

**AN ORDINANCE OF THE NEWTON COUNTY BOARD OF COMMISSIONERS
TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL
CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND
FOR FURTHER PURPOSES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the sale of alcoholic beverages for on-premises consumption in Newton County is currently limited to eating establishments and hotels in certain established overlay districts and commercial locations within the Multi-County Mixed Use Business Park District; and

WHEREAS, the Newton County Board of Commissioners desires to allow the highest and best economic use of property throughout the County, while at the same time encouraging concentrated development in areas served by existing infrastructure or planned for appropriate infrastructure, and preserving the public welfare and community spirit in the County; and

WHEREAS, the Newton County Board of Commissioners has determined that the current limitations on sale of alcoholic beverages for on-premises consumption unduly restrict certain economic opportunities that would provide responsible, community-oriented economic growth; and

WHEREAS, the Newton County Board of Commissioners has determined that it can achieve its priorities of growth and public welfare through a gradual and controlled expansion of the type and location of alcoholic beverage sales for on-premises consumption; and

WHEREAS, the Newton County Board of Commissioners has approved an amendment to its Alcoholic Beverages Ordinance expanding the types of facilities approved to sell alcohol for consumption on-premises, which ordinance will be complemented by the Zoning Ordinance amendments set forth below; and

WHEREAS, these amendments to the Zoning Ordinance were properly advertised and public hearing were held in accordance with the Zoning Procedures Law (O.C.G.A. 36-66-4);

THE BOARD OF COMMISSIONERS OF NEWTON COUNTY HEREBY ORDAINS, that the Zoning Ordinance, Newton County, Georgia is amended as provided herein:

SECTION 1

Section 105-020 is amended by deleting the definition of Bar in its entirety and inserting the following text:

Bar

A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises, as may be limited by zoning districts and other provisions of this Zoning Ordinance. The establishment must meet all local, state and federal requirements to sell alcohol. Bars include lounges, taverns, night clubs, and similar facilities serving alcoholic liquor as the core business.

SECTION 2

Section 510-295 is amended by inserting the following subsection E:

Sec. 510-295 Golf Course, Country Club

- E. In order to be eligible for a license to sell alcoholic beverage for consumption on premises under the Newton County Alcoholic Beverage Ordinance, a Golf Course or Country Club (as those terms are defined by the Newton County Alcoholic Beverage Ordinance) shall obtain an approved Conditional Use Permit for sale of alcoholic beverages for consumption on premises.

SECTION 3

Section 510-325 is amended by deleting subsection F in its entirety and inserting the following text:

Sec. 510-325 HOTELS, MOTELS & EXTENDED STAY HOTELS

- F. In order to be eligible for a license to sell alcoholic beverage for consumption on premises under the Newton County Alcoholic Beverage Ordinance, a hotel or motel meeting the definition of Hotel (as that term is defined by the Newton County Alcoholic Beverage Ordinance) shall contain an Eating Establishment (as that term is defined by the Newton County Alcoholic Beverage Ordinance) and shall either:
1. Be located in one of the following areas: Tiers 2 and 3 of the Almon/Crowell Road Overlay District, Tiers 2 and 3 of the Salem Overlay District, Tiers 2 and 3 of the Brick Store Overlay District, the Town Center Overlay in the Multi-County Mixed Use Business Park District, commercial areas within 1,200 feet of

- a state or interstate highway in the Multi-County Mixed Use Business Park, or in zoning districts CH (Highway Commercial) and CG (General Commercial); or
2. Obtain an approved Conditional Use Permit for sale of alcoholic beverages for consumption on premises.

SECTION 4

Section 510-430 is amended by adding the following subsection I:

Sec. 510-430 OUTDOOR RECREATION FACILITY, COMMERCIAL

- I. In order to be eligible for a license to sell alcoholic beverage for consumption on premises under the Newton County Alcoholic Beverage Ordinance, an Outdoor Commercial Recreational Facility (as that term is defined by the Newton County Alcoholic Beverage Ordinance) shall obtain an approved Conditional Use Permit for sale of alcoholic beverages for consumption on premises.

SECTION 5

Section 510-543 is amended by deleting subsection A. in its entirety and inserting the following:

Sec. 510-543 RESTAURANT

- A. In order to be eligible for a license to sell alcoholic beverage for consumption on premises under the Newton County Alcoholic Beverage Ordinance, a restaurant meeting the definition of Eating Establishment (as that term is defined by the Newton County Alcoholic Beverage Ordinance) shall either:
 1. Be located in one of the following areas: Tiers 2 and 3 of the Almon/Crowell Road Overlay District, Tiers 2 and 3 of the Salem Overlay District, Tiers 2 and 3 of the Brick Store Overlay District, the Town Center Overlay in the Multi-County Mixed Use Business Park District, commercial areas within 1,200 feet of a state or interstate highway in the Multi-County Mixed Use Business Park, or in zoning districts CH (Highway Commercial) and CG (General Commercial); or
 2. Obtain an approved Conditional Use Permit for sale of alcoholic beverages for consumption on premises.

SECTION 6

Section 510-595 is amended by adding the following subsection F:

**Sec. 510-595 SPECIAL EVENTS FACILITY/INDOOR RECREATIONAL FACILITIES,
COMMERCIAL/PRIVATE CLUBS**

- F. In order to be eligible for a license to sell alcoholic beverage for consumption on premises under the Newton County Alcoholic Beverage Ordinance, a Special Events Facility, Indoor Commercial Recreational Facility or Private Club (as those terms are defined by the Newton County Alcoholic Beverage Ordinance) shall obtain an approved Conditional Use Permit for sale of alcoholic beverages for consumption on premises.

SECTION 7

Section 510-650 is amended by inserting the following subsection D:

Sec. 510-650 TEMPORARY USE, COMMERCIAL

- D. Authorized Catered Event Permits shall follow the guidelines as set forth in the Alcoholic Beverage Ordinance, Section 32-201, V. Licenses F. Alcoholic Beverage Catering.

SECTION 8

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

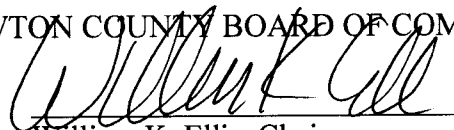
SECTION 9

This Ordinance shall be in force and take effect on September 7, 2016.

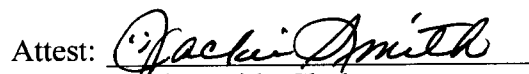
Adopted and approved by the Board of Commissioners on the 6th day of September, 2016, after a public hearing on said date.

NEWTON COUNTY BOARD OF COMMISSIONERS

By:


William K. Ellis, Chairman

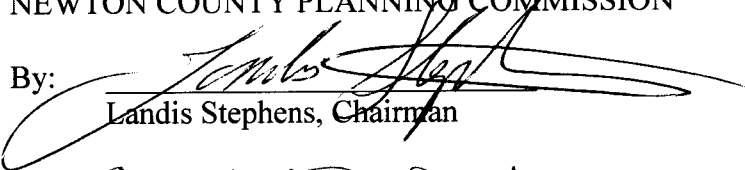
Attest:


Jackie Smith, Clerk

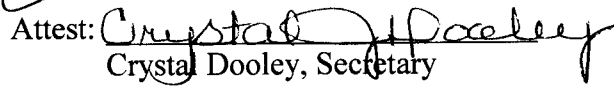
Recommended for approval and adopted by the Newton County Planning Commission on the _____ day of _____, 2016, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By:


Landis Stephens, Chairman

Attest:


Crystal Dooley, Secretary