

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 510-325 is added by inserting the following:

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

A. General Provisions

1. Hotel/Motel (including Suite Hotels)

- a. Each hotel site shall have a minimum of three acres.
- b. Each guest room shall have a minimum of three hundred (300) square feet and shall be accessed with a magnetic keycard entry/locking device.
- c. The lobby shall be a minimum of seven hundred (700) square feet in size.
- d. Parking shall be provided at a ratio as outlined in Section 515-020.
- e. There shall be no direct vehicular access to any guest room.
- f. No buildings constructed under this section may be converted to or used as apartments or condominiums.
- g. Conference, meeting and banquet facilities are allowed when supported by adequate parking as outlined in Section 515-020.
- h. Each suite shall be required to include an automatic power off timer (set for two hours) for each stove/cook top unit or other type of burner.
- i. Each hotel shall be served by public water and sewer facilities.
- j. No outside storage or permanent parking of equipment shall be permitted.
- k. There shall be staff or management on duty 24 hours per day seven days a week.

2. Extended Stay Hotel

- a. Each extended stay hotel site shall have a minimum of three acres.
- b. Each guest room shall have a minimum of three hundred (300) square feet and shall be accessed by a magnetic keycard entry/locking device.
- c. The lobby shall be a minimum of one thousand (1000) square feet in size.
- d. Parking shall be provided at a ratio as outlined in Section 515-020.
- e. There shall be no direct vehicular access to any guest room.

- f. No person shall reside in the extended stay hotel for more than twenty-one (21) consecutive days.
- g. A patron or a member of the patron's immediate family cannot re-check into an extended stay hotel for a minimum of 14 days after residing at the same hotel for twenty-one (21) consecutive days.
- h. There shall be staff or management on duty 24 hours per day seven days a week.
- i. No outside storage or permanent parking of equipment shall be permitted.
- j. No buildings constructed under this section may be converted to or used as apartments or condominiums.
- k. At a minimum, provisions for weekly cleaning of each room shall be provided.
- l. Conference, meeting or banquet facilities are allowed when supported by adequate parking (per Section 515-020).
- m. Each room shall be required to include an automatic power off timer (set for two hours) for each stove/cook top unit or other type burner.
- n. Each extended stay hotel shall be served by public water and sewer facilities.

B. Accessory Retail Uses

- 1. A secondary use shall be permitted only within a permitted principal structure or use that exceeds 50,000 square feet.
- 2. The total combined floor space used or to be used for such accessory uses shall be limited to a ratio of 100 square feet for every guest room in the facility.
- 3. Every public entrance to such a use shall be from a lobby, hallway, or other interior portion of the primary use structure, except for restaurants.
- 4. No merchandise shall be stored or displayed outside of the primary use structure.
- 5. The following accessory uses are permitted within the main building:
 - a. Restaurants
 - b. Barber Shops
 - c. Beauty Shops
 - d. Drugstores
 - e. Book Stores
 - f. Florists
 - g. Convenience food stores
 - h. Gift shops
 - i. Cafeterias
 - j. News stands
 - k. Coffee shops

1. Rental car companies
 - m. Outdoor Cafes
 - n. Outdoor seating areas for those uses described in A, J & K, above.
6. Parking for any on-site accessory uses shall be provided based on Section 515-020 of the Newton County Zoning Ordinance.

C. Height

1. The maximum height of a structure built to the standards of this code section shall be thirty-five (35) feet. If the proposed building is located within a development node, the maximum height of a structure built to the standards of this code section shall be sixty (60) feet.

2. Exceptions

- a. A structure may be developed with stair or elevator penthouses that exceed the standard height limit by a maximum of ten (10) feet.
- b. When stair or elevator penthouses are being incorporated into a structural design, no more than 30% of the roof square footage may include these structural components.
- c. Parapets along the roof line may exceed the standard height limit by a maximum of four (4) feet.
- d. If the proposed building is located within an overlay district, the height requirements of that district apply.

3. Mechanical Equipment

- a. Mechanical equipment (i.e. HVAC equipment, meters, utility banks, and electrical or telephone utility cabinets) shall not be allowed on the roof.
- b. Telecommunication towers, antenna or support structures used for any use other than that of the hotel/motel or extended stay hotel shall not be allowed on the roof.

D. Supporting Equipment Requiring Design Components

1. Ground and building mounted mechanical equipment, such as coolers, HVAC equipment, meters, utility banks, and electrical or telephone utility cabinets shall be placed within screened areas along the side and rear yards. The screening shall be as approved by the County Landscape Architect and shall require an automatic closing gate.
2. Pools shall be designed to screen their appearance from any adjacent streets. Any pool located outdoors shall meet the minimum standards as required by the Department of Environmental Health/building codes and shall be kept in good working order at all times.

E. Access

1. Location

- a. All new hotels/motels and extended stay hotels shall have a minimum of sixty (60) feet of road frontage with access along a state route, county collector or major arterial.

SECTION 2

Section 105-020 is amended by adding the following definitions:

Extended Stay Hotel

Any building containing guest rooms rented or leased for sleeping purposes for periods of less than three weeks, but in excess of one week, and that contain kitchen facilities for food preparation including, but not limited to, kitchen sink, stove/cook top and a refrigerator.

Hotel/Motel

A building in which lodging or board and lodging is provided to the public for compensation and in which ingress and egress to and from each sleeping room is made through the interior of the building.

Suite Hotel

Any hotel in which lodging is provided to the public and for which more than 35 percent of the units include kitchenettes or kitchen facilities within the suite. For the purposes of this section kitchenettes or kitchen facilities are defined as a kitchen sink, a stove/cook top and a refrigerator.

SECTION 3

Section 105-020 is amended by deleting the definition for “Buffer, Transitional” in its entirety and replacing it with the following:

Buffer, Transitional

A natural, undeveloped portion of a lot or parcel of land set aside for ~~open space and~~ visual screening purposes pursuant to applicable provisions of this Ordinance for the purpose of separating different use districts, or to separate dissimilar uses on one property from uses on another property of the same use district. See Division 520.

SECTION 4

Section 520-020 is amended by deleting sections B.3 and B.4. in their entirety and adding the following:

Sec. 520-020 TRANSITIONAL BUFFERS

- B. All buffer areas and screening shall be in accordance with the following requirements. Detailed landscape standards are contained in Division 430 of the Newton County Development Regulations.

3. Buffers shall be natural, undisturbed and free of encroachments including stormwater ponds (except as authorized by a condition of zoning, conditional use or zoning approval or as authorized herein).
4. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen. The Newton County Landscape Architect shall determine if supplemental plantings are necessary to achieve this goal, and if so, shall approve a planting plan.

SECTION 5

Section 510-020 is amended by deleting 510-020 A.2. and 4. in their entirety and replacing it with the following:

Sec. 510-020 ACCESSORY STRUCTURES AND USES

A. General Standards

2. All accessory buildings or structures shall be located in the rear yard or in the side yard but not in the front yard or between the house and any adjacent street, with the following exceptions:
 - a. Where the accessory building or structure can be adequately screened from the adjacent street an administrative variance for the rear yard (per Section 630-010) may be granted for double- or reverse-frontage lots).
 - b. Accessory structures shall be allowed in the front yard if no closer than 1,320 feet to the adjacent street on properties zoned Agricultural (A).
4. No accessory structure shall be closer than five (5) feet from an abutting property line. For double- or reverse-frontage lots, no accessory structure shall be closer than 15 feet from an abutting right-of-way.

SECTION 6

Section 630-010 is amended by adding a new item D. The previous item D. shall become item E. and the previous item E. shall become item F.

Sec. 630-010 ADMINISTRATIVE VARIANCES

- D. On double-frontage lots, allow accessory structures to be placed in the rear yard between the house and the adjacent street. Adequate screening from the adjacent street, as approved by the County Landscape Architect, may be required.

SECTION 7

Section 620-060 is amended by deleting section B.14. in its entirety and adding the following:

14. If the application is for a Personal Care Home or Group Residence for the handicapped, and the application does not satisfy the above criteria, the County shall consider what reasonable accommodations in its rules or policies it can make to provide the handicapped with equal opportunity to use and enjoy dwellings, while not abrogating the purposes of this ordinance. As used in this section, "handicap" means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 802 of Title 21 of the U.S. Code). Any reasonable accommodation should only be related to the disability/handicap.

SECTION 8

Section 430-020 is amended by deleting section E. in its entirety:

~~E. No Rural Overlay District shall be approved without the written approval of the owners of not less than fifty one percent (51%) of the land area, by acreage, and not less than fifty one percent (51%) of the landowners in number, within the proposed district. It is recommended that a strong majority of the landowners favor the proposed district.~~

SECTION 9

Section 510-630 is amended by adding the following as item D.14.:

Sec. 510-630 TELECOMMUNICATIONS SUPPORT STRUCTURES AND ANTENNAS AND ALTERNATIVE SUPPORT STRUCTURES

D. GENERAL PROVISIONS

14. Replacement of Existing Antennas. When, due to the availability of newer technology, maintenance, etc., a tower owner or tenant desires to replace an existing, approved set of antennas (i.e., more than 2 antennas in a given set) with antennas that have the same connectivity, the following process and standards shall apply and shall be reviewed and approved through application for zoning review and applicable building permits:

- a. The information required by Sections 510-630 E.3.a. through f. shall be submitted as part of the application package.
- b. A report shall be submitted from a professional qualified engineer licensed in the State of Georgia, or other

appropriate qualified industry expert, documenting the following:

1. Physical and electrical description of the replacement antennas and any associated equipment. This shall include physical specifications (size, weight) of old and new antennas and pictures of each, as well as electrical specifications (gain, frequencies, pattern) of old and new antennas.
 2. A structural analysis for new antennas. Said report shall analyze existing antennas and future antennas (if additional capacity exists) as well as replacement/new antennas.
 3. Verification that the radiated energy produced after the replacement is completed will not exceed safety standards (all calculations shall be provided and assumptions shall be clearly stated with explanations of why they are valid). Provide details of RF safety analysis under worst case conditions (i.e., all antennas on tower [not just those of the applicant] radiating at the same time).
 4. Provide layout design of site ground plan if it has changed as a result of the new antennas.
 5. All assumptions must be validated by the preparer of the report.
- c. Evidence shall be provided that new antennas shall meet the standards of Sections 510-630 D.5.a. and D.5.c., as applicable.
- d. A copy of the latest tower maintenance report, not older than five years, shall be submitted as part of the application. A more recent maintenance report may be required if reference is made to such in the engineer's report.
- e. A description of any change in utilities resulting from the antenna replacement shall be provided (see Section 510-630 E.2.m.).

SECTION 10

The Fee Schedule is amended by adding the following:

Replacement of Existing Antennas	\$500.00
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SECTION 11

Section 510-630 F.1.e.2. is amended by deleting it in its entirety and adding the following:

Sec. 510-630 TELECOMMUNICATIONS SUPPORT STRUCTURES AND ANTENNAS AND ALTERNATIVE SUPPORT STRUCTURES

