

**AN ORDINANCE TO ADOPT AMENDMENTS TO THE
2003 ZONING ORDINANCE, NEWTON COUNTY, GEORGIA;
TO REPEAL CONFLICTING PROVISIONS;
TO PROVIDE FOR AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES**

BE IT ORDAINED by the Board of Commissioners, Newton County, Georgia, and it is hereby ordained by the authority of the Constitution of Georgia (1983), Art. IX, Sec. II, Par. I, II and IV, as follows:

SECTION 1

Article 1, Division 105 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting the definitions of Adult Day Care Center, Adult Day Care Facility, Child Day Care Center, Child Day Care Facility and Commercial Vehicle in their entirety and by inserting in lieu thereof the following:

Sec. 105-020 Specific Definitions

Adult Day Care

An establishment operated by any person wherein compensation is paid for providing for the care, supervision, and oversight during day-time hours of adults who are elderly, physically ill or infirm, physically handicapped or mentally handicapped.

Child Day Care

Any place operated by a person, society, agency, corporation or institution, or any group, who receives for pay children under 18 years of age for group care, without transfer of custody, for more than four (4) hours, and as much as twenty-four (24) hours per day. See Section 510-210.

Commercial Vehicle

A duly licensed and registered vehicle used to transport passengers or property to further a commercial enterprise. A recreational vehicle, or a farm machine or a farm vehicle for agricultural use is not a commercial vehicle.

SECTION 2

Article 3 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by amending subsections 300-080 C and 300-110 D as follows:

Sec. 300-080 C.O.R.D.-PRD GENERAL REQUIREMENTS

C. Authorized Uses

The C.O.R.D.-PRD development may consist of any authorized use or combination of authorized uses, as follows, except that multi-family dwelling units may not occupy more than 30 percent of the total ~~developed~~ acreage of the overall area of the approved development:

Sec. 300-110 C.O.R.D.-PRC GENERAL REQUIREMENTS

D. Authorized Uses

The C.O.R.D.-PRC development may consist of any authorized use or combination of authorized uses, as follows, except that commercial uses shall not occupy more than fifteen (15) percent of total ~~developed~~-acreage and multi-family dwelling units may not occupy more than thirty (30) percent of the total ~~developed~~ acreage of the overall area of the approved development:

SECTION 3

Article 4 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by amending subsections 410 -030 D, E, and F as follows:

Sec. 410-030 DEVELOPMENT STANDARDS

D. Subject to minimum lot sizes established in Article 2 of this Zoning Ordinance, new homes served by septic tank/drain field systems must be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (~~DHR DNR~~ Table MT-1):

1. 150 percent of the subdivision minimum lot size of ~~DHR DNR~~ Table MT-1 if they are within a high pollution susceptibility area.
2. 125 percent of the subdivision minimum lot size of ~~DHR DNR~~ Table MT-1 if they are within a medium pollution susceptibility area.
3. 110 percent of the subdivision minimum lot size of ~~DHR DNR~~ Table MT-1 if they are within a low pollution susceptibility area.

E. Subject to minimum lot sizes established in Article 2 of this Zoning Ordinance, new manufactured home parks served by septic tank/drain field systems must have lots or spaces having the following size limitations as identified on Table MT-2 of the

Department of ~~Human~~ **Natural Resources**' Manual for On-Site Sewage Management Systems (DHR Table MT-2):

1. 150 percent of the subdivision minimum lot size of ~~DHR~~ **DNR** Table MT-2 if they are within a high pollution susceptibility area.
 2. 125 percent of the subdivision minimum lot size of ~~DHR~~ **DNR** Table MT-2 if they are within a medium pollution susceptibility area.
 3. 110 percent of the subdivision minimum lot size of ~~DHR~~ **DNR** Table MT-2 if they are within a low pollution susceptibility area.
- F. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Newton County Health Department first approves the proposed septic tank installation as meeting the requirements of the ~~DHR~~ **DNR** manual and subsections (D) and (E) above.

SECTION 4

Article 5 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting Day Care Facility, Child, Day Care Center, Child, Day Care Facility, Adult and Day Care Center, Adult, from the Use Table contained in Division 505 in their entirety and inserting in lieu thereof, the following:

| Type of Use | A | RE | AR | R1 | R2 | R3 | MS R | DR | RM F | MH P | MH S | OI | CN | CH | CG | M1 | M2 |
|--------------------------|----|----|----|----|----|----|---------|----|---------|---------|---------|----|----|----|----|----|----|
| Day Care, 3-6 | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU | AU |
| Day Care, 7-12 | CU | CU | CU | CU | CU | CU | | CU | CU | | CU | AU | AU | AU | AU | AU | |
| Day Care, over 12 | | | | | | | | | | | | AU | AU | AU | AU | AU | |

SECTION 5

Article 4 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by adding subsections 510-210 F and 510-220 C as follows:

Sec. 510-210 DAY CARE, CHILD

F. Day Care in residential structures must be occupied by a resident.

Sec. 510-220 DAY CARE, ADULT

C. Day Care in residential structures must be occupied by a resident.

SECTION 6

Article 5 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting Section 515-010 in its entirety and by inserting in lieu thereof the following:

Sec. 515-010 GENERAL REQUIRMENTS

Within Newton County off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance. For the purpose of this Ordinance, the following general requirements are specified:

- A. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within six hundred (600) feet of the property of such principal use. Commercial and recreation vehicles in residential zonings shall not be parked off-site on property without a principal structure or use. The required number of parking spaces for any number of separate uses may be combined in one lot.
- B. Commercial and recreational vehicles may be parked in residentially zoned districts with the following provisions:
 - 1. A maximum of one commercial and one recreational vehicle is allowed per lot.
 - 2. No commercial or recreational vehicle shall be parked in the street.
 - 3. Recreational vehicles (including boats on trailers) must be parked within the buildable area of the lot but shall not be parked or project between the principal structure and the street(s). Recreational vehicles cannot be parked on lots that do not contain a permanent dwelling unit or other structure housing a permanent principal use, except in authorized recreational vehicle parks. (See illustrations in Appendix A).

4. Commercial vehicles, including trailers or vehicles with trailers must be parked within the buildable area of the lot but shall not be parked or project between the principal structure and the street(s). (See illustrations in Appendix A)
5. Commercial vehicles are restricted as follows:

| Type of vehicle | Minimum lot size | Restricted Location | Screening Requirements |
|--|-------------------|--|--|
| 1.) Typical home use vehicle, with or without logo, including pickup trucks, passenger vans and “dually” trucks | None | None | None |
| 2.) Commercial Vehicles including, vans and pickup trucks with outside equipment storage, emergency vehicles, flatbed trucks, box vans, vehicles with trailers, semi-tractor cabs without trailers | Ten acres or less | Within buildable area, but not between the principal structure and the street(s) | If located less than 15 feet from property line, an opaque fence or evergreen hedge/screen is required |
| 3.) Tractors, earthmoving equipment, dump trucks, heavy construction equipment, semi tractor cabs and/or trailers | 10 or more acres | Setback 100 feet from all property lines | None |

6. Exceptions

These provisions do not apply to vehicles used in farming, engaged in moving household goods or making deliveries, or used in conjunction with construction under an active permit. Tractors used for property maintenance are allowed on lots more than one acre.

7. Vehicles may be enclosed in accessory structures provided that such structures meet all provisions outlined herein and in other applicable ordinances.

SECTION 7

Article 5 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting subsection 510-310 G in its entirety.

SECTION 8

Article 6 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting subsections 605-030 E, F, G and H in their entirety and inserting in lieu thereof the following:

Sec. 605-030 POWERS OF BOARD OF ZONING APPEALS

C. The Board of Zoning Appeals is hereby granted power to attach special conditions to the grant of a variance or the extension, enlargement or continuance of a non-conforming use. The conditions shall be designed and intended to make provision for special circumstances presented by the request and/or to preserve the basic character of the area within which the proposed use is to be located.

D. Appeals of Administrative Decisions

The Board of Zoning Appeals shall have the power and duty to hear and decide appeals in conformance with Section 605-020 (D).

E. Limitation of Authority

The authority and jurisdiction of the Board shall be limited as outlined below:

1. There shall be no variance to the permitted uses as specified in Sec. 510, administrative/use permit or zoning conditions.
2. There shall be no variances to the minimum lot area, as required by each zoning district or condition of zoning.
3. There shall be no variances to the minimum lot frontage on a street as required by each zoning district.
4. There shall be no variance to increase the density or change the use of a property.

F. Refiling

If a petition for variance or extension or continuance of a non-conforming use is denied by the Board of Zoning Appeals, such petitioner shall be required to wait at least ninety (90) days from the filing date of the denied application before again petitioning for the same purpose.

SECTION 9

Article 6 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting subsection 620-070 B. 2 in its entirety and by inserting in lieu thereof the following:

Sec. 620-070 CONDITIONAL REZONING

- B. Once imposed, conditions shall become an integral part of the approved amendment or conditional use permit and shall be enforced as such.
2. Any major change to conditions attached to an approved zoning amendment or conditional use shall require an application and hearing before the Board of Commissioners as is required in this Division for amendments to the official zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for purposes of interpreting this Section:
- a. The movement of any building or structure closer to the nearest exterior boundary line of the property;
 - b. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
 - c. Any increase in the height of any building or structure; or
 - d. Any change in the proportion of floor space devoted to different authorized uses.

SECTION 10

Article 7 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by amending Division 700 as follows:

DIVISION 700: ENFORCEMENT AND PENALTIES

Sec. 700-010 ENFORCEMENT

- A. The Planning Director, the Building Official or a designee has the power to make inspections of buildings or structures (their construction and use) and land (its use, development and subdivision) to determine if they conform to the requirements of this Ordinance. Inspections shall be carried out during reasonable business hours, unless an emergency exists.

- B. If the Planning Director, Building Official or a designee shall determine that any such building or land does not conform to this Ordinance, the owner shall be notified by written notice, registered mail return receipt requested of the manner in which such building or land does not conform and the owner shall have thirty days in which to remedy the conditions therein specified; provided, however, that the Planning Director, Building Official or a designee may, at his discretion, extend the time for compliance with any such notice.

Sec. 700-020 PENALTIES

- A. Any violation of this Ordinance is hereby declared to be a public nuisance.
- B. Any person, firm, corporation, or entity accused of a violation of this Ordinance shall, upon conviction, be punished by imposition of a minimum fine of \$100.00, not to exceed the maximum penalties specified in O.C.G.A. 36-1-20. Exception: A penalty of \$25.00 per sign, for the first offense, \$100.00 per sign for the second offense, \$250.00 per sign for additional offenses (\$1,000 maximum, per offense) shall be levied against violations of Section 525-030, Paragraph C. *Weekend Directional Signs*.
- C. Each offense shall constitute a separate offense for each day such violation shall continue.

Sec. 700-030 REMEDIES

In the event any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Planning Director, Building Official, a designee, or any appropriate County authority or any person who would be damaged by such violation may institute injunction, mandamus or other appropriate action in proceeding to prevent the violation in the case of each building, structure, or land use pursuant to O.C.G.A. Section 15-10-63 and any successor statute.

SECTION 11

Enforcement of Section 515-010, Off-Street Parking and Loading Regulations, General Requirements, shall be as follows:

Prior to the issuance of a citation for violation of section 515-010, a warning notice shall be issued. The warning notice shall contain, at a minimum, the following information:

- a. A description of the violation;
- b. The steps to be taken to remedy the violation;
- c. The time period within which the violation must be remedied. Said time period shall not be less than thirty (30) days; and

- d. Notice of the opportunity to file an application for a variance from the terms of section 515-010 within thirty days of receipt of the warning notice. Variance applications are heard by the Board of Zoning Appeals in accordance with Division 605 of the Zoning Ordinance.

SECTION 12

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

SECTION 13

This Ordinance shall be in force and take effect on June 8, 2005.

Adopted and approved by the Board of Commissioners on the 7 day of June, 2005, 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 adoption by the Newton County Planning Commission on May 24, 2005, after a public hearing on said date.

Richard Coleman
Richard Coleman, Chairman
Newton County Planning Commission

FILE COPY

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 7, 2005
MINUTES**

Excerpt from Minutes

Chairman Varner announced the Public Hearing for the Amendments to the Newton County Development Regulations and Zoning Ordinance.

Zoning Director Marian Eisenberg addressed the board and sounded the amendments to the Newton County Zoning Ordinance. She told the board that the Planning Commission had recommended approval of the changes.

After discussing each amendment and clarifying the requested changes the board voted on each amendment separately as follows:

**ORDINANCE O-060705 AMENDING THE 2003 ZONING
ORDINANCE, NEWTON COUNTY, GEORGIA**

Commissioner Ester Fleming made a motion to approve with Commissioner Ewing giving the second, however after discussion it was decided by the board to vote on each section separately. At that point Commissioner Fleming withdrew his motion

**Section One
Article 1, Division 105**

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section One, Article 1, Division 105 as recommended by the Newton County Planning Commission

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion carried with Commissioner Henderson abstaining.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Two

Article 3, Subsections 300-080 C and 300-110 D

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Two, Article 3, Subsections 300-080 C and 300-110 as recommended by the Newton County Planning Commission

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Mont Laster, District Five

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Three

Article 4, Subsections 410-030 D, E and F

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Three, Article 4, Subsections 410-030 D, E and F as recommended by the Newton County Planning Commission

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, Jr., District Three

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Four

Article 5,

Use Table contained in Division 505

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Four, Article 5, Use Table contained in Division 505 as recommended by the Newton County Planning Commission

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Five

Article 4, Subsections 510-210F and 510 -220 C

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Five, by adding Subsections 510-210 F and 510-220 C as recommended by the Newton County Planning Commission

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Six

Article 5, Section 510-010

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Six, Article 5 by deleting Section 515-010 in its entirety and by inserting in lieu thereof new language and table as discussed by board of commissioners. Also that Law Enforcement Vehicles fall under exception and that flatbed trucks, box vans, vehicles with trailers, semi-tractor cabs without trailers is moved to #3 under Type of Vehicles with a minimum lot size of 10 acres or more and a setback of 100 feet from all property lines.

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner Monty Laster, District Five

Motion carried with Commissioner Dimsdale Voting in opposition to the motion and Commissioner Henderson abstained.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Seven

Article 5, Subsection 510-310 G

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia deleting in its entirety Article 5, Subsection 510-310 G of Section Seven as recommended by the Newton County Planning Commission

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Eight

Article 6, Subsections 605-030 E, F, G and H

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Eight, Article 6, Subsection 605-030 E, F, G, and H as recommended by the Newton County Planning Commission

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Nine

Article 6, Subsections 620-070 B.2

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Nine, Article 6, Subsection 620-070 B. 2 as recommended by the Newton County Planning Commission.

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner J.C. Henderson, District Four

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Ten

Division 700

Section 700-010, Section 700-020 and Section 700-030

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Ten, Division 700 Section 700-010, Section 700-020 and Section 700-030 as recommended by the Newton County Planning Commission.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried with Commissioner Fleming voting in opposition to the motion.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Eleven
Section 510-010

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Eleven, Section 510-010 as recommended by the Newton County Planning Commission.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Twelve

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Twelve as recommended by the Newton County Planning Commission.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, Jr., District Three

Motion carried with Commissioner Henderson abstaining from vote.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Thirteen

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Thirteen as follows: "This Ordinance shall be in force and take effect on June 8, 2005."

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried with Commissioner Henderson abstaining from vote.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these