

**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**

Article 4, Sections 420-040 D. and 420-115 D. are amended by inserting the following footnotes:

- (1) 420-040 D.: "For purposes of Division 420, Part I only, the term "Development Node" shall refer to those areas designated as Development Nodes on the Newton County Future Land Use Map and all property zoned Multi-County Mixed-Use Business Park."
- (2) 420-115 D.: "For purposes of Division 420, Part II only, the term "Development Node" shall refer to those areas designated as Development Nodes on the Newton County Future Land Use Map."

**SECTION 2**

Article 6, Sections 620-020 A., B. and C. are amended by deleting the existing text in its entirety and inserting the following:

**Sec. 620-020 NOTICE OF PUBLIC HEARINGS**

Notice of a public hearing on any amendment to this Ordinance, or application for rezoning, modification, conditional use permit or amendment of the official zoning map or Comprehensive Plan Future Land Use Maps shall be provided as follows:

- A. Written notice of each shall state the nature of the proposed change, and the date, time, and place of the public hearing before the Planning Commission (if applicable) and the Board of Commissioners and shall be mailed by first class mail to all adjoining property owners with boundaries adjoining the subject property, as such property owners are listed on the tax records of Newton County, at least fifteen (15) days before the public hearing before the Planning Commission and not more than forty-five (45) days prior to the date of the public hearing before the Board of Commissioners.
- B. For each amendment to the official zoning map, conditional use permit, modification or Comprehensive Plan Future Land Use Maps initiated by a party other than the local government, signs shall be posted on the subject property at least fifteen (15) days before the hearing before the Planning Commission (if applicable) and not more than forty-five (45) days prior to the date of public hearing before the Board of Commissioners. The sign shall state the case number, the nature of the proposed change, and the date, time, and place of the

public hearing before the Planning Commission and the Board of Commissioners. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten (10) feet of the right-of-way. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. The lettering on the signs shall be at least one inch in size.

- C. For each amendment to the text of this Ordinance, the official zoning map, and the Comprehensive Plan, modification, and conditional use permit application, notice of the nature of the proposed change and the date, time and place of the public hearing before the Planning Commission (if applicable) and the Board of Commissioners shall be published in a newspaper of general circulation within the County in which are carried the legal advertisements of the County at least fifteen (15) days prior to the hearing before the Planning Commission and not more than forty-five (45) prior to the public hearing before the Board of Commissioners. For all proposed amendments to the official zoning map, the notice shall include the case number and the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

### SECTION 3

Article 5, Section 510-480 is amended by adding the following:

- F. Any Place of Worship proposed for an existing structure shall submit inspection fees for a building inspection and a Fire Marshall inspection prior to the issuance of an Administrative Use Permit. Satisfaction of any repairs, changes, upgrades, etc. (and acquisition of any permits) required by either the building inspector or the Fire Marshall shall become a condition of approval of the Administrative Use Permit.

### SECTION 4

Article 5, Section 505-010 is amended by adding the following:

| Type of Use          | Applicable Use Standards | Zoning Districts |        |        |        |        |        |         |        |         |         |         |        |        |        |        |                |        |
|----------------------|--------------------------|------------------|--------|--------|--------|--------|--------|---------|--------|---------|---------|---------|--------|--------|--------|--------|----------------|--------|
|                      |                          | A                | R<br>E | A<br>R | R1     | R<br>2 | R<br>3 | MS<br>R | D<br>R | RM<br>F | MH<br>P | MH<br>S | O<br>I | C<br>N | C<br>H | C<br>G | M<br>1         | M<br>2 |
| Office, Professional |                          | C<br>U           | C<br>U | C<br>U | C<br>U |        |        |         |        |         |         |         | A      | A      | A      | A      | A <sup>4</sup> |        |

4. Only business licenses for use in office buildings existing as of the effective date of this ordinance are authorized in M1 zoning. No new office buildings or renovations of buildings into office spaces are authorized in M1 zoning.

## SECTION 5

Article 1, Section 105-020 is amended by adding the following:

Group Residence: Any dwelling, or facility in which full time residential care is provided for persons as a single housekeeping unit. This use shall apply to homes for the handicapped. This use is typically funded in whole or in part by a State Agency.

## SECTION 6

Article 5, Section 510-650 is amended by deleting the existing text in its entirety and adding the following:

### **Sec. 510-650 TEMPORARY USE, COMMERCIAL**

A. The following uses may be permitted for the period indicated:

1. The sale of fruits or vegetables for a period not to exceed 20 days. On properties zoned A, RE or AR the Planning Director may approve a period in excess of 20 days if adequate documentation is provided proving that only locally-grown (i.e., sourced within Newton County) produce will be sold at that location.
2. Charitable or non-profit events not to exceed four (4) days.
3. Fall seasonal sales or activities such as Christmas trees, pumpkin patches, haunted houses and corn mazes between September 1 and January 1.
4. Sales of firewood between September 1 and March 31 on properties zoned A, RE or AR only.
5. The sale of any items in association with an existing business located on the premises as a principal use (i.e. sidewalk, parking lot, or tent sales) for a period not to exceed 20 days.
6. Carnival rides not to exceed fifteen (15) days provided no structure or equipment is located within five-hundred (500) feet of any residential property.
7. Garage sales may be held up to four (4) times per year for up to four (4) days each. A permit must be obtained if more than two (2) garage sales are held in a calendar year.

In accordance with Section 505-010 B., any use not listed above shall be prohibited and the addition of any prohibited use shall require a text amendment.

A period of not less than six (6) months must pass before a temporary use permit on the same property may be applied for or renewed. The six (6) month period shall be from the date of any prior approval of a temporary use.

One extension of up to ten (10) days may be granted by the Director (additional documentation or justification may be required). No extensions may be granted for garage sales.

B. The application process is as follows:

1. A temporary commercial use permit application shall be submitted to the Zoning Administrator. A decision will be issued within 30 days of receipt of a complete application.
2. Except for garage sales, an application for a temporary commercial use shall include the following:
  - (a) Written permission of the property owner.
  - (b) A written description of the proposed activity, including but not limited to the estimated number of customers/attendees anticipated per day.
  - (c) A written plan addressing the provision of parking, sanitation, restroom facilities, and post-event cleanup.
  - (d) Written documentation of any vendors who will be selling food or merchandise. Food sellers must have approval of the Environmental Health Department as per 510-650 B.2.(f)(1).
  - (e) A site plan showing where the event will take place on the property, and the location of the parking area(s), ingress and egress.
  - (f) Written proof that all approvals necessary to show compliance with all other requirements for licenses and regulations of Newton County shall be submitted. These include but are not limited to:
    - (1) Approval from the Environmental Health Department for food or drink service. Events held by Places of Worship do not need Environmental Health Department Approval.
    - (2) Approval of the Sheriff's Office for traffic control, security, etc.
    - (3) Approval of the Fire Marshall (except for garage sales held at a private residence).



| Type of Use                      | Applicable Use Standards | Zoning Districts |     |     |     |     |     |      |     |      |      |      |     |     |     |     |     |     |
|----------------------------------|--------------------------|------------------|-----|-----|-----|-----|-----|------|-----|------|------|------|-----|-----|-----|-----|-----|-----|
|                                  |                          | A                | R E | A R | R 1 | R 2 | R 3 | MS R | D R | RM F | MH P | MH S | O I | C N | C H | C G | M 1 | M 2 |
| Adult Entertainment <sup>1</sup> | 510-040                  |                  |     |     |     |     |     |      |     |      |      |      |     |     |     |     | A U | A U |

1. Permits are required under the Adult Entertainment Ordinance

## SECTION 8

Article 5, Section 500-090 is amended by deleting the existing text in its entirety and adding the following:

When an application for rezoning, conditional use permit or preliminary plat review includes any uses which exceed the applicable development thresholds as established by the Department of Community Affairs or the Northeast Georgia Regional Commission, it shall be deemed to be a Development of Regional Impact (DRI). No action shall occur on such a rezoning, conditional use permit or preliminary plat review application by the Newton County Board of Commissioners until all requirements per State law (OCGA 50-8-7.1.), the Department of Community Affairs and the Northeast Georgia Regional Commission pertaining to DRIs are satisfied by the applicant. Newton County is a metropolitan region and the numbers under metropolitan regions apply in determining whether the development is a DRI.

## SECTION 9

Article 1, Section 105-020 is amended by deleting the existing text for "Outdoor Recreation Facilities, Commercial" in its entirety and adding the following:

Outdoor Recreation Facilities, Commercial: Any establishment whose main purpose is to provide the general public with facilities for active, outdoor recreational activities and where tickets are sold or fees are collected for participation in the activity. Outdoor commercial recreation facilities include, but are not limited to: water slides and parks, golf courses and miniature golf courses, driving ranges, and baseball batting cages. The following uses are excluded from this definition: tracks for motor sports and firing ranges. See Section 510-430.

## SECTION 10

*Article 4, Section 450-120 is amended by adding the following:*

450-120 A. Open Space – Single-Family Residential – Tier 1

A division of property amongst heirs or family members of residentially zoned property into no more than 2 lots shall be exempt from these requirements. All other applicable requirements shall apply.

450-120 B. Open Space – Residential – Tier 2 and 3

In Tier 3, a division of property amongst heirs or family members of residentially zoned property into no more than 2 lots shall be exempt from these requirements. All other applicable requirements shall apply.

## SECTION 11

*Article 4, Sections 450-040 B. and C. are amended by revising the following:*

All references to minimum lot areas served by septic systems shall be changed from 25,300 square feet to 25,500 square feet.

## SECTION 12

*Article 4, Section 450-020 is amended by deleting the existing text in its entirety and adding the following:*

### A. Authorized Uses

The Almon/Crowell Road Overlay District is divided into three tiers, as shown on the map, and shall be referenced below as Tier 1: Residential, Tier 2: Mixed Use, and Tier 3: Almon Town Center. All Tiers shall be limited in use as shown below.

Manufactured homes are prohibited within all Tiers of the Overlay, except as allowed under Section 530-030.

1. Tier 1: Residential. Single Family Detached Residential and accessory uses and structures. Uses shall comply with the Use Table of Section 505 and the Use Standards of Section 510 based on the current zoning district.
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 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.<sup>1</sup>
  - (b) For properties with non-residential zonings other than mixed-use, permitted uses shall comply with the Use Table of Section 505 and the Use Standards of Section 510 based on the current zoning district.
  - (c) For properties zoned Mixed-Use, permitted uses and use standards shall comply with Division 290.

3. Tier 3: Almon Town Center. Single-Family Detached or Attached, Townhouses, Multifamily Residential if part of a mixed use development, Non-Residential and any use allowed by the Mixed Use Zoning District (Sec. 290-020) if zoned Mixed Use.

- (a) Permitted residential uses shall comply with the Use Table of Section 505 and the Use Standards of Section 510 based on the current zoning district.
- (b) For properties with non-residential zonings other than mixed-use, permitted uses shall comply with the Use Table of Section 505 and the Use Standards of Section 510 based on the current zoning district.
- (c) For properties zoned Mixed-Use, permitted uses and use standards shall comply with Division 290.

<sup>1</sup> In Tier 2, any property which was zoned AR (Agricultural Residential) and was vacant at the time of adoption of this Overlay may have one single-family residence constructed in conformance with the standards of Sections 450-040 and 450-050.

### SECTION 13

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

### SECTION 14

This Ordinance shall be in force and take effect on July 19, 2011.

Adopted and approved by the Board of Commissioners on the 19th day of July, 2011, after a public hearing on said date.

#### NEWTON COUNTY BOARD OF COMMISSIONERS

By: Kathryn G. Morgan  
Kathryn G. Morgan, Chairman

Attest: Jackie Smith  
Jackie Smith, Clerk

Recommended for approval and adopted by the Newton County Planning Commission on the 28th day of June, 2011, after a public hearing on said date.

#### NEWTON COUNTY PLANNING COMMISSION

By: Landis Stephens  
Landis Stephens, Chairman

Attest: Crystal Dooley  
Crystal Dooley, Secretary