



PLANNING & ZONING STAFF REPORT

MEETING DATE: May 23, 2022

GENERAL INFORMATION

Petition Number:	TMOD 22-008
Applicant:	Stonecrest Planning & Zoning Department
Project Location:	City-Wide
Proposed Amendment:	Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Adult Day Center definitions and use regulations.
Planning Commission:	Recommended Approval on May 3, 2022

FACTS AND ISSUES

At the January 21, 2022, City Council Meeting. Council directed staff to analyze the Adult Day Center ordinance to offer suggested revisions to be in aligned with the Personal Care Home provisions adopted by Council in 2021. Staff has identified some recommended changes to the Zoning Ordinance to address this issue. These changes include:

- Change the term from Adult Day Care Center and Adult Day Care Facility to Adult Day Center to reflect the rules and regulations of the State of Georgia
- An updated definition of Adult Day Center
- Add distance separation requirement for Adult Day Center
- Update the zoning code to mirror the state's definition of "three or more persons"
- Update 4.1 Use Table to remove adult day center from residential districts

PROPOSAL

There has been expressed concerns about the quantity of Adult Day Centers in residential zoning districts. The Council has asked staff to update the Adult Day Center provisions, similar to how the personal care home provisions were amended last year. Staff's impression is that Adult Day Care Centers should be taken out of the home occupation world and treat them more like Child Day Cares. Based on this information, Staff recommend the following changes:

1. *The Rules and Regulations of the State of Georgia only identify "Adult Day Center" (GA R&R 111-8-1-.04 (1) (e) "Adult Day Center") in the "Rules and Regulations for Adult Day Centers". The title and type of facility is also reflected in the Georgia Code Title 49 (Social Services), Chapter 6 (Services for the Aging), Article 7 (Licensure of Adult Day Centers). I The*



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title of the land use has been changed to “Adult Day Center” to reflect the state statutes and rules and regulations. Our document identifies two – Adult Day Care Center and Adult Day Care Facility.

- 2. The rules and regulations of the state identify the Adult Day Center as “a facility serving aging adults that provides adult day care or adult day health services, as defined in paragraphs (d) and (f) of these definitions, for compensation to three or more persons. Adult day centers may operate in more than one location if classified and approved by the Department as a mobile adult day center. This term shall not include a respite care services program.” The difference here is that state legislation identifies three or more persons, our legislation states four or more. Stonecrest is recommended the legislation to be updated to mirror the state definition.*
- 3. As a result of the definition of the state above, I cannot find any reference to “Adult Day Facility” or “Adult Day Care Facility” in state statutes. If this is true, I am not sure if we can differentiate between “up to six” (Adult Day Care Facility) and “seven or more” (Adult Day Center). Jim and/or city attorney should make the final decision on this. My recommendation would be to stick with what the state permits (Adult Day Center which allows 4 or more) and drop the “Adult Day Care Facility”.*

Georgia defines adult day services as a program for providing a safe group environment with coordinated health and social services aimed at stabilizing or improving self-care as well as preventing, postponing, or reducing the need for institutional placement. The purpose of adult day services is to provide support for elderly individuals who do not fully function independently but who do not need 24-hour nursing care. Participants may have physical, social, and/or mental impairments, need assistance with ADLs less than that requiring placement in an institution, or have recently returned home from a hospital or institutional stay.



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USE TABLE 4.1

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	
Services																										
Adult day care center—7 or more								P	P	P	P		P	P	P	P	P	P	P			P	P	P	X	
Adult day care facility—Up to 64	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P			P	P	P	P			P	P	P	P	X	

~~Sec. 4.2.4. Adult daycare center (seven or more clients).~~

Each adult daycare center shall be subject to the following requirements:

- ~~A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height~~
- ~~B. Each adult daycare center shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.~~

(Ord. of 8-2-2017, § 1(4.2.4))

Sec. 4.2.5. Adult Day Center (~~six~~ four or more clients).

Each Adult Daycare facility Center shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each Adult Daycare facility Center shall provide off-street parking spaces as required by the applicable zoning district.
- C. No Adult Daycare facility Center shall be located within 1,000 feet of another adult daycare facility.



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- D. No ~~Adult Daycare facility Center~~ may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
1. Permit application. Persons seeking to operate an adult day ~~care facility~~ Center in the city must file a **Adult Day Center Permit** application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult daycare facility will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.
 2. Notwithstanding the above provisions, if a proposed adult daycare facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.
 3. The rules and regulations of the state identify the Adult Day Center as "a facility serving aging adults that provides adult day care or adult day health services, as defined in paragraphs (d) and (f) of these definitions, for compensation to three or more persons. Adult day centers may operate in more than one location if classified and approved by the Planning Department as a mobile adult day center. This term shall not include a respite care services program."
 4. Shall meet requirements to obtain a City of Stonecrest business license.

Article 9 Definitions

~~Adult daycare center means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day time hours of seven or more adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare center" may also include recreational and social activities for said persons.~~

"Adult day center" or "center" means a facility serving aging adults that provides adult day care or adult day health services, as defined in paragraphs (d) and (f) of these definitions, for compensation to three or more persons. Adult day centers may operate in more than one location if classified and approved by the Department as a mobile adult day center. This term shall not include a respite care services program.

(Ord. of 8-2-2017, § 1(4.2.5))



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RECOMMENDED ACTION

The city is recommend amending the permitted uses from residential districts and keep them in commercial zoned districts. This use is commercial in nature and will be more suitable for a commercial zoning. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses and allow staff to make the necessary changes to reflect the definitions and regulations as defined by the State of Georgia. The updates also ensure that every part of the Zoning Ordinance referencing these uses are cohesive.

Staff recommends **APPROVAL** of the text amendment as drafted by staff.