

**AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK CODE OF
ORDINANCES, APPENDIX A - ZONING, TO MAKE THE TREATMENT OF
PERSONAL CARE HOME/ASSISTED LIVING USE CONSISTENT WITH OTHER
COMPARABLE RESIDENTIAL USES**

WHEREAS, projected demographic changes in Georgia and Johns Creek show a steadily rising aging population, which has generated increasing demand for Personal Care Home/Assisted Living in neighborhood settings; and

WHEREAS, the City of Johns Creek Zoning Ordinance allows Personal Care Home/Assisted Living as a Use by Right in the Community Business Districts, Office Institutional District, Mixed Use District and Apartment Dwelling Districts; and

WHEREAS, the City of Johns Creek Zoning Ordinance allows Personal Care Home/Assisted Living in the Two-Family Dwelling District and Townhouse Residential Districts, through a Special Use Permit approved by the Mayor and City Council; and

WHEREAS, the City of Johns Creek Zoning Ordinance does not differentiate family-style personal care facilities from institutional care facilities, and care options for adults are limited to mostly nonresidential zoning districts; and

WHEREAS, the City seeks to amend the Johns Creek Zoning Ordinance to make the treatment of Personal Care Home/Assisted Living use consistent with other comparable residential uses.

NOW THEREFORE, the Mayor and Council of the City of Johns Creek hereby ordain that Appendix A – Zoning, Article III “Definitions”; Article VII “Two-Family, Townhouse, Apartment Dwelling Districts”; Article VIII “Office Institutional, Mixed Use Districts”; Article IX “Community Business Districts”; Article XVIII “Off Street Parking and Loading”; and Article XIX “Administrative Permits and Use Permits” are amended as follows:

Section 3.3.16.P.

Personal Care Home/Assisted Living. A profit or nonprofit facility, home, or structure, licensed by the state, for the protective care of two or more adults who need a watchful environment, but do not have an illness, injury, or disability, which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a 24-hour responsibility for the well-being of residents of the facility. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, halfway house, a treatment center for alcoholism or drug abuse, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Personal care homes shall be classified in the following way:

- (1) *Personal Care Home/Assisted Living, Family.* A personal care home for no more than 8 adults in a family-style residence, non-institutional in character.
- (2) *Personal Care Home/Assisted Living, Congregate.* A personal care home for more than 8 adults.

Section 7.3.2.A.9. Personal Care Home, Congregate

Section 8.1.2.A.23. Personal Care Home, Congregate

Section 8.2.2.A.31. Personal Care Home, Congregate

Section 9.1.2.A.31. Personal Care Home, Congregate

Section 18.2.1.

Use Group	Examples of Types of Use	Minimum Requirement
Health Care Facilities	hospitals out-patient clinics convalescent home nursing home personal care home/assisted living, congregate	one per four beds + one per 3 employees
Personal Care Home/Assisted Living, Family		one per 2 beds + one per 3 employees

Section 19.4.33. *Personal Care Home/Assisted Living, Family.*

A. *Required Districts:* AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6 and TR

B. *Standards:*

1. The personal care home shall be on a lot of at least one (1) acre in size, and shall be limited to no more than 8 adults.
2. No parking allowed in the minimum front yard setback.
3. The personal care home shall comply with all applicable local, state, and federal regulations, and shall provide all applicable State permits to the Department of Community Development prior to the issuance of a Certificate of Occupancy.
4. The personal care home shall adhere to all building, fire, and accessibility codes.
5. The personal care home shall prove:
 - a. the household possess a family-like structure/housing and evidence family-like domestic bond between residents;
 - b. that the living arrangements embody a long-term commitment on the part of the individual residents; and
 - c. that the personal care home is at least 1,000 feet in all directions from any other personal care home, as measured from all property lines. No variance shall be granted to the distance requirement herein.
6. At least one (1) employee staffing the personal care home shall be on-site at all times when residents are present.
7. The personal care home shall obtain a business occupation tax certificate from the City of Johns Creek prior to operation.

SO ORDAINED, this 26th day of April, 2021.

Approved:

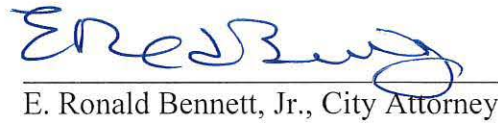


Michael E. Bodker, Mayor

Attest:


Terri Lea Hugie, Interim City Clerk

Approved as to Form and Content:


E. Ronald Bennett, Jr., City Attorney