

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 1, Section 105-020 is amended by deleting the definitions for "Family" and "Personal Care Home" and inserting in lieu thereof the following:

Family

A group of individuals related by blood, marriage, adoption, or guardianship, or not more than four persons not so related¹, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Personal Care Home

Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. This use shall apply to homes for the handicapped. As used herein, the term "handicapped" shall mean having:

- (1) A physical disability that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
- (2) A record of having such disability; or
- (3) Being regarded as having such a disability.

However, "handicapped" shall not include:

- (1) Current users or addicts of an illegal controlled substance;
- (2) Sex offenders, specifically including, but not limited to, any persons required to register as a sex offender under O.C.G.A. § 42-1-12; and
- (3) Any person whose residency in the home would constitute a direct threat to the person or property of other individuals.

SECTION 2

Article 1, Section 105-020 is hereby amended by inserting a definition for "Group Residence", as follows:

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.

As used herein, the term "handicapped" shall mean having:

¹ The number of unrelated individuals may be increased to six with a Conditional Use Permit.

- (1) A physical disability that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently;
- (2) A record of having such disability; or
- (3) Being regarded as having such a disability.

However, "handicapped" shall not include:

- (1) Current users or addicts of an illegal controlled substance;
- (2) Sex offenders, specifically including, but not limited to, any persons required to register as a sex offender under O.C.G.A. § 42-1-12;
- (3) Juvenile offenders, specifically including, but not limited to, any person under juvenile court sentence. A group residence may not serve the purpose of, or as an alternative to, incarceration; and
- (4) Any person whose residency in the home would constitute a direct threat to the person or property of other individuals.

SECTION 3

Article V, Division 510 is hereby amended by inserting a new section as follows:

Sec. 510-298 GROUP RESIDENCE

- A. If located in a residential zoning district, the design and or maintenance of the structure used for the group residence must be residential in appearance and in keeping with neighboring homes.
- B. The group residence shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
- C. A group residence with 4 or fewer persons is allowed as of right in all residential zoning districts and with conditional use in OI, CN, CH and CG zoning districts. In residential districts, the resident manager is counted toward the limit.
- D. A group residence with 5-6 persons is allowed with conditional use in all residential zoning districts and in OI, CN, CH and CG zoning districts. In residential districts, the resident manager is counted toward the limit.
- E. A group residence with over 6 persons is allowed with conditional use in the RMF, OI, CN, CH and CG zoning districts.
- F. The operator of the group residence shall comply with all applicable local, state and federal laws and regulations. Copies of all applicable licenses and permits, including but not limited to a Newton County business license, and State of Georgia Department of Human Resources license, shall be provided to the Planning Department. Evidence shall be made available to the Planning Department on an annual basis that the group residence maintains and is in compliance with all licensing requirements.

- G. The group residence shall comply with all applicable building, housing, and fire codes. A fire inspection shall be required prior to the issuance of a business license and shall be required annually prior to the renewal of said business license.
- H. To prevent the institutional atmosphere created by a concentration or clustering of several group residences thereby defeating the group residence goal of integrating individuals into the community, each group residence shall be a minimum of five hundred (500) feet from any other group residence or similar use if located in a single-family residential zoning district. (Said distance shall be measured from property lines).
- I. The applicant shall submit a 24-hour crisis intervention plan. It shall be within the county's discretion to require the group residence to enter into a memo of understanding with the appropriate local agencies such as schools, hospitals or other crises intervention agencies for provision of emergency services, including, where applicable, 24-hour crises intervention.
- J. The operator of a group residence housing juveniles shall provide the Newton County Sheriff's Department with a current list of residents. If any of the juveniles were placed in the group residence by the Department of Family and Children's Services, a list shall also be provided to the Newton County Office of the Department of Family and Children's Services. Said list shall be updated within ten days of a change in residents. The operator of the group residence shall also provide a 24-hour contact number for the person or organization owning the group residence.

SECTION 4

Article V, Section 510-460 is hereby deleted in its entirety and a new section 510-460 is inserted in lieu thereof as follows:

Sec. 510-460 PERSONAL CARE HOME/ ASSISTED LIVING FACILITY

- A. If located in a residential zoning district, the design and or maintenance of the structure used for the personal care home must be residential in appearance and in keeping with neighboring homes.
- B. The personal care home shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
- C. A personal care home with 4 or fewer persons is allowed as of right in all residential zoning districts and with conditional use in OI, CN, CH and CG zoning districts. In residential districts, the resident manager is counted toward the limit.
- D. A personal care home with 5-6 persons is allowed with conditional use in all residential zoning districts and in OI, CN, CH and CG zoning districts. In residential districts, the resident manager is counted toward the limit.

- E. A personal care home with over 6 persons is allowed with conditional use in the RMF, OI, CN, CH and CG zoning districts.
- F. The operator of the personal care home shall comply with all applicable local, state and federal laws and regulations. Copies of all applicable licenses and permits, including but not limited to a Newton County business license, and State of Georgia Department of Human Resources license, shall be provided to the Planning Department. Evidence shall be made available to the Planning Department on an annual basis that the personal care home maintains and is in compliance with all licensing requirements.
- G. The personal care home shall comply with all applicable building, housing, and fire codes. A fire inspection shall be required prior to the issuance of a business license and shall be required annually prior to the renewal of said business license.
- H. To prevent the institutional atmosphere created by a concentration or clustering of several personal care homes thereby defeating the goal of integrating individuals into the community, each personal care home shall be a minimum of five hundred (500) feet from any other personal care home or similar use if located in a single-family residential zoning district. (Said distance shall be measured from property lines).

SECTION 5

The Use Table in Article V is hereby amended by deleting the categories of “Dwelling, Single Family”, “Personal Care Home, Under 6 residents”, “Personal Care Home 7-12 residents” and “Personal Care Home, over 12 residents” and inserting the following:

<u>Type of Use</u>	Zoning Districts																
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	R MF	M HP	M HS	OI	CN	CH	CG	M- 1	M- 2
Dwelling, Single Family²	A	A	A	A	A	A	A	A	A	A	A						
Group Residence 4 or less	A	A	A	A	A	A	A	A	A	A	A	CU	CU	CU	CU		
Group Residence 5-6	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU		
Group Residence Over 6									CU			CU	CU	CU	CU		
Personal Care Home, 4 or less	A	A	A	A	A	A	A	A	A	A	A	CU	CU	CU	CU		

² Conditional Use Permit required for 5-6 unrelated persons to reside in Single-Family Dwelling.

Type of Use	Zoning Districts																
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	R MF	M HP	M HS	OI	CN	CH	CG	M- 1	M- 2
Personal Care Home, 5-6	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU		
Personal Care Home, Over 6									CU			CU	CU	CU	CU		

SECTION 6

Article V, Section 3510-310 is hereby deleted in its entirety and the following is inserted in lieu thereof.

Sec. 510-310 HOME OCCUPATION

- A. The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, traffic, and utilities.
- B. The home occupation shall be carried on only by a member or members of the family residing in the residence.
- C. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- D. No more than 25 percent of the principal structure (maximum 800 square feet), may be used for the home occupation.
- E. No more than two home occupation permits shall be granted per dwelling unit. No more than one home occupation permit shall be granted per dwelling unit that requires a Conditional Use Permit.
- F. Home occupations involving customer contact require approval through a Conditional Use Permit. Customer parking is limited to only one patron at a time.
- G. The use shall be conducted entirely within the dwelling unit. Approval through a conditional use permit is required for home occupations located in accessory buildings (with the provision that the accessory building be no larger than 1,000 square feet).
- H. There shall be no direct retail sales on the premises in connection with such home occupation.
- I. There shall be no warehousing of material, equipment, or merchandise on the premises.

- J. No traffic shall be generated by such home occupation in greater volumes than would be expected in residential neighborhood.
- K. Outdoor storage and outdoor lights are prohibited.
- L. No equipment or processes shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference, outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises, or cause fluctuations in line voltage off the premises.
- M. No signs other than those otherwise authorized within the applicable zoning district shall be erected.
- N. No commercial vehicles except as authorized by Sec.515-010.

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 7, 2006.

Adopted and approved by the Board of Commissioners on the 7th day of November, 2006, after a public hearing on said date.

NEWTON COUNTY BOARD OF COMMISSIONERS

By: *Aaron Varner*
Aaron Varner, Chairman

Attest: *Jackie Smith*
Jackie Smith, Clerk



Recommended for approval and adopted by the Newton County Planning Commission on the 24th day of October, 2006, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By: *Glover Anderson*
Glover Anderson, Chairman

Attest: *Judy Johnson*
Judy Johnson, Secretary