

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2012-Z-001

An Ordinance to amend Article 4 – Rules and Definitions, and Article 7 – District Uses and Regulations of The 1992 Zoning Ordinance of Cherokee County; to promote the public health, safety and welfare; and for other purposes.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County;

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance;

WHEREAS, the Cherokee County Board of Commissioners (the “Board”) finds that it is in the public interest to amend Article 4 – Rules and Definitions, specifically Section 4.3 Definitions, and Article 7 – District Uses and Regulations, specifically Table 7.2 Permitted Uses Table and Section 7.7 Additional Requirements of The 1992 Zoning Ordinance of Cherokee County;

WHEREAS, a notice of public hearing was duly published as required by O.C.G.A. § 36-66-4; and

WHEREAS, pursuant to O.C.G.A. § 36-66-4, a public hearing by the Board of Commissioners was held on March 20, 2012 after public notice as required by law, at which time owners of property affected and other citizens of the county were given the opportunity to attend and comment;

BE IT ORDAINED by the Cherokee County Board of Commissioners and it is hereby enacted pursuant to the authority of the same that The 1992 Zoning Ordinance of Cherokee County is hereby amended as shown in Exhibit A attached.

So ordained this 20th day of March 20, 2012.

BY: _____
L.B. Ahrens, Chairman

ATTEST: _____
Christy Black, County Clerk

Exhibit A

Article 4, Section 4.3 Definitions

Remove the following definitions:

~~**Boarding House.** A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for three or more persons.~~

~~**Group Home.** A group home is a generic term that can describe many different types of residential situations for children or adults. Typically, a group home provides housing, meals and other personal services 24 hours a day for up to seven (7) non-related individuals where the owner or administrator and staff are not related to the residents. For the purposes of this ordinance, the term "group home" shall include but not be limited to the terms "personal care home", "community living arrangement", "child care institution" and "child welfare facility".~~

~~**Nursing Home.** An extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.~~

~~**Rooming House.** See "Boarding House."~~

Add the following definitions:

Residential Care Facility. A licensed facility where 24 hour care is provided for residents. Below, Residential Care Facilities are described by the number of residents and the type/level of care provided to residents:

Type of Residential Care Facility	# of residents	Type/Level of Care
Small Personal Care Home (In-Home)	Up to six (6) <u>ambulatory</u> residents	<ul style="list-style-type: none">• Assistance with essential activities of daily living• No medical or nursing care
Child Caring Institution (Residential-Style Structure)	Up to twenty-four (24)	<ul style="list-style-type: none">• Provision of room, board and watchful oversight for children up to 18 years old• No medical or nursing care
Large Personal Care Home (Commercial Building)	Seven (7) or more	<ul style="list-style-type: none">• Assistance with essential activities of daily living• No medical or nursing care
Assisted Living Community (Commercial Building)	Twenty-five (25) or more	<ul style="list-style-type: none">• Provision of personal services• Administration of medications• Provision of assisted self-preservation
Nursing Home (Commercial Building)	Per state license	<ul style="list-style-type: none">• Admission of patients by medical referral only for continuous medical supervision• Provision of services and facilities for skilled and rehabilitative nursing care• Physician and Dentist supervision of facility

The complete definitions for the types of Residential Care Facilities are as follows:

Personal Care Home. A licensed home where residents are provided with housing, meals and 24 hours per day assistance with essential activities of daily living, such as bathing, grooming, dressing, etc. but no medical or nursing care is provided. A small personal care home may house up to six (6) ambulatory residents and a large personal care home may house seven (7) or more residents plus necessary staff. The term “Personal Care Home” shall include but not be limited to the term “Community Living Arrangement”.

Child Caring Institution. A licensed child-welfare agency that provides 24 hour care, including room, board and watchful oversight, for children through 18 years of age outside of their own homes. A child caring institution may house residents and necessary staff but may not provide medical or nursing care to residents.

Assisted Living Community. A licensed facility where twenty-five (25) or more residents receive 24 hour specialized care, which includes providing personal services, administering medications and providing assisted self-preservation.

Nursing Home. A licensed facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative care, and has an 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 facility.

Chapter 7, Table 7.2 Permitted Uses Table

Modify the Table as follows:

- 1) Add “Homes for the elderly without nursing care (623312)” as a permitted Restricted Use in AG and Residential zoning districts subject to section 7.7-17a for Small Personal Care Homes.
- 2) Remove “Nursing Care Facilities (623110)” as a permitted Restricted Use from AG and Residential zoning districts and any reference to section 7.7-17a for Small Personal Care Homes.
- 3) Remove “Rooming and boarding houses (721310)” from the Permitted Uses Table.

Chapter 7, Section 7.7-17a Additional Requirements

Make the following changes:

7.7-17 Health and Human Services (LBCS 6500)

- a. ~~Group~~ Small Personal Care Homes and Child Caring Institutions are permitted in AG and all residential districts provided that:
 - (1) The home is approved and licensed by the State of Georgia or any agency through which it acts.
 - (2) Number of Residents: ~~The number of individuals to live in the home does not exceed two (2) people per bedroom or building and site plans are to be submitted and considered as to how individuals are to be housed.~~

- a. A maximum of 6 ambulatory residents and necessary staff may reside in a Small Personal Care Home.
 - b. A maximum of 24 children and necessary staff may reside in a Child Caring Institution.
- (3) ~~The Group Home~~ Small Personal Care Homes and Child Caring Institutions shall retain the outward appearance of a single-family home.
- (4) Off-street parking for Small Personal Care Homes and Child Caring Institutions ~~group homes within a single family residential district shall conform to residential-parking standards the parking regulations as provided in Article 12.~~
- (5) No Small Personal Care Home or Child Caring Institution shall be operated within one thousand (1,000) feet of any other residential care facility. The one thousand foot distance is measured by the straight line which is the shortest distance between the property lines of the two (2) tracts of land on which each facility is located.