



## Newton County Department of Development Services

# CHECKLIST FOR ESTABLISHING A DAY CARE CENTER

(Revised 02/10/15)

### DEFINITIONS

#### Day Care Center, Adult.

An establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during daytime hours of seven or more adults who are elderly, physically ill or infirm, physically handicapped or mentally handicapped.

#### Day Care Center, Child.

An establishment operated by a person, society, agency, corporation or institution, or any group, wherein are received with or without pay, seven or more children under eighteen (18) years of age for group care for less than twenty-four (24) hours per day, without transfer of legal custody.

#### Day Care Facility, Adult.

Any place operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of six or fewer adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped.

#### Day Care Facility, Child.

Any place operated by any person with or without compensation providing for the care, supervision, and protection of six or fewer children who are under eighteen (18) years of age for group care for less than twenty-four (24) hours per day, without transfer of legal custody.

### APPLICABLE STANDARDS

#### Sections 510-210 and 510-220 of the Newton County Zoning Ordinance

#### **SEC. 510-210 DAY CARE, CHILD**

- A. The Day Care Center or Day Care Facility shall comply with all applicable state daycare requirements for standards, licensing, and inspection.
- B. The outdoor play area required by the State shall be fully enclosed with a four (4) foot high fence.
- C. The Day Care Center or Day Care Facility shall comply with all Fire Marshal requirements, including but not limited to requirements for inspections and sprinkler systems.
- D. In addition to the foregoing, a Day Care Facility shall meet the following requirements:
  1. The design and or maintenance of any structure used for a Day Care Facility shall be residential in appearance and in keeping with neighboring homes. No external signage other than those otherwise authorized within the applicable zoning district shall be erected.
  2. The Day Care Facility shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties by reason of traffic, noise, light, refuse, parking or other activities. Paved driveways with adequate drop off areas and turn-arounds, as determined by the County Engineer, shall be provided so that traffic associated with the use does not impede the flow of traffic on adjacent streets.
  3. The operator of the Day Care Facility must be a member of the family residing in the residence.

4. To prevent the institutional atmosphere created by a concentration or clustering of several Day Care Facilities, each facility shall be a minimum of five hundred (500) feet from any other Day Care Facility or similar use if located in a single-family residential zoning district. (Said distance shall be measured from property lines).

#### **SEC. 510-220 DAY CARE, ADULT**

- A. The Day Care Center or Day Care Facility shall comply with all applicable state daycare requirements for standards, licensing, and inspection.
- B. The Day Care Center or Day Care Facility shall comply with all Fire Marshal requirements, including but not limited to requirements for inspections and sprinkler systems.
- C. In addition to the foregoing, a Day Care Facility shall meet the following requirements:
  1. The design and or maintenance of any structure used for a Day Care Facility shall be residential in appearance and in keeping with neighboring homes. No external signage other than those otherwise authorized within the applicable zoning district shall be erected.
  2. The Day Care Facility shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties by reason of traffic, noise, light, refuse, parking or other activities. Paved driveways with adequate drop off areas and turn-arounds, as determined by the County Engineer, shall be provided so that traffic associated with the use does not impede the flow of traffic on adjacent streets.
  3. The operator of the Day Care Facility must be a member of the family residing in the residence.
  4. To prevent the institutional atmosphere created by a concentration or clustering of several Day Care Facilities, each facility shall be a minimum of five hundred (500) feet from any other Day Care Facility or similar use if located in a single-family residential zoning district. (Said distance shall be measured from property lines).

**STEP ONE: Obtain a Use Permit**

All Day Care Facilities (6 or less) in Newton County require an Administrative Use Permit. All Day Care Centers (7 or more) require a Conditional Use Permit (approved by the Planning Commission and Board of Commissioners). Please contact Tracy Hernandez at the Development Services Department to schedule a pre-application meeting. For Child Day Cares, a site plan showing the proposed location of the required fenced-in play area must be submitted, and the required fencing must be installed prior to the approval of the Fire Marshal Inspection.

**STEP TWO: Pass a Fire Marshal Inspection**

Please contact Robert Thomas at the Fire Department if you will have six (6) or fewer attendees. For six (6) or more attendees, please contact the State Fire Marshall’s office.

**STEP THREE: Obtain Septic Tank Approval (If Applicable)**

If the property uses a septic tank, you will need the Environmental Health Department to issue an approval.

**STEP FOUR: Obtain a State License**

Child Day care establishments are regulated by the Georgia Department of Early Care and Learning, Bright from the Start Program. You must provide a copy of your approved registration/license before advancing to the next step.

Adult Day Care establishments may be regulated by the Division of Aging Services in the Department of Human Services. You must provide a copy of your approved registration/license before advancing to the next step (as applicable).

**STEP FIVE: Obtain a Business License**

Fees for the fire inspection, business license and any applicable impact fees will be collected at this point. Please contact Tina Waters at the Business Licensing Department for more information, 678-625-1655.

**FEES (Subject to change)**

Pre-Application Meeting	\$50.00
Administrative Use Permit	\$150.00
Conditional Use Permit	\$800.00
Fire Inspection	\$100.00
Business License Application Fee	\$100.00
Business License Fee	Varies
Impact Fees	Varies

**CONTACTS**

Tracy Hernandez, Zoning Administrator	770-784-2018
Dave Thomas, Fire Marshal	770-784-2116
State Fire Marshall	404-656-2064
Environmental Health Department	770-784-2121
Latoya Williams, Business License	678-625-1655
Bright From the Start Program	404-656-5957

**DOCUMENTS AND QUANTITIES REQUIRED FOR  
CONDITIONAL USE PERMITS**

ITEM	REQUIRED ITEM	NUMBER OF COPIES	CHECK <input type="checkbox"/>
1.	Pre-application Review Form	One copy	
2.	Application Form	One (1) original	
3.	Letter of Intent	One (1)	
4.	Survey Plat	Two (2) copies	
5.	Written Legal Description	One (1)	
6.	Concept Plan –full size	Two (2) copies and one electronic copy in JPEG format on disk	
7.	Concept Plan- 8.5x11	One (1)	
8.	Impact Analysis	One (1)	
9.	Disclosure Form	One (1)	
10.	Water and Sewer Letter	One (1)	
<b>The following may or may not be required. See instructions below.</b>			
11.	Authorization from Georgia Power (Jackson Lake) or Reservoir Manager (Lake Varner)	One (1)	
12.	Traffic Study	One (1) copy	
13.	Development of Regional Impact Review Form (DRI)	Three (3) copies of the traffic study Two (2) copies of DRI forms	

**REQUIRED ITEMS FOR CONDITIONAL USE PERMITS:**

- ITEM 1.        PREEAPPLICATION REVIEW MEETING AND FORM: Prior to submitting an application, all applicants must meet with the Zoning Administrator or the Planner who will review your proposal and issue a Pre-application Review Form. Bring to the meeting a site plan. Call 770-784-2018 for an appointment.
- ITEM 2.        APPLICATION FORM: The applicant must have a notarized signature of all owners of the subject property authorizing the filing of the application. If the owner is not the petitioner, part 2 of the form must also be completed. The owner’s signature of the application may serve as authorization for the petitioner/applicant or agent to act on their behalf in the filing of the application.
- ITEM 3.        LETTER OF INTENT: The letter should include factual information such as zoning district, use requested or proposed plan designation, acreage of property, square footage of buildings, number of residential structures, number of parking spaces, and any special conditions to be included.
- ITEM 4.        SURVEY PLAT: The survey of the property must be prepared and sealed by a professional engineer or land surveyor registered in the State of Georgia, and include the following
1. The complete boundaries of the subject property and all buildings and structures existing thereon;
  2. Notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and
  3. A notation as to the total acreage or square footage of the subject property.
- ITEM 5.        WRITTEN LEGAL DESCRIPTION: Must be a “metes and bounds” description. Must match the survey and the concept plan. If property is within a recorded subdivision, lot number(s) and book and page of recorded plat may be sufficient, if a copy of the recorded plat is provided.
- ITEM 6.        CONCEPT PLAN – FULL SIZE: Must be drawn to scale. Include existing and proposed conditions, and anything useful to demonstrate a hardship like shape of property, easements, topography, parking, driveways, buffers, landscape areas, streams, and other features. Paved driveways with adequate drop off areas and turn-arounds, as determined by the County Engineer, shall be provided so that traffic associated with the use does not impede the flow of traffic on adjacent streets.
- ITEM 7.        CONCEPT PLAN – 8.5” X 11”: A reduced copy of the concept plan.
- ITEM 8.        IMPACT ANALYSIS: Complete the form answering all questions regarding the impact of the proposed use with respect to each standard and factor in Sec. 620-060 B. (Sec. 620-050, G.)

- ITEM.9            DISCLOSURE FORM: If the owner, petitioner and/or the agent for the petitioner has made a campaign contribution to any member of the Board of Commissioners for \$250.00 or more within the past 2 years, the form within must be completed. If not, the petitioner must circle “No” and complete the top of the form indicating name, signature and date.
- ITEM 10.           WATER AND SEWER LETTER: A letter or statement from the Newton County Water and Sewerage Authority indicating the availability of water and/or sewer service and any upgrades necessary to provide service. (Sec. 620-050, I.)
- ITEM 11.           AUTHORIZATION FROM GEORGIA POWER OR RESERVOIR MANAGER – Any Georgia Power lease lot and any deeded waterfront lot on Jackson Lake must have written authorization from Georgia Power Land Management stating approval of proposed site plan. Any property under the jurisdiction of the Cornish Creek Reservoir Management Plan (Lake Varner) must have written authorization from the Reservoir Manager stating approval of the proposed site plan.
- ITEM 12.           TRAFFIC STUDY – A traffic study must be submitted if the development reaches a threshold as specified by **Sec. 500-080, Traffic Study**. A traffic study is also required as part of a Development of Regional Impact. (Sec. 620-050, H.)
- ITEM 13.           DEVELOPMENT OF REGIONAL IMPACT: When an application includes uses which exceed the applicable development thresholds as established by the Department of Community Affairs or the Northeast Georgia Regional Development Center (NEGRDC), it is deemed to be a Development of Regional Impact. Applicants shall first file the conditional use permit request with Newton County. No action shall be taken on the application until a finding is made by the NEGRDC (Sec. 620-050, H.)

## **DEADLINES AND PROCEDURES**

1. Pre-application review is required prior to the submittal of the application.
2. The application must be complete and submitted by the deadline of the first Friday of each month before 3:30 P.M. Fees are to be paid, by check or money order, at the time of filing.
3. Applications must be submitted in-person by the applicant or an authorized agent. Applications submitted via courier or mail will not be accepted.
4. Applicant is requested to submit any revisions to site plans, letters of intent, proposed conditions, etc. to the Development Services Department. Last minute revisions may delay the dates of your public hearings.
5. The applicant will be given a Public Notice sign to post on the property. This will identify the site for the Newton County Road Department who will post the official sign.
6. The applicant must attend two public hearings. The hearings are as follows:
  - Planning Commission meeting  
Held the fourth Tuesday of each month.  
Time: 7:00 p.m.  
Location: The 2<sup>nd</sup> floor of the Historic Courthouse, 1124 Clark Street, Covington.
  - Board of Commissioners meeting  
Held on the third Tuesday of each month.  
Time: 7:30 p.m.  
Location: The 2<sup>nd</sup> floor of the Historic Courthouse, 1124 Clark Street, Covington.

Refer to the enclosed calendar for the exact dates.
7. The staff analysis reports will be available in the Department one week before the meeting. Applicants are responsible for obtaining their staff reports.
8. The agenda for each meeting and a summary of the meeting is available on our website at [www.co.newton.ga.us](http://www.co.newton.ga.us)
9. Fees must be paid by check or money order. Checks without pre-printed account information will not be accepted.

**PETITION FOR CONDITIONAL USE PERMIT**

Date: \_\_\_\_\_

Tax Map & Parcel Number(s): \_\_\_\_\_

Commission District: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

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**SECTION I USE REQUEST**

**SUBJECT PROPERTY ADDRESS/STREET NAME:** \_\_\_\_\_

Under provisions of Section 505 of the Newton County Zoning Ordinance, application is hereby made to obtain an Administrative Use Permit as follows:

**TYPE OF DAY CARE** (PLEASE CIRCLE ONE):      **CHILD/Sec. 510-210**      **ADULT/Sec. 510-220**

**NUMBER OF CLIENTS:** \_\_\_\_\_

**DAYS & HOURS OF OPERATION:** \_\_\_\_\_

**CONDITIONAL USE PERMIT REQUEST** (Briefly explain your request):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SECTION II                    OWNER/PETITIONER**

NOTICE: Parts 1 and/or Part 2 below must be signed and notarized when petition is submitted. Please complete Section II as follows:

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application. Please indicate applicable map and parcel numbers for each owner.

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Part 1.                    Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application. The owner also states under oath that the petitioner below is authorized to act on their behalf in the filing of this application.

TYPE OR PRINT OWNER'S NAME	Sworn to and subscribed before me this
ADDRESS	_____ Day of _____ 20_____
CITY & STATE                    ZIP CODE MAP & PARCEL NUMBER(S)	NOTARY PUBLIC
OWNER'S SIGNATURE	PHONE NUMBER

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Part 2.

TYPE OR PRINT PETITIONER'S NAME	Sworn to and subscribed before me this
ADDRESS	_____ day of _____ 20_____
CITY & STATE                    ZIP CODE	NOTARY PUBLIC
PETITIONER'S SIGNATURE	PHONE NUMBER

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**SECTION III                    ATTORNEY/AGENT**

Check One:     Attorney     Agent

TYPE OR PRINT ATTORNEY / AGENT NAME	
ADDRESS	SIGNATURE OF ATTORNEY / AGENT
CITY & STATE                    ZIP CODE	
PHONE NUMBER	



**Newton County Development Services**

\_\_\_\_\_  
\_\_\_\_\_

**MARKER SIGN**

I understand that upon filing this petition I will be given a marker sign (or signs) to place upon the property associated with this request. The purpose of these marker signs is to confirm the physical location of the property so that the Road Department may place the public notification signs required by Section 620-020 B. of the Newton County Zoning Ordinance and State law. One marker sign shall be placed along each public road the property abuts.

I also understand that it is my responsibility to have the marker sign(s) placed **within one week** of the filing deadline so that the Development Services Department may visit the property to confirm the proper location of the signs.

I further understand that if these marker signs are not properly located the Road Department will be unable to place the required notification signs. In the event the signs are not able to be posted within the time frame specified by the Zoning Ordinance and State law due to my failure to properly place the marker signs, my petition may be delayed to a subsequent hearing date.

I hereby certify that the necessary marker sign(s) will be placed on the property by \_\_\_\_\_, 20\_\_\_\_.

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**LETTER OF ACCESS**

I agree to allow free access to the land this application is being submitted for to all public agencies with jurisdiction. Furthermore, I agree to inform those agencies and/or departments who require access to this land of any hazardous materials, animals, devices or activities that may be on the property. In addition, from the date of application submittal, I agree to notify the Department of Development Services of any hunting activities that are currently, or proposed to be, conducted on my property.

The Newton County Development Services Department will do our utmost to contact the owner of the property twenty-four (24) hours prior to any site inspections or visits to the property. If staff is unable to contact the property owner via a phone call, email and/or voice message, staff will contact the applicant, if applicable.

**Property Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
BUSINESS REPRESENTED

Check one of the following:

\_\_\_\_\_ (A) The Applicant here certifies, under oath, that he or she has not made any campaign contributions or gifts having an aggregate total value of \$250.00 or more to any local government official of Newton County, Georgia, as defined by O.C.G.A. 36-67A-1(5).

\_\_\_\_\_ (B) The Applicant here certifies, under oath, that he or she has made the following campaign contributions or gifts having an aggregate total value of \$250.00 or more to a local government official of Newton County, Georgia as defined by O.C.G.A.36-67A-1 (5).

Please list total value of contribution(s) dates and names of the local Government Official:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe in detail any gifts listed above (example: quantity and nature, etc.):

\_\_\_\_\_  
\_\_\_\_\_

**IMPACT ANALYSIS FOR CONDITIONAL USE PERMIT APPLICATIONS**

*Complete the following questions 1 through 15 (as applicable):*

1. Petitioner's Name: \_\_\_\_\_

2. Road Name(s): \_\_\_\_\_

3. Map and Parcel #: \_\_\_\_\_

4. Conditional Use Request: \_\_\_\_\_

*Analyze the impact of the proposed use and answer the following questions:*

1. The size of the site for the use contemplated is adequate land area for the proposed conditional use.

\_\_\_\_\_  
\_\_\_\_\_

2. This use is compatible with adjacent properties and with other properties in the same zoning district.

\_\_\_\_\_  
\_\_\_\_\_

3. The public street on which the use is proposed to be located is adequate and there is sufficient traffic-carrying capacity for the use proposed.

\_\_\_\_\_  
\_\_\_\_\_

4. The proposed site plan allows for satisfactory ingress and egress, with particular reference to pedestrian and automotive safety, traffic flow and emergency access.

\_\_\_\_\_  
\_\_\_\_\_

5. This use should not create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

\_\_\_\_\_  
\_\_\_\_\_

6. The proposed use will not create unreasonable adverse impacts upon any adjoining land use by reason of the manner of the hours of operation of the proposed conditional use.

\_\_\_\_\_  
\_\_\_\_\_

7. The proposed use will not create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

\_\_\_\_\_  
\_\_\_\_\_

8. The proposed site plan provides adequate refuse and service areas.

\_\_\_\_\_  
\_\_\_\_\_

9. Whether the length of time for which the conditional use permit is granted should be limited in duration.

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10. The size, scale and massing of the proposed buildings are appropriate in relation to the subject site and adjacent sites.

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11. The proposed site plan and use will not adversely affect historic buildings, sites, districts or archaeological resources.

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12. The proposed use will not have an unreasonable adverse impact on environmentally sensitive areas, including the watershed as long as the wastewater is pretreated as required by the Newton County Health Department.

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13. For proposals in the CN, CH, CG or M1 zoning district, the use satisfies the applicable additional criteria in Article Two.

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14. For proposals for a Personal Care Home for the handicapped which do not meet the above criteria, whether the County can make reasonable accommodations in its rules or policies to provide the handicapped with equal opportunity to use and enjoy dwellings while not abrogating the purposes of this ordinance.

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15. For proposals for a Place of Worship which do not meet the above criteria, whether the regulation imposes a substantial burden on the exercise of a religion and does not serve a compelling government interest or is not the least restrictive means to serve that interest.

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