



Newton County Department of Development Services

CHECKLIST FOR ESTABLISHING A DAY CARE FACILITY

(Revised 03/25/22)

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 inform, 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 the Zoning Administrator 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 Newton County Fire Services 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 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	678-625-1656
Dave Thomas, Fire Inspector	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
ADMINISTRATIVE USE PERMITS**

ITEM	REQUIRED ITEM	NUMBER OF COPIES	CHECK <input type="checkbox"/>
1.	Pre-application Review Form	One (1) copy	
2.	Application Form	One (1) original	
3.	Letter of Intent	One (1)	
4.	Survey Plat	One (1)	
5.	Written Legal Description	One (1)	
6.	Concept Plan –full size	One (1)	
7.	Impact Analysis	One (1)	

REQUIRED ITEMS FOR ADMINISTRATIVE USE PERMITS:

- ITEM 1. PREAPPLICATION 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 as to whether or not any portion of the subject property is with 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 DISCRPTION: 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. 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.)

DEADLINES AND PROCEDURES

1. The application must be complete. Fees are to be paid, by check or money order, at the time of filing.
2. Fees must be paid by check or money order. Checks without pre-printed account information will not be accepted.
3. A determination on whether to grant or deny the requested use will be made within 15 working days. If additional information is requested, the Zoning Administrator may extend the decision deadline one time for up to 15 additional working days.

PETITION FOR ADMINISTRATIVE USE PERMIT

Date: _____ Tax Map & Parcel Number(s): _____

Commission District: _____ Current Zoning: _____

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: _____

ADMINISTRATIVE USE PERMIT REQUEST (Briefly explain your request):

Applicant's Certification and Signature:

- _____ I certify that I dwell at the residence and am a member of the family residing in the residence.
- _____ I certify that I have provided a site plan indicating the proposed drop off and turn around areas, fencing requirements, play/activity areas and any applicable information as requested by the Department of Development Services.
- _____ I certify that I understand that I must comply with all Federal, State, and local regulations in order to establish and maintain my requested use as a Day Care.
- _____ I certify that I understand I may be required to obtain other permits and approvals including but not limited to Building Permit and/or Inspection, Fire Marshall approval, Newton County Environmental Health (as applicable), and Newton County Business License.
- _____ I affirm that the information I have provided on this application form is complete, accurate, and true to the best of my knowledge.

Name Date

Name Date

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.

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.

_____ Sworn to and subscribed before me this
TYPE OR PRINT OWNER'S NAME _____ Day of _____ 20_____

ADDRESS _____

NOTARY PUBLIC

CITY & STATE ZIP CODE MAP & PARCEL NUMBER(S) _____

OWNER'S SIGNATURE PHONE NUMBER _____

Part 2.

_____ Sworn to and subscribed before me this
TYPE OR PRINT PETITIONER'S NAME _____ day of _____ 20_____

ADDRESS _____

NOTARY PUBLIC

CITY & STATE ZIP CODE _____

PETITIONER'S SIGNATURE PHONE NUMBER _____

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 _____

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.

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

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

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.

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

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.

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.
