



## **Cobb County Zoning Requirements for Family Child Care:**

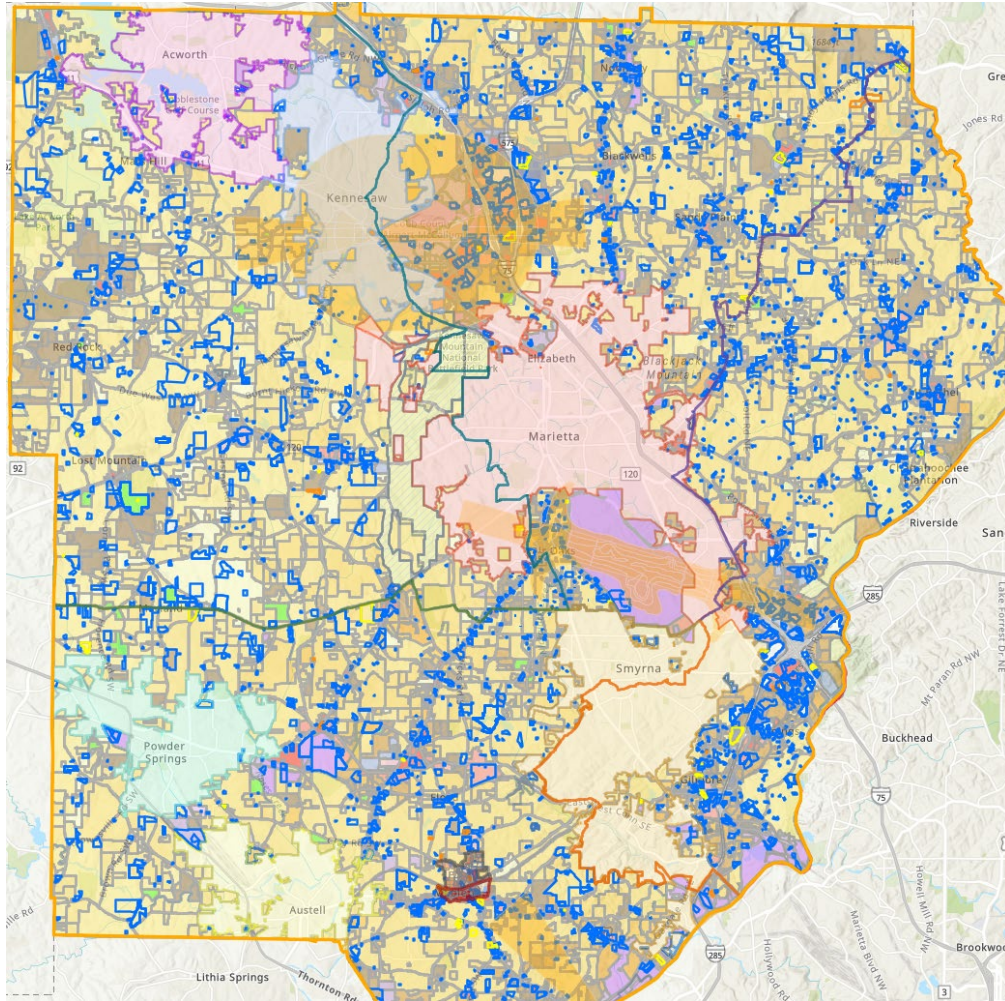
### **Narrative Explanation for FCC Applicants and Applicant Support Organizations**

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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 Macon-Bibb 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: *Cobb County Zoning Requirements for Family Child Care (FCC): Applicant Zoning Analysis for FCC Applicants and Applicant Support Organizations.*



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

If you are interested in obtaining a FCCLH license, Bright From the Start: 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 \(Revised July 2020\)](#), Link: <http://www.dec.al.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 Cobb County based on the *Cobb County, Georgia Code of Ordinances*:

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

**Note: While the paper speaks directly to FCC applicants and applicant support organizations in Cobb 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 COBB COUNTY?**

Within Cobb County, Georgia, family childcare as a land use is defined as “in-home day care” under Article I Section 134-1 of the *Cobb County, Georgia Code of Ordinances*:

*“In-home day care* means childcare provided within single-family districts subject to the following limitations:

- (1) There shall be a maximum of six children for whom compensation is received.
- (2) For purpose of this definition only, children who are related by direct blood kin or adoption to the childcare provider shall not be included in the calculation of the six-child limitation.
- (3) The childcare shall not create a nuisance to immediately adjacent property owners.
- (4) Off-street parking must be provided for child pickup and dropoff; and
- (5) There shall be no employees.”

“In-home day care” does *not* fall under the definition of a home occupation in Cobb County, Georgia.

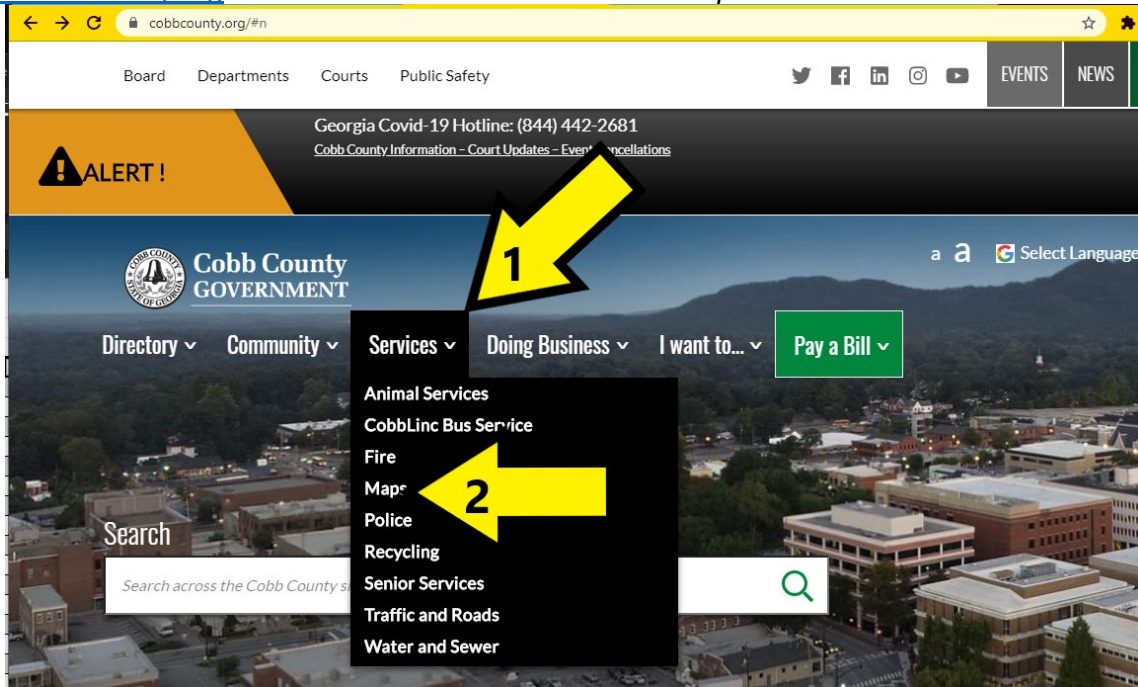
## **WHAT SORT OF CONDITIONS ARE PUT IN PLACE FOR FAMILY CHILD CARE?**

There are no sections containing conditions or special permits necessary for a family day care home in Cobb County. Thus, the following from the definition are the only conditions imposed on in-home day cares:

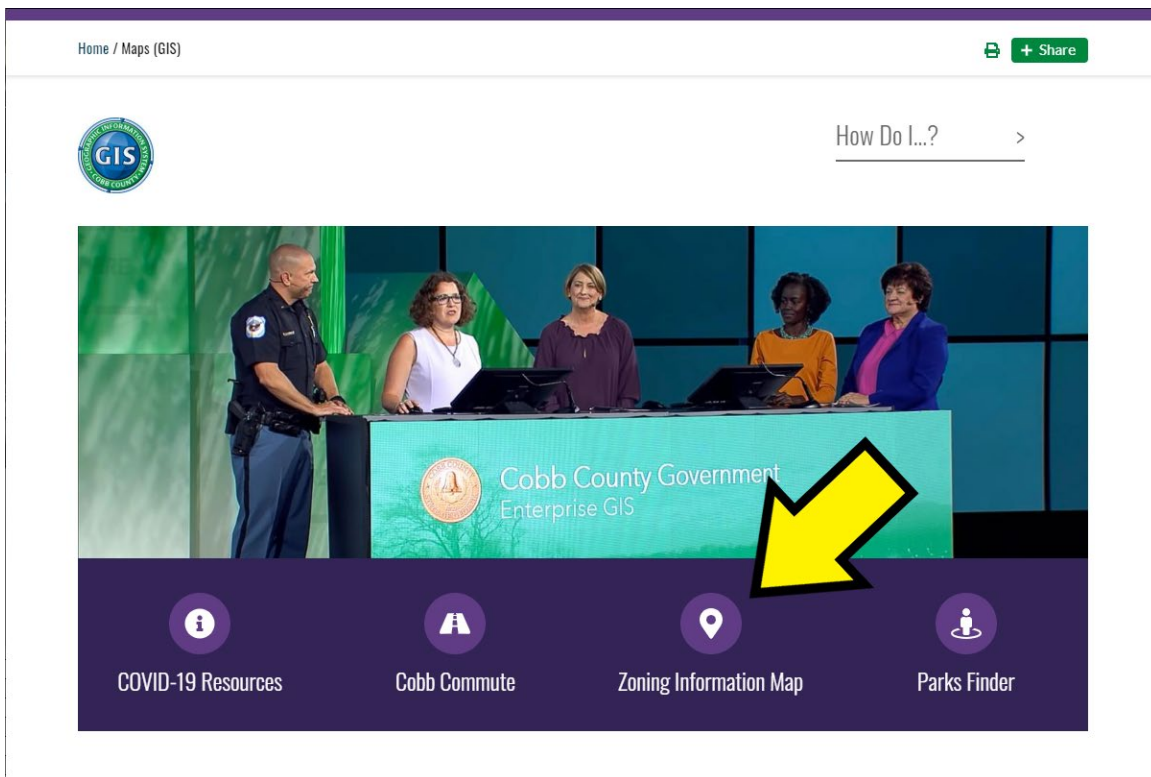
- You may only be paid for a maximum of six children.
- Children who are in the custody of the day care operator (either by blood or adoption) are *not* counted as part of the six children total.
- The childcare cannot create visual or auditory “nuisance” to the surrounding neighborhood.
- Off-street pickup / dropoff is required.
- No additional employees from the day-care operator.

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

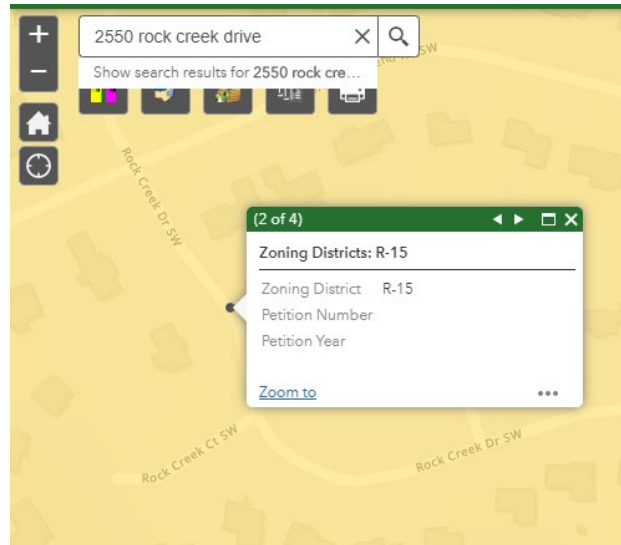
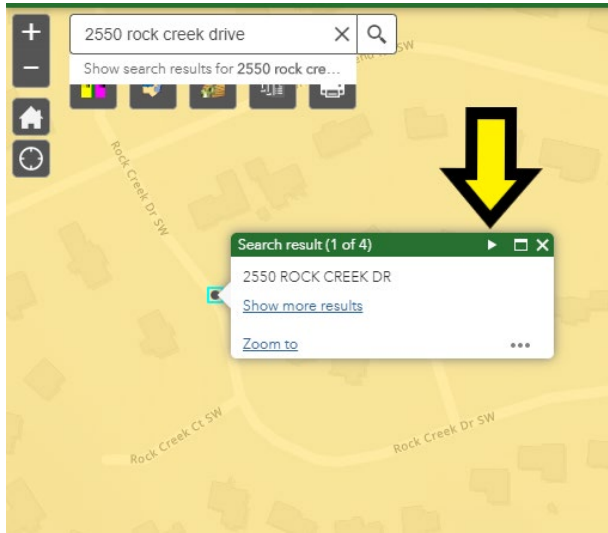
We are going to travel to the Cobb County Zoning Viewer from the government website. Start at [www.cobbcounty.org](http://www.cobbcounty.org) and from the *Services* tab choose *Maps*.



From the *Maps* page, scroll down until you see the option for *Zoning Information Map* and click.



You will now be inside the *Cobb Zoning Viewer* with a map of the entire county. To search for your address, go to the input search bar on the top left and type in your address. Then, you will need to click on the black dot that comes up representing the property to receive the zoning information. It will likely not be on the first page, so click the arrow within the box to cycle through the information available until you find the *Zoning District* page.



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

In Cobb County each use falls under one of four use cases: Permitted, Special Exception, Special Land Use Permit, or Prohibited Use. The classification of each district's use type is determined by the *Summary of uses* table in Section 134-192. In-home day care homes are only ever listed as either a Permitted or Prohibited use, so the conditions for Special Exceptions or Land Use Permits do not apply here.

If the applicant lives in a district where FCC is a **Permitted Use**, then the use is one intended for the district. There are no additional zoning restrictions outside of those posed above.

If the applicant lives in a district where FCC is a **Prohibited Use**, then the use is not intended for the district, and will not be allowed under most any circumstances.

**Refer to the table on the following page to determine use type by individual district.**

<b>RESIDENTIAL DISTRICTS</b>		
<b>Abbr</b>	<b>District Type</b>	<b>Status</b>
RR	Rural Residential	Permitted
R-80	Single Family Residential	Permitted
R-40	Single Family Residential	Permitted
R-30	Single Family Residential	Permitted
R-20	Single Family Residential	Permitted
R-15	Single Family Residential	Permitted
R-12	Single and Residential	Permitted
RA-4	Cluster Residential	Permitted
RA-5	Cluster Residential	Permitted
RA-6	Cluster Residential	Permitted
RM-8	MultiFamily Residential	Permitted
RM-12	MultiFamily Residential	Permitted
RM-16	MultiFamily Residential	Permitted
RD	Two Family Residential Duplex	Permitted
FST	Townhouse Residential	Permitted
SC	Suburban Condominiums	Prohibited
UC	Urban Condominiums	Prohibited
RMR	Residential Mid-Rise	Permitted
RHR	Residential High-Rise	Permitted
PRD	Planned Residential Development	Permitted
MHP/S	Mobile Home Park/Subdivision	Prohibited

<b>COMMERCIAL AND RETAIL DISTRICTS</b>		
<b>Abbr</b>	<b>District Type</b>	<b>Status</b>
IF	Future Industrial	Prohibited
LI	Light Industrial	Permitted
HI	Heavy Industrial	Permitted
OI	Office and Institutional	Permitted
OS	Office / Service	Permitted
LRO	Low-Rise Office	Permitted
OMR	Office Mid-Rise	Permitted
OHR	Office High-Rise	Permitted
CF	Future Commercial	Prohibited
GC	General Commercial	Permitted
LRC	Limited Retail Commercial	Permitted
NRC	Neighborhood Retail Commercial	Permitted
UVC	Urban Village Commercial	Permitted
CRC	Community Retail Commercial	Permitted
RRC	Regional Retail Commercial	Permitted
NS	Neighborhood Shopping	Permitted
PSC	Planned Shopping Center	Permitted
PVC	Planned Village Community	Permitted
TS	Tourist Services	Permitted
RSL	Senior Living Facilities	Prohibited
RDR	Recreational Golf Range	Prohibited
OSC	Open Space Community Overlay	Prohibited

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

If you reside in a district that allows day care homes as a Permitted Use and your home complies with all the conditions laid out in the definition, then the next step is to begin obtaining the necessary documents for the DECAL license. As previously stated, there are three primary documents to be obtained: a Zoning Certificate, a business license, and the fire inspection permit.

### Zoning Certificate:

Cobb County's procedures for obtaining a Zoning Certificate are detailed in this document provided on their website:

<https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2018-11/zoning-cert-2018.pdf>

In summary, a request for Zoning Certificate can be sent through email or physical mail to Tim Pearce. This request requires a legible survey and legal description showing the boundary lines of the property. A survey can be obtained through contacting the *Cobb County Deeds and Records Department* at the number 770-528-1328.

The request can be emailed to [tim.pearce@cobbcounty.org](mailto:tim.pearce@cobbcounty.org) or mailed to the following address:

Cobb County Community Development Agency  
c/o Tim Pearce  
P.O. Box 649  
Marietta, GA 30061

### Business License:

The application package for a business licenses [sole proprietorship] can be found at the following link:

<https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2018-07/soleprop-2016-including-hb87aff.pdf>

Most all documents and affidavits are included in this application, but a Certificate of Occupancy will still be required to be obtained, as well as proof of identification, such as a valid license. A checklist of items can be found at the following link:

[https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2018-12/BL\\_new-app-checkoff-list\\_2018.pdf](https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2018-12/BL_new-app-checkoff-list_2018.pdf)

The business license package, once filled out, will be sent to the same mailing address as above:

Cobb County Community Development Agency  
P.O. Box 649  
Marietta, GA 30061-0649

They may also be presented in person at:



1150 Powder Springs St, Suite 400  
Marietta, GA 30064

Fire Inspection / Certificate of Occupancy:

A document *specific to obtaining a Certificate of Occupancy for a day-care* can be found at the following link:

<https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2018-11/Day%20Care%20C.O.%20Procedures.pdf>

An appointment with the Fire Marshal to schedule an inspection will be required, and can be done by calling this number: 770-528-8310. As part of the process, you will be direct to apply for the *Commercial Permit* which will describe the necessary information needed. This application will be found at the following link:

<https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2019-08/Commercial%20Permit%20Application.pdf>

For any additional information needed, or answer any questions, 770-528-8310 is the number listed to call.

*Important Note: You may read within the Cobb County website that residential businesses/customary home occupations are not required to get a Certificate of Occupancy. In-home day care is still required to get a Certificate of Occupancy because it is independent from a customary home occupation.*

**DOES IT COST ANYTHING?**

The business license application will be given a fee once the completed package is emailed to [businesslicense@cobbcounty.org](mailto:businesslicense@cobbcounty.org). Fees associated with the fire inspections will be detailed depending on the degree of intervention necessary of the fire department.