

Chapter 35—Special Care Residential Accommodations

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§35.010 Purpose and Intent

It is the intent of this Chapter to allow for the provision of residential and short term care facilities for special populations who have special needs in an environment that will assist their transition to normal daily life or provide an environment that is as close to a normal residential home life as possible while protecting the health, safety, welfare, and general well being of the community and the environment where the facility is located.

§35.020 Definitions Referenced

The definitions of certain terms referenced in these Sections are set forth in Chapter 3 “Definitions” of this Ordinance, as amended.

§35.030 Applicability

The requirements herein established shall apply to any facility or facilities that are defined and established below. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in this Ordinance, as amended or any other ordinance, code, or regulation of the City of Newnan, Georgia, the more restrictive shall apply.

§35.040 General Provisions

1. Classification of Facilities

The following classification system has been established for the purpose of distinguishing between facilities of low impact and high impact. Low impact facilities are those that can be absorbed by and fit in with the surrounding residential environment without constituting a nuisance due to excessive traffic, insufficient parking, number of individuals being cared for, excessive noise, or type of physical activity.

Class I: A low impact facility permitting from three (3) to six (6) residents per facility. Class I facilities are permitted only by special exception approval in residential zoning districts. In addition to the requirements imposed by the underlying zoning, Class I facilities must also meet the following requirements: No facility shall be closer than one thousand (1,000) feet, as measured from the property line in all directions, from any other facility regulated in this Chapter; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.

Class II: A moderate impact facility permitting from seven (7) to eighteen (18) residents per facility. Class II facilities are permitted with approval as a conditional use or by

special exception approval as determined by the underlying zoning, unless otherwise specified by this chapter. In addition to the requirements imposed by the underlying zoning, Class II facilities must also meet the following requirements: No facility shall be closer than one thousand (1,000) feet, as measured from the property line in all directions, from any other facility regulated in this Chapter; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.

Class III: A high impact facility permitting from nineteen (19) to forty-nine (49) residents per facility. Class III facilities are permitted with approval as a special exception use as long as the site and affiliated structures meet all of the requirements of the underlying zoning, unless otherwise specified by this chapter. In addition to the requirements imposed by the underlying zoning, Class III facilities must also meet the following requirements: No facility shall be closer than one thousand (1,000) feet, as measured from the property line in all directions, from any other facility regulated in this Chapter; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.

Class IV: A very high impact facility permitting fifty (50) or more residents and constituting a special population community. Class IV facilities are permitted with approval as a special exception use as long as the site and affiliated structures meet all of the requirements of the underlying zoning, unless otherwise specified by this chapter. In addition to the requirements imposed by the underlying zoning, Class IV facilities must also meet the following requirements: No facility shall be closer than one thousand (1,000) feet, as measured from the property line in all directions, from any other facility regulated in this Chapter; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.

2. Density, Zoning and Use Provisions

All such developments shall meet the density requirements of the district in which they are located unless otherwise provided in this chapter. Zoning district and use requirements are set forth in Chapter 21 of this ordinance, Table 21.04.

3. Procedures

a. Permit Application For Approval and/or Registration

All residential and short term care facilities must receive a conditional use or special exception permit from the city. All facilities which require a special exception shall have their application forwarded to the appropriate Board for public hearing. The following shall be submitted as part of any application for all residential and short term care facilities:

- 1) A completed special exception application form (when applicable).

- 2) Receipt of appropriate fees.
- 3) A site plan which denotes the location of all current or proposed structures, parking facilities, a landscaping and screening plan, and a proposed circulation plan.
- 4) The applicant shall submit a floor plan showing the location, size, and space utilization of each room in the facility.
- 5) The applicant shall submit a signed affidavit stating that the applicant either has applied for or will immediately apply for the corresponding permit or authorization (if required) for the operation of such a facility from the State Department of Human Resources or other applicable agency, in accordance with their rules and regulations, and the affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable Federal and State laws and regulations, with all ordinances and regulations of the City of Newnan.
- 6) The City may require clarification or additional information from the applicant that is deemed necessary by the City to determine whether the proposed facility will meet applicable laws, regulations, and development standards and will not constitute a nuisance due to excessive traffic, insufficient parking, number of individuals being cared for, excessive noise, or type of physical activity.
- 7) If after receiving approval by the City to operate, should any facility regulated in this Chapter operate in such a manner so as to constitute a nuisance, as defined and regulated by ordinance, the City reserves the right to revoke the facility's permit.

b. Minimum Criteria

Approval of any application to operate a residential or short term care facility is subject to the following criteria:

- 1) Issuance of any permit or license required by the State Department of Human Resources along with a copy of the application submitted for licensure.
- 2) Compliance with any applicable City fire and building safety regulations and all requirements of these sections.
- 3) Upon a determination that the proposed facility is not detrimental to the uses of surrounding or nearby properties.
- 4) For Class II or greater facilities that are not owned by an individual, a governing body must be established which is identified and defined as having full responsibility for the overall conduct and activity of the center. The governing body shall appoint a director who shall have the authority and responsibility for the direction and administration of the facility according to the written policies and procedures required of Chapter 35, §35.040. A description of the governing body, a copy of the adopted policies and procedures, and the name of the director shall be submitted with an application for registration. In the event that the

facility is individually owned, the owner(s) will complete the statement of responsibility.

- 5) The governing body or individual applicant shall establish and submit a work program consisting of written policies and procedures to assure that the purposes and requirements of the facility are being met. In addition, policies shall include:
 - a) State number of participants to be served
 - b) Operational hours
 - c) Range of services offered

§35.050 Residential and Short Term Care Options for Elderly or Adult Persons

1. Purpose and Intent

These facilities are designed to provide for the special needs and requirements of the elderly or the adult infirm populations. The purpose of a day care facility is to provide a residential or family-based day care home for the elderly or adult infirm which shall be operated during a part of the day only and shall not provide residence.

2. Adult Day Care Facility

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Class I

- 1) The applicant shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.
- 2) At least one (1) administrator, on-site manager, or a responsible staff person shall be on the premises during all operating hours.

b. Class II

- 1) The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for adult day care.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the center.
- 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to thirty-five (35) square feet per participant.

c. Class III

- 1) The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for adult day care.
 - 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the center.
 - 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to thirty-five (35) square feet per participant.
- d. Class IV Adult Day Care Facilities are not permitted.
3. Congregate Elderly Living Facility

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Purpose and Intent

The purpose of permitting the establishment of congregate elderly living facilities is to allow a living arrangement of rooming units for older adults whom the majority are sixty (60) years of age or older, cooperatively established by the residents or under the sponsorship of a nonprofit organizations, where the residents do not require any oversight or assistance with personal or medical care needs.

b. Project Requirements for Class I, II, III & IV

1. A development shall be a minimum of two (2) acres. The number of units per acre shall not exceed the limits of the zoning district in which the development is proposed.
2. Walking areas and/or paths shall be designed as part of the project.
3. One permanent outdoor chair, seat, or bench shall be provided for at least each four (4) dwellings.
4. Walkways and curbs shall contain ramps in place of or in conjunction with steps. Ramp slopes shall not exceed five percent (5%).
5. One (1) resident parking space of 10' x 20' shall be provided for every two (2) dwelling units, and such spaces shall be marked for residents' use. For every twenty (20) parking spaces, one shall be a 12' x 20' handicapped parking space.
6. One (1) visitor parking space of 10' x 20' shall be provided for every four (4) dwelling units. For every twenty-five (25) visitor parking spaces, one shall be a handicapped visitor parking space.
7. Employee parking stalls shall equal the highest number of employees on duty during any one shift.

c. Conditions and Standards

The following services shall be provided as a condition of the present and future operation of the development:

1. A building manager or supervisory employee shall be on duty at all times.
2. The owners and operators shall maintain and cause the building(s) to be maintained in a safe, clean, sanitary and good operating condition.
3. The manager shall maintain a detailed current, written emergency medical plan for each resident, and the plan shall be maintained in the building manager's office. Said plan shall be based upon the semiannual survey and upon any supplemental information provided by the residents.
4. There shall be an employee on duty at all times who is trained in the administration of first aid and who is certified in cardiopulmonary resuscitation for the elderly.
5. An employee normally scheduled to work during the daytime on Mondays through Fridays shall be designated as the information and referral service employee. Said employee shall be responsible for assisting residents with information regarding services in the community and planning social activities.

d. Density

1. The number of units per acre shall not exceed the limits of the zoning district in which the development is proposed.

4. Assisted Living Facility

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Class I

- 1) The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.
- 2) There shall be a minimum of one (1) full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises twenty-four (24) hours per day.
- 3) Private or single bedrooms shall contain a minimum of one hundred (100) square feet of usable floor space. Other bedrooms require eighty (80) square feet of usable floor space per resident. Useable floor space shall be defined here exclusively to mean that floor space in addition to that area provided for closets, toilet rooms, and entry ways. There shall be no more than four (4) residents per bedroom.

- 4) The floor plan shall be such that no person other than the resident assigned to a bedroom should pass through that resident's bedroom in order to reach another room.
 - 5) The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
 - 6) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.
- b. Class II
- 1) Signage requirements will be based on the underlying zoning.
 - 2) All other requirements are the same as Class I Assisted Living Facility (Group Home), above.
- c. Class III
- 1) The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes (Chapter 290-5-35).
 - 2) The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.
 - 3) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This recreational area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances, adjacent to any residentially zoned property.
- d. Class IV
- 1) All other requirements are the same as Class III Assisted Living Facility, above.
5. Nursing Home

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

- a. Class II and Class III
 - 1) The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for skilled nursing facilities (Chapter 290-5-8).
 - 2) The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.
- b. Class IV
 - 1) All other requirements are the same as a Class III Nursing Home above.

6. Retirement Community

a. Independent Community - Purpose

The purpose and intent of an Independent Retirement Community is to provide for the establishment of a retirement community type of development, providing within it all the recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the Planning Commission and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments shall be limited to areas which have adequate highway access, public water and sewer, and shall provide the area of land required to furnish the development with necessary public services. They shall be so designed as to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.

In addition, it is the purpose of establishing this type of development to preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development.

b. Required Uses

An independent retirement community must, at a minimum, contain the following:

- 1) A minimum of twenty (20) dwelling units.
- 2) Retail commercial center, limited to the uses permitted in the CSN or CUN zones and occupying not more than one and one-half percent (1.5%) of the gross site area, including off-street parking.
- 3) Necessary accessory buildings and uses, including facilities for maintenance, administration, fire prevention and safety, streets and off-street parking facilities.
- 4) Two (2) or more of each of the following recreational, educational and cultural facilities, which shall be available on a reasonable basis for the exclusive use of the residents of the area restricted to permanent residents who are fifty (50) years of age and over, their guests and

reasonably to others designated by any party holding title to such facilities, in trust or otherwise:

- a) Golf course, eighteen (18) holes
- b) Lake
- c) Clubhouse
- d) Swimming pool
- e) Auditorium or meeting hall or both
- f) Bowling green
- g) Shuffleboard court

c. Permitted Uses

The following uses are also permitted:

- 1) Hotel located in the age-restricted community for use predominantly by guests of permanent residents, occupying not more than five (5) acres of land.
- 2) Home occupation in the unrestricted portion of the development regulated by Chapter 33, "Additional Regulations Governing Structures and Uses" of this Ordinance.
- 3) Hospital.
- 4) Life care facility.
- 5) Nursing home or similar convalescent facility.
- 6) Recreational, educational and cultural facilities not otherwise required by this Section which are not inconsistent with the purposes of this zone.
- 7) Public utility buildings and structures.
- 8) Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed pursuant to Chapter 33, "Additional Regulations Governing Structures and Uses" of this Ordinance.
- 9) Temporary helistop.
- 10) Sites for a church, synagogue, temple or other house of worship with accessory facilities.

d. Special Exception Uses

If the use is not located in, and subordinate to, the residential use of a dwelling unit, a special exception approval, pursuant to Chapter 43, "Special Exceptions" of this Ordinance, is required to allow the use.

e. Minimum Area of Tract

Each independent retirement community shall have an area of at least thirty (30) acres; except, that a lesser area may be added to an existing planned

retirement community if contiguous thereto and in compliance with the provisions of this Section.

f. Age of Residents and Residential Densities

A planned retirement community may include a section in which:

- 1) There is no restriction upon the age of residents.
- 2) The facilities listed in subsection b.(5). above are not required.
- 3) Land dedicated for public school sites.

g. Age-Restricted Section

An area containing not less than sixty percent (60%) of the total number of dwelling units must be restricted to permanent residents fifty (50) years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated in accordance with the provisions of the Fair Housing Amendments Act of 1988 as may be subsequently amended. The number of dwelling units in that part of the retirement community shall not exceed twenty-five (25) per acre of the land constituting the age-restricted section, including the retail commercial center and the associated off-street parking, except as further provided in this chapter.

h. Unrestricted Section

The number of dwelling units in the area included in the unrestricted section shall not exceed ten (10) dwelling units per acre of land constituting the unrestricted section, except as otherwise provided in this chapter.

i. The maximum density permitted in each section (age-restricted and unrestricted) may be increased by one (1) dwelling unit per acre for each low and moderate-income dwelling unit included in the respective development plans, provided that the total increase does not exceed twenty-two percent (22%) of the number of dwelling units permitted by this section, whichever is applicable. The requirement to provide moderately priced dwelling units does not apply to the age-restricted section of a planned retirement community for which construction was initiated prior to the adoption of this Ordinance. All development on any property added to the age-restricted area after the adoption date will be subject to all applicable provisions of this Ordinance.

j. Setbacks

All buildings and structures shall be set back at least as follows:

- 1) Along not more than forty percent (40%) of the length of the tract boundary the setback shall be at least fifty (50) feet.
- 2) Along the remainder of the tract boundary the setback shall be at least one hundred (100) feet.

- 3) Notwithstanding the above:
 - a) There shall be no minimum setback requirement for an entrance gate house, and
 - b) Along any portion of the tract boundary adjoining land owned or occupied by a public utility the setback may be reduced to not less than ten (10) feet.

- k. Coverage Limitations
 - 1) Buildings

Not more than fifteen percent (15%) of the gross area shall be covered by residential buildings.
 - 2) Green Area

Not less than fifty percent (50%) of the gross land area shall be devoted to green area.

- l. Height of Buildings
 - 1) No building except a church tower shall have a height of more than forty five (45) feet.
 - 2) At least sixty-five percent (65%) of the total number of dwelling units shall be contained in buildings not more than thirty-five (35) feet in height.
 - 3) No residential building over thirty-five (35) feet in height shall be located within two hundred (200) feet of any boundary line of the retirement community.

- m. Roads, Parking and School Sites
 - 1) Off-street parking

Off-street parking shall be provided in accordance with the requirements of Chapter 30, "Parking and Loading," of this Ordinance.
 - 2) Roads

Interior roads not dedicated to public use shall be designed and constructed to the Standards of the City, as set forth by Ordinance of the City of Newnan.

- n. Procedures for Application and Approval and Limitation on Filing
 - 1) Application and development plan approval shall be in accordance with the provisions of this Chapter.
 - 2) Site plans shall be submitted and approved in accordance with the provisions of Chapter 45, "Site Plan Review" of this Ordinance.

- 3) No application for the reclassification of land in the planned retirement community shall be accepted within fifty (50) years after the land was classified in this zone.

o. Dependent Community

1). Purpose and Intent

Dependent Communities are to provide suitable housing options for elderly residents in a variety of living environments and arrangements. Dependent communities shall consist of a minimum of two of the following three (3) types of living arrangements: congregate elderly housing, adult assisted living facilities, and nursing homes.

2). Project Requirements

- a) All such developments containing congregate elderly housing facilities shall, at a minimum, contain twelve (12) such units.
- b) A development shall be a minimum of five (5) acres.
- c) Walk areas and/or paths shall be designed as part of the project.
- d) All requirements of congregate elderly housing, adult assisted living facilities, and skilled nursing facilities, as listed above, must be met for the living arrangement facilities selected.

3. Density

- a) The number of units per acre shall not exceed the limits of the zoning district for which the development is proposed.

§35.060 Residential and Short Term Care Options for Children

1. Purpose and Intent

These facilities are designed to provide for children with specific needs and requirements for care and/or supervision.

2. Exemptions

The following facilities are exempted from these rules:

- a. Programs for children five (5) years and older which operate solely for educational purposes with an established curriculum during the school term for the customary seven (7) hour school day.
- b. A facility operated by a local school on school board property for children five (5) years or older before and after the customary seven (7) hour day during the regular school term.
- c. Nursery schools, play schools, kindergartens, or other educational programs for children two (2) through six (6) years of age which operate for no more than four (4) consecutive hours per day.

- d. Mother's Morning Out or similar programs which operate for no more than two (2) days per week or which limit attendance to no more than eight (8) hours per week per child.
- e. Any short-term baby-sitting service provided by an establishment (e.g. church, health club, bowling lanes, etc.) on its premises to children for the convenience of their parents or guardians who are participating in activities being provided by the establishment. No child shall be permitted to remain in the establishment's baby-sitting facility for more than four (4) hours per day and eight (8) hours per week. This exemption does not apply to programs operated by an organization for its employees or registered students.
- f. Drop-in recreation programs where the children are free to come and go from the premises without being escorted by a parent or other responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subject(s) such as music, dance, religion, etc. and the program provider is not assuming responsibility for the provision of daily child care outside the scheduled program.
- g. Day camping programs for children five (5) years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more than seven (7) hours per day or which are accredited by the American Camping Association (ACA) or other national standard-setting agency or church camp accreditation programs, which must provide standards equivalent to the ACA standards.
- h. Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department or agency of State, County, or Municipal government.

3. Child Day Care Center

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Class I

A Class I Child Day Care Center is a facility operated out of one's home.

- 1) The home shall submit a work program indicating that it shall comply with the rules and regulations of the Georgia Department of Human Resources for family day care homes Chapter 290-2-3 inclusive.
- 2) There shall be a minimum of one (1) full-time staff person present for supervision of participants at all times that participants are in attendance at the center.
- 3) Total designated participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices shall be greater than or equal to thirty-five (35) square feet of useable space per participant.
- 4) The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.

- 5) A play area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum four (4) foot fence and screened with a buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.
- 6) No person, partnership, association, corporation, or entity shall operate a child day care home in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

b. Class II

- 1) The home shall submit a work program indicating that it shall comply with the rules and regulations of the Georgia Department of Human Resources for group day care homes Chapter 290-2-1 inclusive.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the center.
- 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices shall be greater than or equal to thirty-five (35) square feet of useable space per participant.
- 4) The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
- 5) A play area of a minimum 100 square feet per concurrent participants shall be provided in the rear or side yard of the facility. This recreational area shall be enclosed with a minimum six (6) foot fence and screened with a buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances.
- 6) No person, partnership, association, corporation, or entity shall operate a child day care center in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

c. Class III

- 1) The center shall submit a work program indicating that it shall comply with the rules and regulations of the Georgia Department of Human Resources for child day care centers § 290-2-2 inclusive.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for

supervision of participants at all times that participants are in attendance at the center.

- 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices shall be greater than or equal to thirty-five (35) square feet of useable space per participant.
- 4) The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.
- 5) A play area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This play area shall be enclosed with a minimum six (6) foot fence and screened with a buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances, adjacent to any residentially zoned property.
- 6) No person, partnership, association, corporation, or entity shall operate a child day care center in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

d. Class IV

Must comply with the requirements of a Class III facility.

4. Juvenile Detention Home

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Class I

- 1) The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for child caring institutions §290-2-5.
- 2) There shall be a minimum of one (1) child care worker for each ten (10) residents, or fraction thereof, in a living unit twenty-four (24) hours per day and at least one (1) human services professional employed by or contracted by the home. There shall be a minimum of two staffers present at the facility twenty-four (24) hours per day.
- 3) All Juvenile Detention Homes must provide the minimum square footage of bedroom personal space, living space and bathrooms, as required by City Ordinance or that amount required by the State of Georgia, whichever is greater.
- 4) A recreation area of a minimum 100 square feet per concurrent participants shall be provided in the rear or side yard of the juvenile detention home facility. This play area shall be enclosed with a six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.

- 5) No sign shall be permitted.
- 6) No person, partnership, association, corporation, or entity shall operate such a facility in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

5. Juvenile Detention Home (Class II, III & IV)

Not Permitted

6. Foster Home

A duly licensed foster home operated under the guidelines and provisions of §290-2-5 of the State Department of Human Resources is permitted as-of-right in any residential zone. The foster home shall be occupied by the foster care givers on a full time basis.

§35.070 Residential and Short Term Care Options for the Developmentally Disabled

1. Purpose and Intent

Residential and short term care options for the developmentally disabled are facilities specifically designed to provide for the special needs and requirements of the developmentally disabled.

2. Family-Based Group Homes For the Developmentally Disabled

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Class I

- 1) The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.
- 2) There shall be a minimum of one (1) full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises twenty-four (24) hours per day.
- 3) Bedrooms shall contain a minimum of eighty (80) square feet of usable floor space per resident and there shall be no more than four (4) residents per bedroom.
- 4) The floor plan shall be such that no person other than the resident assigned to a bedroom should pass through that resident's bedroom in order to reach another room.
- 5) The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.

- 6) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.
- 7) No sign shall be permitted.

b. Class II

- 1) The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Group Homes for the Developmentally Disabled.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the facility.
- 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to thirty-five (35) square feet per participant.
- 4) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This recreational area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.
- 5) No sign shall be permitted.

3. Assisted Living Facility for the Developmentally Disabled

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Class III

- 1) The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Group Homes for the Developmentally Disabled.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the center.
- 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to thirty-five (35) square feet per participant.
- 4) The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.

- 5) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances, adjacent to any residentially zoned property.

b. Class IV

- 1) The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Group Homes for the Developmentally Disabled.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the center.
- 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to thirty-five (35) square feet per participant.
- 4) The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.
- 5) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This recreational area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances, adjacent to any residentially zoned property.

§35.080 Other Residential and Short Term Care Options

1. Purpose and intent

These facilities are designed to provide for the special needs and requirements of other special groups or persons.

2. Patients Family Home

Such a home shall be designed and occupied so as to fit in with the existing character of the neighborhood in which it is located. This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. General Requirements

The application shall include but not be limited to the following information:

- 1) The facility shall be limited to no more than two (2) residents per bedroom;
- 2) There shall be a minimum eighty (80) square feet of bedroom space per resident;

- 3) There shall be a minimum of two thousand five hundred (2,500) square feet of lot area per resident;
 - 4) No such facility be located closer than one thousand (1,000) feet from any other facility regulated in this Chapter;
 - 5) The applicant shall possess a valid license to operate a freestanding home issued by the Georgia Department of Human Services. Such license and a copy of the accompanying application shall be required to make an application;
 - 6) The facility shall meet all of the requirements for patient's family home as specified by the Georgia Department of Human Resources; and
 - 7) The home shall provide transportation to the care facility for the patient's family members staying at the home.
3. Facilities for Adult Offenders – including, but not limited to Halfway Houses

Not Permitted

4. Hospice Care Facility

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. General Requirements

1) Class I

- a) The facility shall be limited to no more than two (2) residents per bedroom;
- b) There shall be a minimum eighty (80) square feet of bedroom space per resident;
- c) There shall be a minimum of two thousand five hundred (2,500) square feet of lot area per resident;
- d) No such facility be located closer than one thousand (1,000) feet from any other facility regulated in this Chapter;
- e) The applicant shall possess a valid license to operate a freestanding hospice care facility issued by the Georgia Department of Human Services as per Chapter 290-5-43-.02 of the rules of the Georgia Department of Human Resources. Such license and a copy of the accompanying application shall be required to make an application; and
- f) The facility shall meet all of the requirements for Hospices as specified by Chapter 290-5-43 of the rules of the Georgia Department of Human Resources.

2) Class II

- a) The facility shall be limited to no more than two (2) residents per bedroom;

- b) There shall be a minimum eighty (80) square feet of bedroom space per resident;
- c) There shall be a minimum of two thousand (2,000) square feet of lot area per resident;
- d) No such facility be located closer than two thousand (2,000) feet from any other facility regulated in this Chapter;
- e) The applicant shall possess a valid license to operate a freestanding hospice care facility issued by the Georgia Department of Human Services as per Chapter 290-5-43-.02 of the rules of the Georgia Department of Human Resources. Such license and a copy of the accompanying application shall be required to make an application; and
- f) The facility shall meet all of the requirements for Hospices as specified by Chapter 290-5-43 of the rules of the Georgia Department of Human Resources.

3) Class III

- a) The facility shall meet all other requirements of the Class II Hospice, above.

4) Class IV is not permitted.

5. Transitional Shelter

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. General Requirements

1) Class I

- a) The facility shall be limited to no more than two (2) residents per bedroom;
- b) There shall be a minimum eighty (80) square feet of bedroom space per resident;
- c) There shall be a minimum of two thousand five hundred (2,500) square feet of lot area per resident;
- d) No such facility be located closer than one thousand (1,000) feet from any other facility regulated in this Chapter;
- e) The applicant shall possess a valid license to operate a freestanding shelter issued by the Georgia Department of Human Services. Such license and a copy of the accompanying application shall be required to make an application; and

- f) The facility shall meet all of the requirements for transitional shelter as specified by the Georgia Department of Human Resources.

2) Class II

- a) The facility shall be limited to no more than two (2) residents per bedroom;
- b) There shall be a minimum eighty (80) square feet of bedroom space per resident;
- c) There shall be a minimum of three thousand (3,000) square feet of lot area per resident;
- d) No such facility be located closer than two thousand (2,000) feet from any other facility regulated in this Chapter;
- e) The applicant shall possess a valid license to operate a freestanding shelter issued by the Georgia Department of Human services. Such license and a copy of the accompanying application shall be required to make an application; and
- f) The facility shall meet all of the requirements for transitional shelters as specified by the Georgia Department of Human Resources.

3) Class III and IV not permitted.

b. Other Requirements

- 1) Such facilities shall maintain records of occupants and include the following information: name(s), Social Security Number, and date of admission.
- 2) Occupants shall be limited to six (6) months residency.

6. Residential Mental Health and Substance Abuse Facilities

This facility category is subject to stipulations found in Sec. 35.040 of this Chapter.

a. Class I

- 1) The facility shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for residential mental health and substance abuse facilities.
- 2) There shall be a minimum of one (1) full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises twenty-four (24) hours per day.
- 3) Bedrooms shall contain a minimum of eighty (80) square feet of usable floor space per resident and there shall be no more than four (4) residents per bedroom.

- 4) The floor plan shall be such that no person other than the resident assigned to a bedroom should pass through that resident's bedroom in order to reach another room.
- 5) If located in a residential district, the facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
- 6) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.
- 7) No sign shall be permitted.
- 8) The facility shall not be located within 300 feet of any church, school, college campus, public library, or location licensed for the sales or pouring of distilled spirits, wine, or malt beverages.

b. Class II

- 1) The facility shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for residential mental health and substance abuse facilities.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the facility.
- 3) Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to thirty-five (35) square feet per participant.
- 4) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This recreational area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.
- 5) The facility shall not be located within 300 feet of any church, school, college campus, public library, or location licensed for the sales or pouring of distilled spirits, wine, or malt beverages.

c. Class III

- 1) All other requirements are the same as Class II Residential Mental Health and Substance Abuse Facility, above.

d. Class IV not permitted

7. Personal Care Group Home

This facility category is subject to stipulations found in Sec. 35.040 of this

Chapter. Personal Care Group Homes are exempt from the definition of family and shall be classified in one the following ways:

a. Class I

- 1) The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.
- 2) There shall be a minimum of one (1) full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises twenty-four (24) hours per day.
- 3) All Personal Care Group Homes must provide the minimum square footage of bedroom personal space, living space and bathrooms, as required by City Ordinance or that amount required by the State of Georgia, whichever is greater.
- 4) The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
- 5) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.

b. Class II, III & IV.

- 1) The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Personal Care Group Homes.
- 2) There shall be a minimum of one (1) full-time staff person for each fifteen (15) participants and at least two (2) staff persons present for supervision of participants at all times that participants are in attendance at the facility.
- 3) All Personal Care Group Homes must provide the minimum square footage of bedroom personal space, living space and bathrooms, as required by City Ordinance or that amount required by the State of Georgia, whichever is greater
- 4) A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear or side yard of the personal care group home facility. This recreational area shall be enclosed with a minimum six (6) foot fence and screened with a Class A buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the City of Newnan Code of Ordinances.