 7D. That Section 16-06.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

Section 8. That the uses permitted in **R-4A zoning** districts by special use permit and special administrative permit be amended as set forth in the following

subsections:

Subsection 8A. That Section 16-06A.005(1)(g) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 8B. That Section 16-06A.005(1)(j) of the Zoning Code of the City of Atlanta which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 8C. That Section 16-06A.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 8D. That Section 16-06A.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

Section 9. That the uses permitted in **R-4B zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 9A. That Section 16-06B.005(1)(g) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes and rehabilitation centers;

Subsection 9B. That Section 16-06B.005(1)(j) of the Zoning Code of the City of Atlanta which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 9C. That Section 16-06B.005(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 9D. That Section 16-06B.010(3) of the Zoning Code of the City of Atlanta, which reads as follows:

(3) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

Section 10. That the uses permitted in **R-5 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 10A. That Section 16-07.005(1)(g) of the Zoning Code of the City of Atlanta, which reads as follows:

(g) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(g) Personal care homes, and rehabilitation centers;

Subsection 10B. That Section 16-07.005(1)(j) of the Zoning Code of the City of Atlanta which reads as follows:

(j) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(j) Nursing homes;

Subsection 10C. That Section 16-07.005(2)(b) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(a) Repealed;

Subsection 10D. That Section 16-07.010(4) of the Zoning Code of the City of Atlanta, which reads as follows:

(4) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.

Section 11. That the uses permitted in **R-G zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 11A. That Section 16-08.005(1)(f) of the Zoning Code of the City of Atlanta, which reads as follows:

(f) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(f) Personal care homes, assisted living facilities and rehabilitation centers;

Subsection 11B. That Section 16-08.005(1)(i) of the Zoning Code of the City of Atlanta which reads as follows:

(i) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(i) Nursing homes;

Subsection 11C. That Section 16-08.005(2)(b) of the Zoning Code of the City of Atlanta, which reads as follows:

(b) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(b) Repealed;

Subsection 11D. That Section 16-08.010(2) of the Zoning Code of the City of Atlanta, which reads as follows:

(2) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(2) Nursing homes are required to have one space for each four beds. Personal care homes, assisted living facilities, and rehabilitation centers with a residential component are required to have the amount of parking specified by the Land Use Intensity Ratios Table.

Section 12. That the uses permitted in **R-LC zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 12A. That Section 16-09.005(1)(b) of the Zoning Code of the City of Atlanta, which reads as follows:

(b) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(b) Personal care homes, assisted living facilities and rehabilitation centers;

Subsection 12B. That Section 16-09.005(1)(c) of the Zoning Code of the City of Atlanta which reads as follows:

(c) nursing homes, convalescent home and similar care facilities;

be amended by striking the existing language and replacing it with the following:

(c) Nursing homes;

Subsection 12C. That Section 16-09.005(2)(c) of the Zoning Code of the City of Atlanta, which reads as follows:

(c) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(c) Repealed;

Subsection 12D. That Section 16-09.011(2) of the Zoning Code of the City of Atlanta, which reads as follows:

(2) Nursing homes, convalescent home and similar care facilities: one space per four beds

be repealed by striking the existing language and replacing it with the following:

(2) Nursing homes are required to have one space for each four beds. Personal care homes, assisted living facilities, and rehabilitation centers with a residential component are required to have the amount of parking specified by the Land Use Intensity Ratios Table.

Section 13. That the uses permitted in **O-I zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 13A. That Section 16-10.003(5) of the Zoning Code of the City of Atlanta, which reads as follows:

(5) Convalescent homes, nursing homes.;

be amended by striking the existing language and replacing it with the following

notation:

(5) Repealed;

Subsection 13B. That Section 16-10.005(e) of the Zoning Code of the City of Atlanta which reads as follows:

(e) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(e) Nursing homes, personal care homes assisted living facilities and rehabilitation centers;

Subsection 13C. That Section 16-10.005(2)(c) of the Zoning Code of the City of Atlanta, which reads as follows:

(c) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(c) Repealed;

Section 14. That the uses permitted in **C-1 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 14A. That Section 16-11.003(19) of the Zoning Code of the City of Atlanta, which reads as follows:

(19) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following notation:

(19) Repealed;

Subsection 14B. That Section 16-11.005(1)(e) of the Zoning Code of the City of Atlanta, which reads as follows:

(e) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(e) Nursing homes, assisted living facilities, rehabilitation centers and

personal care homes;

Subsection 14C. That Section 16-11.005(2)(c) of the Zoning Code of the City of Atlanta, which reads as follows:

(c) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(c) Repealed;

Section 15. That the uses permitted in **C-2 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 15A. That Section 16-12.003(21) of the Zoning Code of the City of Atlanta, which reads as follows:

(21) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following notation:

(21) Repealed;

Subsection 15B. That Section 16-12.005(1)(d) of the Zoning Code of the City of Atlanta, which reads as follows:

(d) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(d) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes;

Subsection 15C. That Section 16-12.005(2)(c) of the Zoning Code of the City of Atlanta, which reads as follows:

(c) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(c) Repealed;

Section 16. That the uses permitted in **C-3 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 16A. That Section 16-13.003(21) of the Zoning Code of the City of Atlanta, which reads as follows:

(21) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following notation:

(21) Repealed;

Subsection 16B. That Section 16-13.005(1)(d) of the Zoning Code of the City of Atlanta, which reads as follows:

(d) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following notation:

(d) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes;

Subsection 16C. That Section 16-13.005(2)(c) of the Zoning Code of the City of Atlanta, which reads as follows:

(c) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be repealed by striking the existing language and replacing it with the following notation:

(c) Repealed;

Section 17. That the uses permitted in **C-4 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 17A. That Section 16-14.003(20) of the Zoning Code of the City of Atlanta, which reads as follows:

(20) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following

notation:

(20) Repealed;

Subsection 17B. That Section 16-14.005(1)(e) of the Zoning Code of the City of Atlanta, which reads as follows:

(e) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(e) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes;

Subsection 17C. Add Section 16-14.005(2)(e) of the Zoning Code of the City of Atlanta, to read as follows:

(e) Personal care homes;

Section 18. That the uses permitted in **C-5 zoning districts** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 18A. That Section 16-15.003(23) of the Zoning Code of the City of Atlanta, which reads as follows:

(23) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following:

(23) Repealed;

Subsection 18B. That Section 16-15.005(1)(d) of the Zoning Code of the City of Atlanta, which reads as follows:

(e) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(e) Nursing homes, assisted living facilities, rehabilitation centers and personal care homes;

Section 19. That the uses permitted in **SPI-1 zoning district** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 19A. That Section 16-18A.003(20) of the Zoning Code of the City of

Atlanta, which reads as follows:

(23) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following:

(23) Nursing homes, personal care homes, assisted living facilities;

Subsection 19B. That Section 16-18A.005(1)(f) of the Zoning Code of the City of Atlanta, which reads as follows:

(e) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following notation:

(e) Rehabilitation centers;

Subsection 19C. That Section 16-18A.005(2)(e) of the Zoning Code of the City of Atlanta, which reads as follows:

(e) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(e) Repealed;

Section 20. That the uses permitted in SPI-1 zoning district by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 20A. That Section 16-18B.003(20) of the Zoning Code of the City of Atlanta, which reads as follows:

(18) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following:

(18) Nursing homes, personal care homes, assisted living facilities;

Subsection 20B. That Section 16-18B.005(1)(f) of the Zoning Code of the City of Atlanta, which reads as follows:

(e) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following notation:

(e) Rehabilitation centers;

Subsection 20C. That Section 16-18B.005(2)(d) of the Zoning Code of the City of Atlanta, which reads as follows:

(d) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(d) Repealed;

Section 21. That the uses permitted in **SPI-2 zoning district** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 21A. That Section 16-18B.003(20) of the Zoning Code of the City of Atlanta, which reads as follows:

(18) Convalescent homes, nursing homes;

be amended by striking the existing language and replacing it with the following:

(18) Nursing homes, personal care homes, assisted living facilities;

Subsection 21B. That Section 16-18B.005(1)(f) of the Zoning Code of the City of Atlanta, which reads as follows:

(e) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(e) Rehabilitation centers;

Subsection 21C. That Section 16-18B.005(2)(d) of the Zoning Code of the City of Atlanta, which reads as follows:

(d) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(d) Repealed;

Section 22. That the uses permitted in **SPI-11 zoning district** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 22A. That Section 16-18K.004(4)(d)(1)(iv) of the Zoning Code of the City of Atlanta, which reads as follows:

(iv) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(iv) Nursing homes, personal care homes, assisted living facilities rehabilitation centers;

Subsection 22B. That Section 16-18K.004(4)(d)(2)(i) of the Zoning Code of the City of Atlanta, which reads as follows:

(i) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(i) Repealed;

Subsection 22C. That Section 16-18K.004(5)(d)(1)(iv) of the Zoning Code of the City of Atlanta, which reads as follows:

(iv) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(iv) Nursing homes, personal care homes, assisted living facilities rehabilitation centers;

Subsection 22D. That Section 16-18K.004(5)(d)(2)(i) of the Zoning Code of the City of Atlanta, which reads as follows:

(i) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(i) Repealed;

Subsection 22E. That Section 16-18K.004(6)(d)(1)(iv) of the Zoning Code of the City of Atlanta, which reads as follows:

(iv) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(iv) Nursing homes, personal care homes, assisted living facilities rehabilitation centers;

Subsection 22F. That Section 16-18K.004(6)(d)(2)(i) of the Zoning Code of the City of Atlanta, which reads as follows:

(i) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(i) Repealed;

Subsection 22G. That Section 16-18K.004(7)(d)(1)(iv) of the Zoning Code of the City of Atlanta, which reads as follows:

(iv) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(iv) Nursing homes, personal care homes, assisted living facilities rehabilitation centers;

Subsection 22H. That Section 16-18K.004(7)(d)(2)(i) of the Zoning Code of the City of Atlanta, which reads as follows:

(i) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(i) Repealed;

Subsection 22I. That Section 16-18K.004(8)(d)(1)(iv) of the Zoning Code of the City of Atlanta, which reads as follows:

(iv) Group home, congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following:

(iv) Nursing homes, personal care homes, assisted living facilities rehabilitation centers;

Subsection 22J. That Section 16-18K.004(8)(d)(2)(i) of the Zoning Code of the City of Atlanta, which reads as follows:

(i) Family care home and small family care home, subject to the limitations set forth in section 16-29.001(16);

be amended by striking the existing language and replacing it with the following notation:

(i) Repealed;

Section 23. That the uses permitted in **SPI-15 zoning district** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 23A. That Section 16-18O.028(1)(t) of the Zoning Code of the City of Atlanta, which reads as follows:

(t) Small family care home, family care home, group homes congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following notation:

(t) Repealed;

Subsection 23B. That Section 16-18O.028(3)(a) of the Zoning Code of the City of Atlanta, be amended by adding a new subsection (vi) to read as follows:

(vi) Nursing homes, personal care homes, assisted living facilities rehabilitation centers;

Subsection 23C. That Section 16-18O.029(2)(a) of the Zoning Code of the City of Atlanta, which reads as follows:

(a) Small family care homes, family care homes, and group homes

be amended by striking the existing language and replacing it with the following notation:

(a) Repealed;

Section 24. That the uses permitted in **SPI-16 zoning district** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 24A. That Section 16-18P.005(17) of the Zoning Code of the City of Atlanta, which reads as follows:

(17) Small family care home, family care home, group homes congregate care home and rehabilitation centers;

be amended by striking the existing language and replacing it with the following notation:

(t) Repealed;

Subsection 24B. That Section 16-18P.007(1) of the Zoning Code of the City of Atlanta, be amended by adding a new subsection (g) to read as follows:

(g) Nursing homes, personal care homes, assisted living facilities rehabilitation centers;

Section 25 That the uses permitted in **SPI-17 zoning district** by special use permit and special administrative permit be amended as set forth in the following subsections:

Subsection 25A. That Section 16-18Q.007(1)(c) of the Zoning Code of the City of Atlanta, which reads as follows:

(c) Nursing homes and convalescent centers;

be amended by striking the existing language and replacing it with the following notation:

(c) Nursing homes, personal care homes, assisted living facilities and rehabilitation centers;

Section 26 That the uses permitted in **SPI-18 zoning district** by special use permit and special administrative permit be amended as set forth in the following subsections

Subsection 26A. That the Table following Section 16-18R.005 of the Zoning Code of the City of Atlanta, be amended to reflect the following:

Personal Care Homes are no longer permitted by Special Administrative Permit. Personal Care Homes are permitted by Special Use Permit in Subareas 1, 2, 3, 4 , 5, 6 and 9. This use is not permitted in Subareas 7 and 8.

Assisted Living Facilities and Rehabilitation Centers are permitted by Special Use Permit in Subareas 1, 2, 3, 4 and 9. These uses are not allowed in Subareas 5, 6, 7 and 8.

Convalescent Centers, Group Homes, Congregate Care Homes and Family Care Homes are removed from the list of uses.

Nursing Homes are permitted by Special Use Permit in Subareas 1, 2, 3, 4 , 5, 6 and 9. These uses are not permitted in Subareas 7 and 8.

SECTION 27. This ordinance shall become effective immediately upon its approval by the Council and signature by the Mayor or by operation of law.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council AUG 16, 2004
APPROVED by the Mayor AUG 20, 2004

(Work session comments –5/17/04)

04-O -0179
(Do Not Write Above This Line)

Z-04-24

AN ORDINANCE
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA SO AS TO UPDATE AND REFORM THE PERSONAL CARE HOME PROCEDURES FOR PROCESSING PERMITS; TO UPDATE DEFINTIIONS, TERMS AND MAPS RELATED TO PERSONAL CARE HOMES AND RELATED FACILITIES; AND FOR OTHER PURPOSES.

ADOPTED BY
AUG 16 2004
COUNCIL

SUBSTITUTE

- ☐ CONSENT REFER
- ☑ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred 2/2/04

Referred To: ZRB & Zoning

First Reading
Committee Zoning
Date May 28, 2004
Chair

Committee	Committee
Date	Date
Chair	Chair
Actions: Fav, Adv, Held (see rev. side)	Actions: Fav, Adv, Held (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Actions: Fav, Adv, Held (see rev. side)	Actions: Fav, Adv, Held (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

COUNCIL ACTION

☑ 2nd ☐ 1st & 2nd Readings ☐ 3rd

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

CERTIFIED
AUG 16 2004
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
AUG 16 2004
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
AUG 20 2004
MAYOR