

AN ORDINANCE TO ADOPT AMENDMENTS TO THE 2009 ZONING ORDINANCE, NEWTON COUNTY, GEORGIA; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners of Newton County, Georgia is tasked with the protection of the County's health, safety, and general welfare, and is authorized to exercise zoning and planning powers;

WHEREAS, the current Zoning Ordinance of Newton County, Georgia ("Zoning Ordinance") was adopted February 17, 2009;

WHEREAS, the Board of Commissioners of Newton County, Georgia, as the governing authority of said County, deems it appropriate to amend the following sections to provide clearer language; and

WHEREAS, by furthering the above-stated goals, these amendments will serve the public health, safety and general welfare;

NOW THEREFORE, 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, that the Zoning Ordinance of Newton County, Georgia is amended as provided herein:

SECTION 1

Article I, Division 105 of the Newton County Zoning Ordinance is hereby amended so as to add the following definitions:

Sec. 105-020 SPECIFIC DEFINITIONS

Development of Community Impact

A use of any building, land area, or other premises that qualifies as a Large-Scale Development. See Section 500-100.

Large-scale Development

A large-scale development is a development on a large zoning lot (as defined based on the use of the lot) or several zoning lots planned as a unit that are contiguous or only separated by a street.

Large-scale Development, Commercial

A use of any building, land area, other premises, or any combination of for commercial development of 10 acres or greater or a structure greater than 10,000 SF.

Large-scale Development, Public Assembly

A use of any building, land area, other premises, or any combination of for places of public assembly development of 10 acres or greater or a structure greater than 10,000 SF. (See Place of Public Assembly)

Large-scale Development, Residential

A use of any building, land area, other premises, or any combination of for residential development of 50 acres or greater or 100 or more dwelling units.

Place of Public Assembly

A building, structure, grounds, or any combination of including, but not limited to, amphitheaters, auditoriums, convention space, stadiums, theatres, cinemas, sports arenas, concert halls, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, or similar activities involving assembled groups of people. A Place of Public Assembly shall also be defined as a parcel of land, building or other premises or a combination of any, developed with the intention or ability to accommodate large gatherings, functions, recreation events or other such activities.

Scale of Development

The relationship of a particular project or development to the land, in terms of size, height, bulk, intensity and aesthetics.

SECTION 2

Article V, Division 500 of the Newton County Zoning Ordinance is hereby amended by adding the following subsection Section 500-100:

Sec. 500-100 DEVELOPMENT OF COMMUNITY IMPACT

When an application for a use qualifies as a large-scale development, it shall be deemed to be a Development of Community Impact (DCI). The approval of a DCI requires a public review as provided in Section 505-015 below. The goal of such review is to achieve attractive, functional and efficient development on the subject site while mitigating impacts to environmental and public infrastructure resources and protecting adjacent properties through appropriate design considerations and siting of buildings, structures, uses, access, parking, landscaping and other site development features.

SECTION 3

Article V, Section 505-010 A.3. of the Newton County Zoning Ordinance is hereby amended by deleting subsection 505-010 A.3. and replacing with the following:

Sec. 505-010 PERMITTED AND CONDITIONAL USES

- A. The uses listed in the table below shall be permitted in Newton County zoning districts and no structure shall be erected, structurally altered or enlarged unless the use is permitted as:
3. A Development of Community Impact (DCI) or an Administrative Use Permit (AU) are subject to the application procedures in accordance with Section 505-015 below;

SECTION 4

Article V, Section 505-015 of the Newton County Zoning Ordinance is hereby amended by deleting in its entirety and replacing with the following:

Sec. 505-015 DEVELOPMENT OF COMMUNITY IMPACT AND ADMINISTRATIVE USE PERMIT

- A. Any use designated Administrative Use Permit (AU) in the Use Table shall be permitted in the designated zoning district subject to the approval of the Planning Commission. An application shall be submitted to the Zoning Administrator including a site plan or building plan for the

proposed use, showing the size and location of the proposed structure, compliance with any applicable Use Standard, all required buffers, compliance with any applicable stormwater drainage, landscaping or other development requirements, and any other information required by the Zoning Administrator.

- B. When an application is made for a Development of Community Impact or an Administrative Use Permit under the terms and provisions of this section, the following factors shall be considered when assessing for approval or denial:
1. The character of the zoning district, as stated in the Ordinance, and whether the proposed use is consistent with that character;
 2. The negative impacts of the proposed use on the surrounding properties and uses, including aesthetics, traffic, health, public services, and safety;
 3. Whether the site is adequately sized and contains appropriate terrain and geography for the use;
 4. Whether the use will cause unreasonable adverse impacts on adjoining land due to noise, smoke, odor, hours of operation, light pollution or other considerations;
 5. Whether the buffers, screening and mitigation measures can ameliorate any negative impact; and
- C. If the use is for a place of worship, the criteria of Sec. 620-060(B)(15) shall also be applied before such use is denied.
- D. A Development of Community Impact requires a public hearing held before the Planning Commission and Board of Commissioners and is subject to the application procedures specified in Division 620.
- E. The Planning Commission shall make a determination on whether to grant or deny an Administrative Use Permit at its next regularly scheduled meeting after the submission of an application, but not later than sixty (60) days following the submission of the application. If additional information is requested, the Planning Commission may extend the decision deadline one time for up to thirty (30) additional working days. A denial shall be in writing and shall state the reasons for the denial, based on the above criteria. A denial may be appealed to the Board of Commissioners within 30 days of denial. The Planning Commission may recommend additional buffer, screening, or other conditions to mitigate the negative impacts of the proposed use. If an Administrative Use Permit is granted, the grant shall be in writing, and shall condition the approval on compliance with the site plan submitted by the applicant, plus any additional conditions imposed by the Planning Commission.

SECTION 5

Article VI, Section 610-030 of the Newton County Zoning Ordinance is hereby amended so as to add subsection I.:

Sec. 610-030 POWERS OF PLANNING COMMISSION

I. The Planning Commission is authorized to receive, review and consider request for Administrative Use Permits (AU). The Planning Commission has the authority to approve, approve with conditions, or deny a request.

SECTION 6

Article VI, Section 620-040, subsection A. of the Newton County Zoning Ordinance is hereby amended by deleting in its entirety and replacing with the following:

Sec. 620-040 PROCEDURES

A. Any person or persons requesting an amendment to the Comprehensive Plan Future Land Use maps, a change in zoning, a conditional use permit, or other zoning petition as identified by this Ordinance shall file with the Zoning Administrator an application as described in Section 620-050, along with a fee, as set by the Board of Commissioners, to cover the administrative and advertising costs.

SECTION 7

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

SECTION 8

This Ordinance shall be in force and take effect on November 16, 2016.

Adopted and approved by the Board of Commissioners on the 15th day of November, 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

