

**AN ORDINANCE TO AMEND THE NEWTON COUNTY DEVELOPMENT REGULATIONS; 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, as follows:

**SECTION 1**

Sec. 110-020 B. of the Newton County Development Regulations is amended by adding the following subsection #5:

**SEC. 110-020 EXEMPTIONS**

**B.** For the purpose of these Regulations each of the types of activities contained in this Section shall be considered subdivisions but exempt from the procedures and required site improvement provisions of the Development Regulations:

5. The division, among immediate family members, of land in the A (Agricultural) and AR (Agricultural Residential) Zoning Districts as provided in Division 405 of the Development Regulations.

**SECTION 2**

Sec. 200-020 of the Newton County Development Regulations is amended by adding the following definitions:

**SEC. 200-020 DEFINITIONS**

**Family, immediate** - Any person who is a natural or legally defined offspring, spouse, sibling, parent, grandparent, or grandchild. For purpose of a Family Conveyance Lot, an aunt, uncle, cousin, niece or nephew are considered immediate family.

**Family Conveyance Lot** - A division of a lot or parcel (aka initial lot or parent parcel) for the purpose of sale or gift to a member of the immediate family of the property owner as allowed under Sec. 405-010 C. of these regulations.

**SECTION 3**

Division 405 of the Newton County Development Regulations is amended by deleting Division 405 in its entirety and replacing with the following:

**DIVISION 405: EXEMPT RESIDENTIAL SUBDIVISION**

**Sec. 405-010 EXEMPT RESIDENTIAL SUBDIVISION PROCEDURES**

Exempt subdivisions as allowed pursuant to Section 110-020 shall comply with the following requirements:

- A. Be drawn in accordance with the Final Plat standards and six (6) copies shall be submitted with appropriate fees to the Director for review and approval. Upon approval, the Plat shall be recorded with the Clerk of Superior Court and building

permits issued pursuant to Newton County codes and ordinances. The plat shall meet the minimum standards for plat preparation including, but not limited, to:

1. General

- a. Name, address, and phone number of designer of subdivision plat.
- b. Name, address, and phone number of developer of subdivision.
- c. Name of subdivision or address of project location.
- d. Date of plat preparation with space for revision dates.
- e. North point, identified as magnetic, true or grid.
- f. Sheet size shall be no larger than Fourteen (14) inches wide and sixteen (16) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half ( $\frac{1}{2}$ ) inch margin on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- g. Minimum Graphic scale of one (1) inch equals 100 feet.
- h. Appropriate legend of symbols used on plat.
- i. List any conditions of zoning, rezoning, variance and date of approval, if applicable.
- j. Street address as assigned by the Tax Assessor.
- k. Certificates of Review of the Environmental Health Dept. (if applicable).

2. Existing Conditions

- a. Zoning district of land to be subdivided and zoning classification of adjoining properties.
- b. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines should include the entire tract to be developed. Provide date and source of survey.
- c. Location map showing the parent parcel in relation to the surrounding area at a minimum scale of one inch to 2,000 feet. Include well-known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.

- d. Location of natural features including streams and watercourses with direction of flow on the proposed project.
- e. Location and/or size of existing cultural features on or adjacent to the proposed subdivision.
- f. Limits of 100-year floodplain. If none, note indicating such with data source and date.
- g. Location and square footage of wetland areas.
- h. Note as to provision of water supply and sewer disposal.
- i. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or within 300 feet of the tract to be subdivided, as relevant.
- j. Adjoining property information, lot arrangement and/or adjoining property owners' names, rights-of-way and easements within 300 feet of subdivision.
- k. Topographic contours at the following intervals. Identify source, method and date of topographic survey. (U.S.G.S. Quadrangle interpolation shall not be acceptable):

<b>Ground Slope</b>	<b>Slope Interval</b>	<b>(feet)</b>
Flat:	0-2%	2
Rolling:	Over 2%	5

- l. Total acreage, minimum dwelling size and minimum lot size of project.
- B. Buildings in exempt subdivisions are subject to the requirements of Secs. 425-030 and 425-060 for building permits and certificates of occupancy.
- C. Family Conveyance Lots shall comply with the following:
1. The property must be zoned A (Agricultural) or AR (Agricultural Residential) to be subdivided under these provisions.
  2. The maximum density allowed after subdivision shall not exceed one single-family residence per 10 acres on property zoned A (Agricultural). (Example: The parent parcel is at least 20 acres but not greater than 29.99 acres. The property could be subdivided into a total of 2 lots maximum regardless of the size of each lot.)
  3. Properties zoned AR (Agricultural Residential) shall meet the minimum lot size of the Newton County Zoning Ordinance.
  4. For the purpose of this section, the property owner (grantor) may be a family trust or family partnership so long as the trustees, beneficiaries and/or partners (grantee)

are composed only of members of the immediate family of the landowner as defined in Sec. 200-020 "Definitions".

5. The lot to be conveyed shall only be conveyed to an immediate family member who shall not receive more than one lot under the Family Conveyance Lot.
6. The grantor may not have previously divided any other land within the county by family conveyance subdivision to the same family member.
7. The purpose of a family conveyance transfer must be to provide for the housing needs of the grantee.
8. Each lot proposed to be created must comply with all applicable requirements of the Newton County Zoning ordinance.
9. The initial or parent parcel may only be subdivided under the provisions of a Family Conveyance Lot once every 2.5 years.
10. All proposed plats for family conveyance subdivision shall include an affidavit which shall be signed by the grantor and grantee under oath and penalty of perjury that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.
11. For any newly created Family Conveyance Lot not abutting a public road, access to the public road shall be provided by a permanent easement. Proof of recorded easement must be provided prior to the issuance of a building permit.
12. The family conveyance transfer may not be proposed for the purpose of circumvention of the subdivision ordinance.
13. The provisions of this section shall not prohibit the conveyance of interest in a lot to a third party as security for a mortgage, deed of trust or other secured loan.
14. A Family Conveyance Lot subdivision shall follow the permitting procedures of Sec. 405-010 A. (above).

#### **SECTION 4**

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

#### **SECTION 5**

This Ordinance shall be in force and take effect on October 19, 2016.

Adopted and approved by the Board of Commissioners on the 18th day of October, 2016, 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 27th day of September, 2016, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By: Landis Stephens  
Landis Stephens, Chairman

Attest: Crystal J. Dooley  
Crystal Dooley, Secretary

