

AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES.

BE IT ORDAINED by the Board of Commissioners of Newton County, Georgia and it is hereby ordained by the authority of the Constitution of Georgia (1983), Art. IX, Sec. II, Par. I, II and IV, as follows:

SECTION 1

Article I, Division 105 of the Newton County Zoning Ordinance is hereby amended so as to delete the current definitions of Adult Day Care Center and Child Day Care Center in their entirety and to insert the following definitions in lieu thereof:

DIVISION 105: 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.

SECTION 2

Article V of the Newton County Zoning Ordinance is hereby amended so as to amend the Use Table as follows:

DIVISION 505: PERMITTED AND CONDITIONAL USES

USE TABLE

Type of Use	Applicable Use Standards	A	RE	AR	R1	R2	R3	M S R	D R	R M F	M H P	M H S	OI	CN	CH	CG	M 1	M 2
Day Care Center, Adult	510-220									CU			CU	CU	CU	CU		
Day Care Center, Child	510-210									CU			CU	CU	CU	CU		
Day Care Facility, Adult	510-220	AU	AU	AU	AU	AU	AU	AU										
Day Care Facility, Child	510-210	AU	AU	AU	AU	AU	AU	AU										

SECTION 3

Article V of the Newton County Zoning Ordinance is hereby amended so as to delete subsection 510-210 in its entirety and to insert the following in lieu thereof:

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).

SECTION 4

Article V of the Newton County Zoning Ordinance is hereby amended so as to delete subsection 510-220 in its entirety and to insert the following in lieu thereof:

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.
- 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).

SECTION 5

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

SECTION 6

This Ordinance shall be in force and take effect on October 22, 2014.

Adopted and approved by the Board of Commissioners on the 21 day of October, 2014, after a public hearing on said date.



NEWTON COUNTY BOARD OF COMMISSIONERS

By: William K. Ellis
William K. Ellis, Chairman

Attest: Jackie Smith
Jackie Smith, Clerk

Recommended for approval and adopted by the Newton County Planning Commission on the 23rd day of September, 2014, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By: Landis Stephens
Landis Stephens, Chairman

Attest: Crystal Dooley
Crystal Dooley, Secretary