

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, as follows:

SECTION 1

Section 450-020 A.2.(a). is amended by deleting in its entirety and inserting the following:

Sec. 450-020 USES AND STRUCTURES

A. Authorized Uses

2. Tier 2: Mixed Use. Non-Residential (Commercial, Office, Institutional, Industrial) and any use allowed by the Mixed Use Zoning District (Sec. 290-020) if zoned Mixed Use. Residential uses are prohibited unless approved as part of a Mixed Use Zoning.

(a) For undeveloped/redeveloped residentially zoned properties, permitted uses shall comply with the Use Table of Section 505 and the Use Standards of Section 510 based on the CN (Neighborhood Commercial) zoning district.¹ For developed residentially zoned properties, permitted uses shall comply with the Use Table of Section 505 and the Use Standards of Section 510 based on the current zoning district for accessory uses.

SECTION 2

Section 450-050 A. Mechanicals 1. is amended by deleting in its entirety and inserting the following:

Sec. 450-050 DESIGN STANDARDS – RESIDENTIAL

A. Residential Buildings- Single Family, Townhouses, Multi-family

Mechanicals

1. All mechanical, HVAC and like systems shall be screened from street level view on all sides by an opaque wall or fence constructed of brick, stucco, split-face block or wood or screening may be accomplished according to a planting plan approved by the Newton County Landscape Architect.

SECTION 3

Section 450-050 A. Orientation 2. is amended by deleting in its entirety and inserting the following:

Sec. 450-050 DESIGN STANDARDS – RESIDENTIAL

A. Residential Buildings- Single Family, Townhouses, Multi-family

Orientation

2. Garages, attached or detached, if facing front yard (front entry) shall be as follows:
 - a. A minimum setback of 18 feet measured from the sidewalk;
 - b. Use a decorative door (as approved by the County Landscape Architect).

SECTION 4

Section 450-050 A. Energy Efficiency Standards is deleted in its entirety:

Sec. 450-050 DESIGN STANDARDS – RESIDENTIAL

A. Residential Buildings- Single Family, Townhouses, Multi-family

~~Energy Efficiency Standards~~

- ~~1. Energy Star Windows;~~
- ~~2. Foundation insulation rated at R-Values of four to 13;~~
- ~~3. Wall insulation rated at R-values of 11-22;~~
- ~~4. Ceiling Insulation;~~
- ~~5. Where an attic is present and there is no space limitation insulation should have R-values of 19-50. Where space is limited or vaulted ceiling insulation should have R-values of 19-30.~~

SECTION 5

Section 450-120 C.1. Enhanced Common Areas is amended as follows:

Sec. 450-120 OPEN SPACE AND ENHANCED COMMON AREAS – ALL RESIDENTIAL

C. Enhanced Common Areas

1. Residential developments in the Almon/Crowell Road Overlay District require a portion of the required open space or gross acreage to be used as Enhanced Common Area. Enhanced Common Areas, at a minimum, must be designed, sized and improved for leisure activities, or for the playing of a game, or holding of an event. Some examples may include a pocket park, a courtyard, a green, and must be

usable by the residents and visitors. Common areas may also be designed for active recreation such as swimming pools, tennis courts, etc. At a minimum, areas shall be enhanced with 20% planting beds, decorative, commercial quality street furniture, decorative lighting and trash receptacles. Other amenities may include fountains, planters, picnic tables, or other amenities within the project that encourage pedestrian connectivity between uses or between other common areas. Landscaping shall reflect the design purpose of the Enhanced Common Area, for instance, shade trees around benches, sod areas for passive play. Natural areas may count toward the required acreage if they contain mature vegetation and have not been timbered, or suffered other land disturbing activities, usable by the residents and visitors, easily accessible and have trails and seating areas incorporated. Prior approval by the Department is required before natural areas may be counted. Common areas may be dispersed throughout a development, but may not be less than .3 acre each. Paved paths, other than public sidewalks, that connect two or more common areas may count towards the minimum if the path is at least 6 feet wide and includes decorative lighting, and benches every 300 feet. Other pedestrian features might include water fountains, drinking fountains or public art.

SECTION 6

Section 450-120 C.2. Enhanced Common Areas is amended by deleting in its entirety and inserting the following:

Sec. 450-120 OPEN SPACE AND ENHANCED COMMON AREAS – ALL RESIDENTIAL

C. Enhanced Common Areas

2. Stormwater facilities may be located with common area if designed and improved as an amenity. Such facilities may be exempt from fencing if the depth meets the standard for omitting fencing pursuant to Sec.3.2.4 of the Newton County Water Resources Ordinance. Such facilities may be counted toward the common area requirement if landscaped and include a paved walking path or boardwalk at least five (5) feet wide around the facility.
- 3.

SECTION 7

Section 450-130 B. is amended as follows:

Sec. 450-130 OPEN SPACE AND ENHANCED COMMON AREAS –NON-RESIDENTIAL

- B. The 20% requirement can be reduced to 15% if the developer dedicates the floodplain and wetlands to a public land trust, including Newton County Land Trust. The dedication must be pre-approved by the trust entity before credit given.

SECTION 8

Section 450-150 A. is amended by deleting in its entirety and inserting the following:

Sec. 450-150 SCREENING

- A. Refuse areas and receptacles shall be placed as far as possible from public streets and shall be enclosed on three sides with decorative masonry walls. The fourth side shall be a self closing opaque gate made from non-combustible materials. The walls and gate shall be a minimum of 12 inches higher than the receptacle.

SECTION 9

Section 450-200 is hereby deleted in its entirety and replaced with the following:

Sec. 450-200 NON-CONFORMING USES

- A. Within the Overlay, there may exist lots, structures, or uses of both land and structures which were lawful prior to the adoption of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this ordinance as adopted or subsequently amended. Non-Conforming lots, uses, and structures may continue in their nonconforming status with the limitations and/or requirements of Division 530 of the Zoning Ordinance. Alterations to non-conforming signage shall only trigger signage requirements. Likewise, alterations to a non-conforming building shall only trigger the building requirements.
- B. Signage: Any alteration to building or property signage must meet the new signage guidelines in Section 450-170.
 - 1. Maintenance and repair that do not change the color or material used are exempted.
 - 2. Face changes, where only the advertising area of the sign, but not the structure itself, or any other aspect of the sign are allowed with approval from the Zoning Administrator.
- C. Non-residential Lots: Except as provided below ordinary maintenance and repair are permitted for non-conforming non-residential lots. The following provisions would require a non-residential lot to follow the regulations specified in this Overlay:
 - 1. Site work, construction, or restoration and repair of a non-residential lot existing prior to the enactment of this section where the cumulative effect of all permits on a single lot results in a disturbance of 25% of the site.

2. The standards of the Overlay that shall take effect should only govern the disturbed area for the current permit. Areas outside the disturbed area are not required to follow the standards of this Overlay.
3. Open space and enhanced common area requirements are exempted completely except in cases where the cumulative effect of disturbance exceeds 85% of the site.

D. **Non-residential Buildings.** Except as provided below, ordinary maintenance and repair are permitted on non-conforming non-residential structures. The following provisions would require a non-conforming non-residential building to follow the regulations specified in this Overlay:

1. Construction, rehabilitation, restoration and repair of a non-residential structure existing prior to the enactment of this section where the cumulative effect of all permits on a single structure result in an increase in the total floor area of the existing structure by 25 percent or 10,000 square feet, whichever is less.
2. Any change in material or construction on the facade that affects more than 20% of the measured area of the facade
3. Relocation of a structure within the Overlay or from a location outside the Overlay to a location within the Overlay.
4. If an existing structure is destroyed by fire or act of God or is moved due to a condemnation, the building may be rebuilt in accordance with the building and site standards of the underlying zoning.

E. **Residential Lots:** Unless a subdivision is being redeveloped, in residential subdivisions where the Final Plat was recorded prior to the passage of the Overlay the Overlay standards shall not apply.

F. **Residential Buildings:** Ordinary maintenance and repair are permitted on non-conforming residential structures. The following provisions would require a non-conforming residential building to follow the regulations specified in this Overlay:

1. Construction of an accessory structure or garage. The full Overlay standards shall not be applied in this case, but the accessory structure should match the primary structure in materials, color, and architectural style.
2. Relocation of a structure within the Overlay or from a location outside the Overlay to a location within the Overlay. New mobile homes moving into mobile home parks that existed prior to the establishment of the Overlay are exempt from this requirement.

SECTION 10

Section 450-220 is hereby added as follows:

Sec. 450-220 TIER CHANGES

- A. Any property owner may apply for an amendment to the “Newton County Almon Overlay District Tiers” map. Amendments may request the expansion of a Tier, a change in Tier designation, or removal from the Overlay.
1. Any property proposed for addition to the Overlay shall be adjacent to a property inside the Overlay and of an equal or lesser tier.
 2. Any property proposed for removal of the Overlay shall be adjacent to other property outside of the Overlay.
- B. Applications for amendments shall be processed in accordance with Sections 620-020 – 050 and 620-080 -120.
1. In addition to the application information required by Section 620-050, the applicant shall also provide sufficient justification for the change in accordance with standards set forth in subsection C.
 2. Application forms shall be developed by the Department.
 3. All applications shall be accompanied by a fee as set forth by the Board of Commissioners for Future Land Use Map amendments.
- C. In ruling on any application, the Planning Commission and Board of Commissioners shall act in the best interest of the health safety morals and general welfare of the county. In doing so, the Planning Commission, in its consideration and recommendations concerning a petition, and the Board of Commissioners, in its consideration and final decision concerning a petition, will consider one or more of the following factors:
1. Whether the change would result in a substantial adverse effect on the Overlay.
 2. The existing land uses and zoning classifications of nearby properties.
 3. The extent to which the change on the subject property represents a fair balance between the rights of private property and the health safety and general welfare of the public.
 4. Whether the proposed Tier is suitable in view of the use and development of adjacent and nearby property.
 5. The extent to which the requested tier is currently developed and whether there is the need for additional property within the tier.

6. The possible creation of an isolated tier unrelated to adjacent and nearby tiers.
7. The preservation of the integrity of residential neighborhoods.
8. Whether there are other existing or changing conditions affecting the use or development of the property which gives supporting grounds for either approval or disapproval.

SECTION 11

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

SECTION 12

This Ordinance shall be in force and take effect on March 20, 2013.

Adopted and approved by the Board of Commissioners on the 19th day of March, 2013, 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 November, 2012, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By: Landis Stephens
Landis Stephens, Chairman

Attest: Crystal Dooley
Crystal Dooley, Secretary