THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

MEETING DATE: February 25, 2019

GENERAL INFORMATION

Petition Number: TMOD- 19-0002

Applicant: Community Development Dept.

Project Location: City -Wide

Proposed Amendment: Modification(s) to Personal and childcare Homes and accompanying definitions.

Staff Recommendations: **APPROVAL**

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

AMENDMENT/ANALYSIS OVERVIEW

Based on the confusion and requests from the public as well as Mayor and Council, Staff recommends the following modification to the Personal Care and Child Care Home regulations:

- *Child and Personal Care Homes are considered home occupations.*
- *The owner/operation must reside on premise.*
- *Personal Care Homes are defined as* ***up to 6 persons*** *and the home must be a* ***minimum of 1800 Sq. Ft.***

This address the concerns/confusion about these uses considered a business, the number of children (currently 3-6 or 6 or more) making sure proper management is located on site and the size of the home being able to accommodate the number of persons as well as staff on site.

- *Child Care Homes are defined as* ***up to 5 children***. - This eliminated the architectural plan requirement as per the Building Code and is less burdensome on the applicant.
- *A fenced outdoor space is required for childcare homes and facilities with Children ages 3*-15. – This will address the concerns about unsupervised children roaming the neighborhoods and better supervision of children.

Greater than 5 children or more than 6 persons is considered a **"facility"** as indicated with in the definition modifications.

PLANNING COMMISION STAFF REPORT

RECOMMENDATION

Staff recommends approval of TMOD 19-0002.

Car wash: A facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Car wash, self-service: A car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Cat: A feline that has reached the age of six (6) months.

Catering establishment: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar: A space having less than one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six-and-one-half (6.5) feet.

Cemetery: Property used for the interring of the dead. See Georgia cemetery regulations.

Chapel: See Place of worship.

Check cashing facility: A person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Child Care Facility ~~caring~~ ~~institution:~~ A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six ~~seven~~ (6~~7~~) or more children.

~~for children~~ under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or facility."

~~*Child caring institution, community:* A child caring institution that offers care to seven (7) or more children.~~

Child Care Home ~~caring institution, group~~: A child caring institution that offers care to for up to five ~~six~~ (5~~6~~) children. ~~between four (4) and six (6) children.~~

Child day care center: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of ~~seven (7) or more~~ children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody.

~~*Child day care facility:* An establishment operated by any person with or without compensation providing for the care, supervision, and protection of six (6) or fewer children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.~~

Church: See Place of worship.

Cistern: An underground reservoir or tank for storing rainwater.

~~*Personal care home, community:* A personal care home that offers care to seven (7) or more persons.~~

Personal care home, group: A personal care home that offers care to up to six (6) persons ~~between four (4) and six (6) persons.~~

Personal services establishment: An establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area: An area maintained in its natural condition,~~-~~or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers: A range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet: See Household pet.

Pet cemetery: Property used for the interring of dead domestic animals.

Pet shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail): A place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development: A development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility: A facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines: The ratio of the rise to the run of a roof.

Place of worship: A lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term shall also include any of the following accessory uses and buildings: schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child day care center, kindergarten, parsonage, rectory or convent and columbarium.

Plainly audible: Any sound that can be detected by a person using his or her unaided hearing faculties.

Planned industrial center: An industrial development planned with multiple buildings for industrial users.

Planning director: See director of planning.

Plant material: Material derived from plants.

Planting strip: A strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

Plat:

feet six (6) inches wide by eighteen (18) feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

Parking structure: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Pasture land: See Grazing land.

Path: A paved or structurally improved walkway that provides access to areas within a development.

Paved: A structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the director of planning. For the purposes of a driveway for the parking of automobile(s), two (2) paved tire tracks with an unpaved area between them shall be considered paved.

Pavement, permeable: Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

Pawn shop: Any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this paragraph. Includes title pawn.

Pedestrian oriented: A density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

Permitted use: Any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

Personal assistance services: Assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care home: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons

~~for adults~~ are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

Sec. 4.2.31. - Home occupations and private educational uses.

The following provisions apply to home occupations:

A. ~~A.~~ A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning.

1. The owner/operator must reside on the premise.

2~~1~~. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.

1. Customer contact is allowed for Type II home occupations.
2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

C. All home occupations shall meet the following standards:

1. There shall be no exterior evidence of the home occupation.
2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.
5. No more than one (1) business vehicle per home occupation is allowed.
6. No home occupation shall be operated so as to create or cause a nuisance.
7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.

D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

E. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

Sec. 4.2.32. - Late-night establishments and night clubs.

A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.

B. Late-night establishments and nightclubs shall be subject to all of the following standards:

1. Parking facilities within a lot may be shared in accordance with article 6, parking.
2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning department.
4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.

C. No late night establishment or night club boundary line shall be located within one thousand five hundred (1,500) feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.

D. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:

1. From the property line of the land upon which the late-night establishment or nightclub is located;
2. To the property line of the land which is zoned for a residential use;
3. Along a straight line which describes the shortest distance between the two (2) property lines (i.e., "as the crow flies").

E. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use as defined in article 9. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement,

Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 of this chapter.

Sec. 4.2.40. - Pawn shops.

The following provisions shall apply to pawn shops:

A. Pawn shops shall not be permitted within one thousand (1,000) feet of an existing pawn shop or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
B. The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.
C. For new construction, at least thirty percent (30%) of the first floor façade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level form the street or sidewalk.
D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.
E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

Sec. 4.2.41. - Personal care homes and child caring institutions.

A. *Personal care homes, general requirements.*

1. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

2. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

3. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

B. *Personal care home, group up(~~four (4)~~ to six (6) persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

3. The home must be at least 1800 sq. ft in size.

3. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, community (seven (7) or more persons).*

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident,-and must comply with any applicable requirements in article 6.

D. *Child ~~caring institutions~~Care home, facility, general requirements.*

1. Each child caring ~~institution~~home , facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

2. Child care homes and Child Care facilities are not permitted in Multi-family dwellings.

2. No child caring home, facility ~~institution~~ may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

3. Each child care home, facility with 3 or more children over the age of 3 under the age of 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.

E. *Child ~~caring i~~Care Homes ~~nstitution~~, group (up ~~four (4~~) to ~~six~~ five (~~6~~5) children).*

1. ~~Two (2) copies of complete architectural plans for the subject group child caring institution, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.~~

2. Each group child care home ~~caring institution~~ must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child ~~caring institutions, community~~ Care Facility (~~seven~~ six (~~7~~6) or more children).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident,—and must comply with any applicable requirements in article 6.

Sec. 4.2.42. - Places of worship, convents; monasteries; temporary religious meetings.

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than twenty (20) feet for a side-yard and no less than thirty (30) feet for a rear-yard.

B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.

C. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.

D. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.

E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.

F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Sec. 4.2.43. - Private elementary, middle and high school.

A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:

1. *Elementary school* : Two (2) acres plus one (1) additional acre for each one hundred (100) students based on the designed capacity of the school.

2. *Middle school* : Three (3) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.

3. *High school* : Five (5) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.

B. The minimum public road frontage for a private school is two hundred (200) feet.

Table 4.1 Use Table.

KEY: P - Permitted use; Pa - Permitted as an accessory use; SA - Special administrative permit from Community Development Director; SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓
Live/work unit								P	P	P			P	P		P	P		P	P	P	P	P	P	✓
Mobile home park											P														
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																									
Bed and breakfast	SP	SP	SP				SP	SP	SP	SP			P	P		P	P					P	P	P	✓
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP													✓
Boarding/Rooming house								SP	P	P															
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓
Dormitory													Pa	Pa		Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	✓
Fraternity house or sorority house								SP	P	P			SP									P	P		
Hotel/Motel													P			P	P	P				P	P	P	
Short Term Vacation Rental	~~SP~~	~~SP~~	~~SP~~					~~SP~~													~~SP~~	~~SP~~			
Nursing care facility or hospice								P	P				P	P		P	P				P	P	P	P	
Personal care home, community, 7 or more							SP	SP	P	P			P	SP	SP	P	P	P			P	P	P	P	✓
Personal care home, group, up to 6	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	P	SP	SP	P	P				P	P	P	P	✓
Child caring home ~~institution group~~, Up to 5 ~~4-6~~	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	P	P	P	P	P				P	P	P	P	✓
Child caring facility ~~institution~~, ~~community~~, 6 ~~7~~ to or more							~~SP~~	SP	SP	SP			P	SP	SP	P	P	P			P	P	P	P	✓
Child day care center							SP	SP					SP	SP	P	P	P				P	P	P	P	
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							SP	SP	SP	SP	✓
Shelter for homeless persons, 7-20									SP	SP			SP	SP		P	P								✓
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									✓
Transitional housing facility, 7-20								SP	SP	SP			SP	SP		P	P								✓

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