



City of Savannah Zoning Regulations for Family Child Care

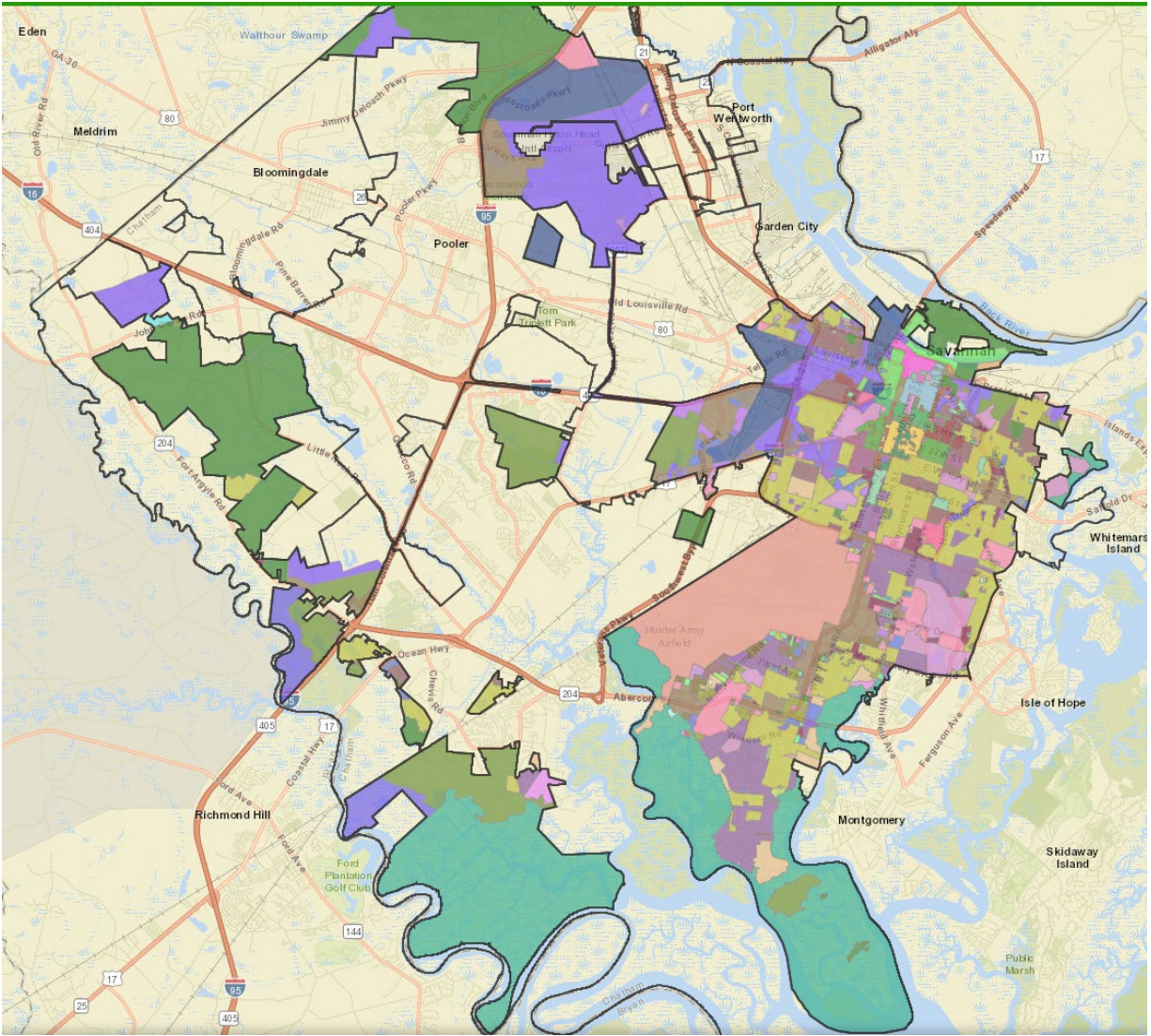
Narrative Explanation for FCC Applicants and Applicant Support Organizations

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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 Savannah, 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: Savannah 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 \(Revised July 2020\)](#), Link: <http://www.dec.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.

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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 county landscape by limiting the uses of the land. For instance, you wouldn't want there to be a massive coal factory in the middle of your large suburban neighborhood. These Ordinances 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 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 GA, Roswell) Family Child Care (FCC) is permitted as a matter of right. 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” i.e., restrictions, stated in the ordinance for that particular use. However, because each county defines their own zoning laws, the definitions and “conditions” put in place are written independently leading to a lack of consistency in what can be expected.

This document aims to answer the following questions for the City of Savannah, Georgia based on the *City of Savannah Code of Ordinances*:

1. How is *family child care* defined within Savannah?
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 Savannah, we hope it serves as an example to applicants in other Georgia cities-counties of how to research the zoning law in their community

HOW IS FAMILY CHILD CARE DEFINED WITHIN SAVANNAH?

Within the City of Savannah, family child care as a zone use is defined as a child/adult day care home under Section 13.2 of the *City of Savannah Code of Ordinances*. However, it is important to note this is a “*facility that provides care and supervision for more than six (6) but no more than 12 children or adults as an accessory use of an operator-occupied residence*”. This may appear outside of the accepted definition of family child care, where an operator cares for six or less children, but in a different part of the law child/adult day care falls under a *home occupation* with a unique specification: “*Such use shall not provide care for more than six (6) individuals...*”. In other words, when being used in a residence, child/adult day care home will be a home occupation and only supply care for six or less children, which falls in line with the DECAL definition of family child care.

WHAT SORT CONDITIONS ARE IN PLACE FOR FAMILY CHILD CARE?

There are two sets of conditions that apply to *child/adult day care homes*: Home Occupation Specifications and Child/Adult Day Care Home Specifications. The most important of the two is Home Occupation Specific Standards for Child/Adult Day Care:

8.7.11.c.i.(1) Such use shall not provide care for more than six (6) individuals, not including the caregiver’s own family.

i(2) Such use shall be operated only between the hours of 7:00 a.m. and 7:00 p.m.

While not comprehensive, important conditions unique to Child/Adult Day Care Homes are:

8.3.9.d.i. The outdoor play area for a child day care home shall be screened by an opaque fence that is at least six (6) feet in height.

8.3.9.d.ii. A license for the operation such use shall be obtained pursuant to ARTICLE M of the City of Savannah Code of Ordinances, as amended. The home shall also comply with all the regulations established by and be licensed by the State of Georgia.

8.3.9.a. In any Residential zoning district and any TN- zoning district, the use shall be located on a street classified as a collector or arterial as identified in Appendix A-1.

Finally, there are a few general Home Occupations conditions to take note of:

The use of a residential dwelling and any accessory buildings for a home occupation use shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character of the dwelling or premises.

iii. In Residential zoning districts, only persons residing on the premises shall work onsite. In all other zoning districts, no more than one (1) person not residing on the premises shall be permitted to work onsite.

xi. There shall be no visible evidence of the conduct of such use from the exterior of the dwelling or premises, including the storage or display of equipment, appliances, materials or supplies.

xii. No equipment or process shall be used that creates external noise, vibration, smoke, dust, odor, heat, glare, fumes or electrical interference detectable at or beyond the property line of the use.

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

We've found the most helpful resource to be the *Savannah, Georgia Geographic Information System Map*. You can access it directly at www.sagis.org/map. From here you have two options:

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.

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.

Either way, your zoning district will found in the property info under *Estimated Zoning*.

WHAT DISTRICTS ALLOW FAMILY CHILD CARE?

In the City of Savannah zoning law, each use falls under one of four use case: Permitted, Limited Use, Special Use, or Not Permitted. The classification of each district's use type is determined by the *Principal Use Table* under Section 5.4.

In the case it is a Permitted Use, then the use is permitted as a right to the landowner and does not require additional specifications.

In the case it is a Limited Use, the use is permitted as long as it abides by further specifications unique to the use. This could be simply more regulations or further permits required for operation.

In the case it is a Special Use, then a special use permit must be obtained through approval by the Mayor and Aldermen of the City.

In the case it is Not Permitted, then that use may not take place within that district. As a potential recourse for applicants in Not Permitted districts a variance hearing can be applied for. Review Chapter 3, Article 3, Section 3.21 of the *City of Savannah Code Of Ordinances* for details on the procedures of a variance application.

Refer to the table below to determine use type by individual district:

District	Type	Status
C	Conservation	Not Permitted
C-M	Conservation-Marsh	Not Permitted
C-P	Conservation-Park	Not Permitted
A-1	Agricultural	Limited Use
RSF-E	Res. Single-Family	Limited Use
RSF-30	Res. Single-Family	Limited Use
RSF-20	Res. Single-Family	Limited Use
RSF-10	Res. Single-Family	Limited Use
RSF-6	Res. Single-Family	Limited Use
RSF-5	Res. Single-Family	Limited Use
RSF-4	Res. Single-Family	Limited Use
RTF	Res. Two-Family	Limited Use
TR-1	Traditional Residential	Limited Use
TR-2	Traditional Residential	Limited Use
TR-3	Traditional Residential	Limited Use
RMF-1	Multi-Family Residential	Limited Use
RMF-2	Multi-Family Residential	Limited Use
RMF-3	Multi-Family Residential	Limited Use
RMHP	Res. Manufactured Home	Not Permitted
TN-1	Traditional Neighborhood	Special Use
TN-2 Int. Lot	Traditional Neighborhood	Special Use
TN-2 Corr.	Traditional Neighborhood	Special Use

District	Type	Status
TN-3	Traditional Neighborhood	Not Permitted
TC-1	Traditional Commercial	Limited Use
TC-2	Traditional Commercial	Limited Use
D-R	Downtown Residential	Limited Use
D-N	Downtown Neighborhood	Limited Use
D-C	Downtown Commercial	Limited Use
D-CBD	Downtown Central Business	Limited Use
D-X	Downtown Expansion	Limited Use
D-W	Downtown Waterfront	Not Permitted
OI-T	Office & Institutional-Transition	Limited Use
OI	Office & Institutional	Not Permitted
OI-E	Office & Institutional Expanded	Not Permitted
B-L	Limited Business	Limited Use
B-N	Neighborhood Business	Not Permitted
B-C	Community Business	Not Permitted
IL-R	Light Industrial Restricted	Not Permitted
IL-T	Light Industrial Transition	Not Permitted
I-L	Light Industrial	Not Permitted
I-H	Heavy Industrial	Not Permitted

IF I DO QUALIFY, WHAT DO I DO?

Preliminary Applications

You will notice that child/adult day care homes are not allowed as a Permitted Use in any district, which means that anyone that wants to run a family child care home is required to do some additional work to be compliant.

The following only applies to those districts that have child/adult day care homes listed as a Limited Use. If you are looking for Special Use case procedures, see Section 3.10 about the *Special Use Permit*.

This additional work is applying for a *Home Occupation Permit* in addition to a *Business Location Approval* (formerly the Zoning Approval). Fortunately, both forms can be filled out online through the Savannah government website, which provides clear directions and resources in order to make the process easier. These forms can be found by going through the following links:

<https://www.savannahga.gov/> >

Hover over 'Tools for Business' and select *Zoning, Building, & Site Development*

>

Click the link to 'Business Location

Approval'

Or just follow this link: <http://www.savannahga.gov/1628/Business-Location-Approvals>

From here, you will be directed to two links: the first for the *Business Location Approval Application* (BLA) and the second for the *Home Occupation Agreement*.

The following information will be required in the *BLA*:

Home Address

PIN (found in GIS data as well)

Business Name

Owner / Operator of Business name

Email and Phone

of Children to be cared for

House square footage

Number of Employees

The *Home Occupation Agreement* will only require your signature, email, and address. If you are not the owner of the residency, you will need to include a notarized letter of authorization from the property owner for approval of the home occupancy as well at this step.

Final Note: You may notice references to a *Building Permit*. These are required in the case of structural changes to the house, and while we cannot speak on other state-mandated conditions, you should not need one to be compliant with these ordinances. The only such change that would be brought upon would be the addition of a 6-foot fence, but such an addition is explicitly said to *not require a Building Permit* (the fence would have to be 7+ feet). This is listed as a residential project that does *not* require a building permit, per this link:

<https://www.savannahga.gov/DocumentCenter/View/7709/Residential-Projects-that-DO-NOT-Need-a-Permit?bidId=>

Business License

After completing the above approvals, you are allowed to submit an application for a *Business Tax Certificate*, otherwise known as a business license. The applications and additional resources can be found by going to <http://savannahga.gov/1587/Business-Tax-Certificates-License>, or under the *Business* drop-down menu on the home page.

The following documents will be required:

Business Location Approval

Criminal Background Check

DECAL License

Letter of consent from property owner (if other than the business owner)

Proof of Identity

Copy of lease / mortgage

EIN Number

Included with the application are the necessary affidavits that will need to be signed.

Certificate of Occupancy

In the *Business Tax Certificate* application there is a requirement for a *Certificate of Occupancy*.

“A CERTIFICATE OF OCCUPANCY ISSUED BY THE DEVELOPMENT DEPARTMENT IS REQUIRED BEFORE A BUSINESS MAY OPERATE AT ANY LOCATION WITHIN THE CITY OF SAVANNAH. APPLICATIONS FOR BUSINESS TAX CERTIFICATE ARE SUBJECT TO REVIEW FOR CERTIFICATE OF OCCUPANCY, BUILDING CODE, ZONING COMPLIANCE, AND TO REVIEW FOR COMPLIANCE WITH OTHER REQUIREMENTS OF STATE LAW AND CITY ORDINANCE. APPLY FOR AND SECURE A CERTIFICATE OF OCCUPANCY FIRST.”

Limited information about what will be required can be found at <http://www.savannahga.gov/934/Certificates-of-Occupancy>

However, a call to the *Development Services* will likely be required for details pertaining to an existing residence. Denise Wilson, Developmental Service representative, can be contacted at 912-651-6530

Zoning Certificate

To gain a letter indicating zoning compliance to satisfy the DECAL requirement, apply for a *Zoning Confirmation Letter* from the following link:

<http://www.savannahga.gov/2899/Applications-and-Forms>. The application simply asks for your address, a \$50 fee, and a description of the use that is intended for the property. The application can either be emailed to bbarnes@savannahga.gov or set by mail to 5515 Abercorn Street, Savannah, Georgia, 31405.

WHAT DOES IT ALL COST?

The Zoning Certificate will cost \$50, the Business Location Approval does not have a fee associated, and the fees associated to gather all required documents for the Business Tax Application and Certificate of Occupancy are unclear.

RESOURCES:

Point of Contact: Aislee Jackson, Business Approval / Zoning Use Coordinator - 912-644-7709

Business Location Approval Flowchart:

<http://www.savannahga.gov/DocumentCenter/View/4732/Business-Location-Approval--Business-Tax-Certificate-Process-Flow-Chart?bidId=>

Business Location Approval Application:

<http://www.savannahga.gov/FormCenter/Development-Services-16/BUSINESS-APPROVAL-APPLICATION-118>

Home Occupation Agreement:

<http://www.savannahga.gov/FormCenter/Development-Services-16/HOME-OCCUPATION-AGREEMENT-153>

Business Tax Application:

<http://www.savannahga.gov/DocumentCenter/View/1817/New-Business-Tax-License-Application?bidId=>

Certificate of Occupancy Requirements:

<http://www.savannahga.gov/934/Certificates-of-Occupancy>

Zoning Confirmation Letter:

<http://savannahga.gov/DocumentCenter/View/4175/Zoning-Confirmation-Letter-Request-Form?bidId=>