



Chatham County Zoning Requirements for Family Child Care (FCC)

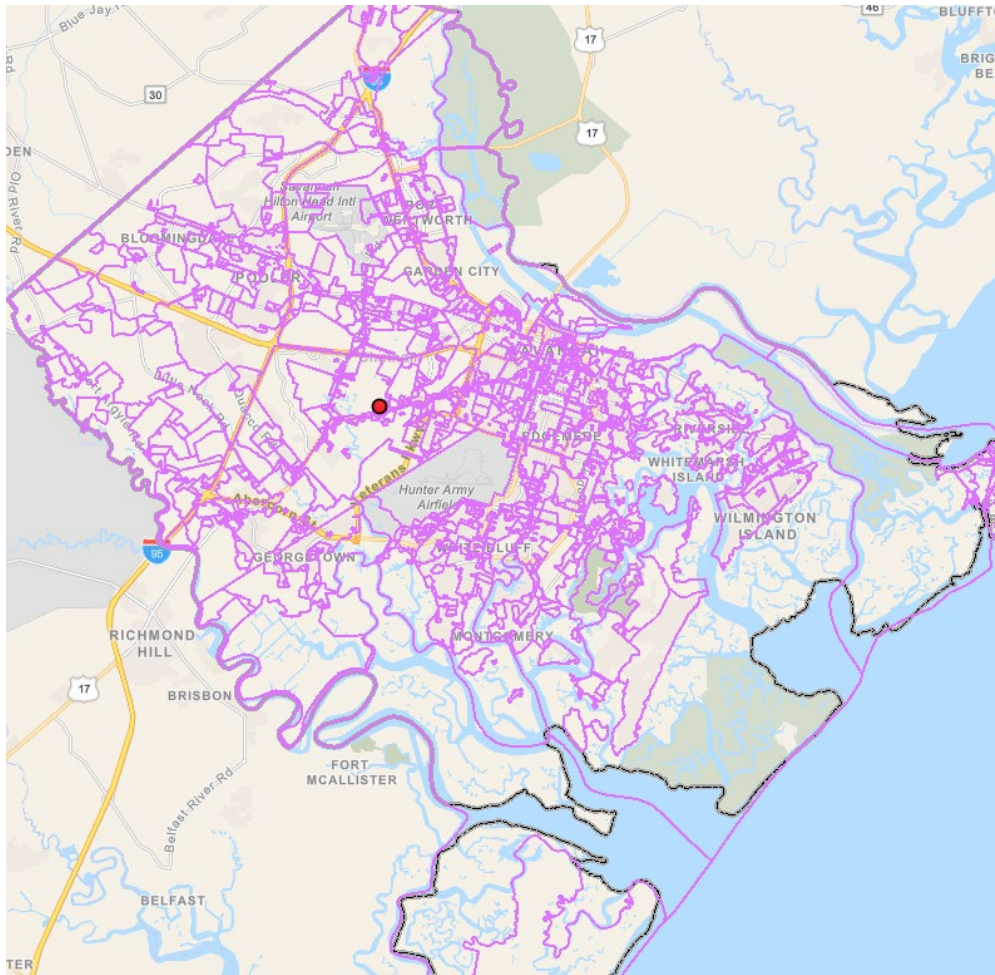
Narrative Explanation for FCC Applicants and Applicant Support Organizations

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For Family Child Care Marathon Project
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Note: This paper is intended to increase the supply of high quality affordable family child care in Georgia. The paper assists individuals interested in providing family child care, (aka Family Child Care Learning Homes), comply with zoning law in their city/county. Whenever possible, the authors quote from the law and include the specific section(s) which apply. Individuals using this document are requested to notify the authors (see e-mail above) if there are errors or misstatement in the paper. While the paper speaks directly to FCC applicants and applicant support organizations in Chatham County, we hope it serves as an example to applicants in other Georgia cities-counties of how to research the zoning law in their community.

Note: This paper does not render legal or other professional advice concerning the zoning process in general or in a specific community. If you require this type of assistance, please consult a professional to represent you.

This paper is best understood and used in conjunction with a parallel document: *Chatham County Zoning Requirements for Family Child Care (FCC): Applicant Zoning Analysis for FCC Applicants and Applicant Support Organizations.*



BACKGROUND: DEPARTMENT OF EARLY CARE AND LEARNING (DECAL) LICENSING REQUIREMENTS

If you are interested in obtaining a FCCLH license, the Department of Early Care and Learning (DECAL) requires you show proof you meet several requirements for businesses of the local government (city or county) where you live. Three (3) requirements, zoning permit, business permit, fire department inspections are common to all applicants*. The DECAL publication, [Applicant's Guide to Licensing for Family Child Care Learning Homes \(Revised July 2020\)](http://www.decals.ga.gov/documents/attachments/FCCLHApplicantGuide.pdf), Link: <http://www.decals.ga.gov/documents/attachments/FCCLHApplicantGuide.pdf> describes the three as follows:

“Contact the local Fire Marshall to determine if there are local ordinances that apply to operating a Family Child Care Learning Home in your area.

Submit with the application a letter from the local zoning department indicating your residence is zoned for a Family Child Care, or a letter stating there are no zoning regulations.

Submit with the application a valid business license with the facility address or a letter stating a business license is not required/or will be issued upon completion of the Bright from the Start licensing process.”

*Source of water supply (Rules and Regulations Family Child Care Learning Homes 290-2-3.13 (1) (h) “Water supply and sewage disposal systems, if other than approved county or city systems, shall be approved by the proper authority having jurisdiction.

IF YOU WANT TO BE A FAMILY CHILD CARE PROVIDER CARING FOR YOUNG CHILDREN WHILE THEIR PARENTS WORK, WHY DOES ZONING MATTER?

In each county and often large cities, zoning laws are put in place to maintain a certain harmony to the community by limiting the uses of the land. For instance, you would not want there to be a massive coal mining operation in the middle of a large suburban neighborhood. These laws divide the county into “**districts**” or “zones” and determine in each district, what and where certain buildings may be built, what occupations may use those buildings, how much space they can take up, how far apart they have to be, how far from the road they need to be and so on.

According to the Child Care Law Center, “Within each district, certain activities are allowed as a matter of right, meaning that property owners do not need to get permission from the local government to use their property in a particular ‘pre-approved’ manner”*. In a few Georgia counties/cities, (e.g. Clarkston, Roswell) **Family Child Care (FCC)** is permitted as a matter of right, although, even in these cities, a few conditions apply.

In most counties/cities, FCC is a use that must be explicitly allowed within a district. The property owner must apply for permission to use the property in the specified manner and agree to meet any “conditions” (aka conditional use requirements), stated in the law for that particular use. However, because each city/county establishes their own zoning law, there is wide variation in how FCC is treated. The differences may show up in how FCC is defined, in which districts it is permitted or not permitted, what conditions an applicant must comply with, and what is the cost, time, and process involved in obtaining permission to use your home as a FCC business.

This paper aims to answer the following questions for **Chatham County** based on the

1. How is *family child care* defined within Chatham County?
2. What sort of conditions are put in place for *family child care*?
3. How would I locate what district I live in to determine if I qualify?
4. Within what district(s) is *family child care* allowed?
5. If I do qualify, what do I need to do?
6. Does it cost anything?

Note: While the paper speaks directly to FCC applicants and applicant support organizations in Chatham County, we hope it serves as an example to applicants in other Georgia cities-counties of how to research the zoning law in their community

*Child Care Law Center, 2003, A Child Care Advocacy Guide to Land Use Principles.

HOW IS FAMILY CHILD CARE DEFINED WITHIN CHATHAM COUNTY?

Within Chatham County, Georgia, family child care as a zone use is defined as a “family day care center home” under Section 2-24A of the *Chatham County Zoning Regulations*. The definition is as follows:

“The daytime care or instruction within an occupied residence of not more than 6 preschool children, including all preschool children that permanently reside on the premises; provided that such use is certified annually as being in compliance and operating under the provisions of the Chatham County Department of Family and Children Services Family Day Care Home Program.”

WHAT SORT OF CONDITIONS ARE PUT IN PLACE FOR FAMILY CHILD CARE?

“Family day care center homes” fall under the “home occupation” use, as described by the definition of “home occupation” under Section 2-28b. From this definition, the following conditions apply to all home occupations:

- Not more than twenty-five percent (25%) of the total floor area of the home shall be devoted to the home occupation
- Employs only family members residing at the residence
- Uses only such equipment as is customarily found in the home
- Involves no display of articles, products, or signs
- No on-site storage of related supplies, materials, machinery, or vehicles larger than $\frac{3}{4}$ ton truck kept or stored at the residence.

Potential applicants should also be aware of the following condition set by the definition of “family day care center home”:

- Children that permanently reside at the house (the children of the operator) count as part of the overall total number of children.

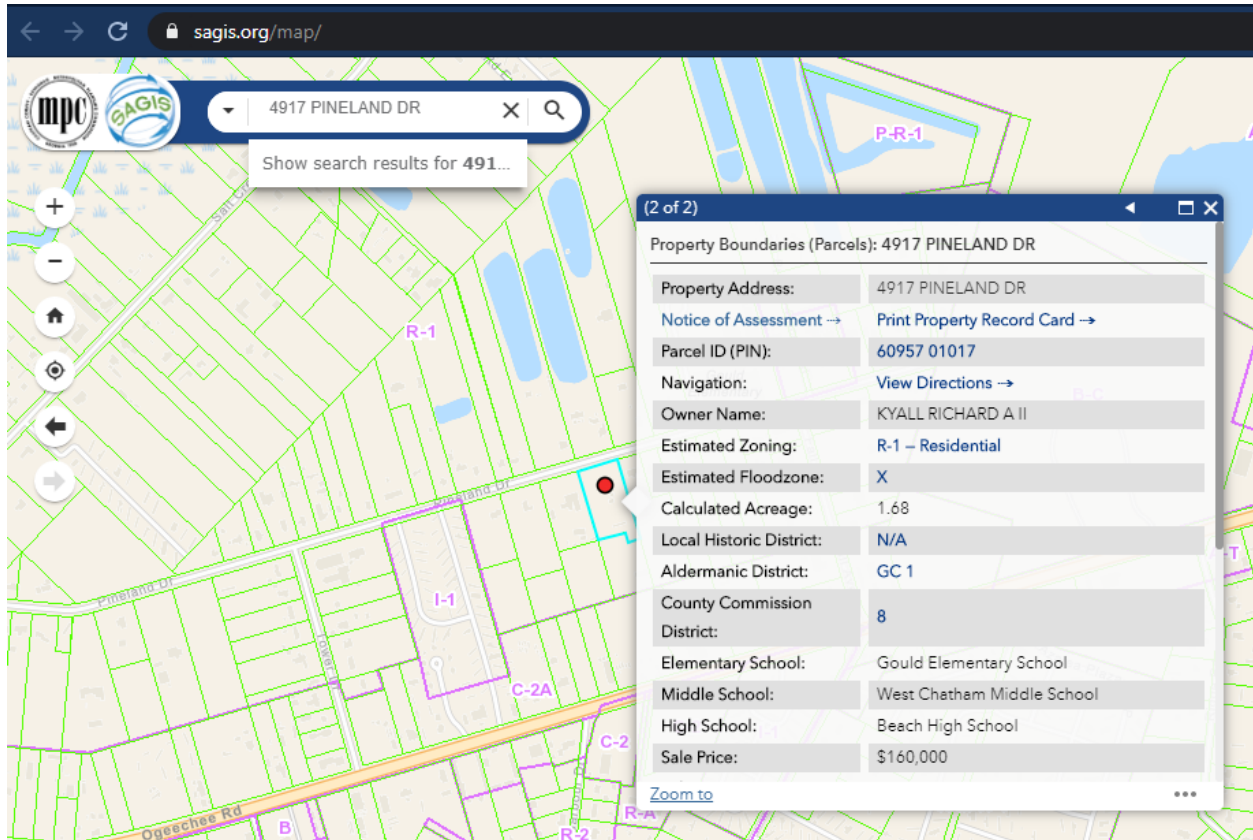
HOW WOULD I LOCATE WHAT DISTRICT I LIVE IN TO DETERMINE IF I QUALIFY?

To locate what district your residence is located in use the *Savannah, Georgia Geographic Information System Map*. You can access it directly at <https://data-sagis.opendata.arcgis.com/>.

From here you have two options:

1. You can search your address in the top left search bar and it should take you to your address on the map and display the property information.
2. You can manually find your property on the map. Each plot of land is bounded by a green box that, if you click with bring up the property information

Your zoning district will be found in the property info under *Estimated Zoning*. Click the arrow keys in order to move between pages of property info.



WHAT DISTRICT (S) ALLOW FAMILY CHILD CARE AND ARE THERE CONDITIONAL REQUIREMENTS?

In Chatham County, each use falls under one of four use cases: Permitted, Requires Approval by Board of Appeals, requires submission of Site Development Plans, and Prohibited. For our purposes, only **Permitted** and **Prohibited** need to be understood.

If the applicant lives in a district where FCC is a **Permitted Use**, it is allowed by the regulatory code as a matter of right, assuming the home meets the conditions that apply to the use.

If the applicant lives in a district where FCC is a **Prohibited Use**, the use is not intended to reside in that district under most any circumstances.

Refer to the table on the following table:

If your district is not listed in the following table, then the use is Prohibited in your District.

Abbr	District Type	Status
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C-A	Agriculture-Conservation	Permitted
R-A	Residential Agriculture	Permitted
R-A-1	Residential Agriculture Limited	Permitted
R-M-H	Residential Mobile Home	Permitted
RMH-1	Residential Mobile Home Park	Permitted
R-1	One-Family Residential: High Density	Permitted
R-1-A	One-Family Residential: Medium Density	Permitted
R-1-B	One-Family Residential: Low Density	Permitted
R-1-C	One-Family Residential: Lowest Density	Permitted
R-2	Two-Family Residential	Permitted
R-2-A	Two-Family Residential Limited	Permitted
R-3	Multi-Family Residential	Permitted

IF I DO QUALIFY, WHAT DO I NEED TO DO?

Letter of Zoning Approval:

There is no formal procedure or application in order to obtain a letter of zoning certification in Chatham County like there is in other counties. Instead, start by contacting the Building Safety & Regulatory Services line at (912) 201-4300, asking how to get in contact with the Zoning Commission and receive a Letter of Zoning Approval for a family day care home use.

Business License:

A new business license application packet can be found by going to

<https://www.chathamcountyga.gov/> → How Do I... → Apply For... → Business License

or by the following link:

<https://buildingsafety.chathamcountyga.gov/LicensingDivision/BusinessTax>

All of the necessary affidavits will be included with the packet, including a *Homeowner's Affidavit* which applies to home occupations. The only document that will need to be procured for the application will be the State DECAL license. A proof of identity will need to be included as well for the completion of certain affidavits. A background check will need to be conducted through the Police Department, which is outlined on page 9.