

**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 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by adding the following section:

Sec. 100-035 Interpretation

The Newton County Planning Director shall interpret the provisions of this Ordinance, and may utilize opinions of the county attorney and others in arriving at interpretations. Appeals from an interpretation of the Planning Director shall be in accordance with the provisions of Article 6.

SECTION 2

Article 2 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting subsections 236-050 A, 255-050 D, 260-050 D, 265-050 D, 270-050 D, 275-050 C and 280-050 C in their entirety and by inserting in lieu thereof the following:

Sec. 236-050 Property Development Standards (MSR)

A. Minimum House Size

The minimum floor area of the primary dwelling shall be 1250 square feet.

Sec. 255-050 Property Development Standards (OI)

D. The maximum impervious surface area for property within a designated Development Node within this District is limited to seventy-five percent (75%). The maximum impervious surface area for property outside a designated Development Node within this District is limited to sixty percent (60%).

Sec. 260-050 Property Development Standards (CN)

D. The maximum impervious surface area for property within a designated Development Node within this District is limited to seventy-five percent (75%). The maximum impervious surface area for property outside a designated Development Node within this District is limited to sixty percent (60%).

Sec. 265-050 Property Development Standards (CH)

D. The maximum impervious surface area for property within a designated Development Node within this District is limited to seventy-five percent (75%). The maximum impervious surface area for property outside a designated Development Node within this District is limited to sixty percent (60%).

Sec. 270-050 Property Development Standards (CG)

D. The maximum impervious surface area for property within a designated Development Node within this District is limited to seventy-five percent (75%). The maximum impervious surface area for property outside a designated Development Node within this District is limited to sixty percent (60%).

Sec. 275-050 Property Development Standards (M1)

C. The maximum impervious surface area for property within a designated Development Node within this District is limited to seventy-five percent (75%). The maximum impervious surface area for property outside a designated Development Node within this District is limited to sixty percent (60%).

Sec. 280-050 Property Development Standards (M2)

C. The maximum impervious surface area for property within a designated Development Node within this District is limited to seventy-five percent (75%). The maximum impervious surface area for property outside a designated Development Node within this District is limited to sixty percent (60%).

SECTION 3

Article 2 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended adding Footnote 5 to the Maximum Impervious Surface column of the Development Standards for Office, Commercial and Industrial Zoning Districts Table to read as follows:

5. The maximum impervious surface area for property within a designated Development Node is seventy-five percent (75%).

SECTION 4

Article 4 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting subsection 420-060 B. in its entirety and by inserting in lieu thereof the following:

Sec. 420-060 Total Impervious Surface Area; Minimum Lot Size

B. The minimum lot size for any lot within this District shall be two (2) acres. These minimum lot sizes shall not apply in the designated Development Nodes.

SECTION 5

Article 4 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting Section 430-050 and subsection 430-060 A in their entirety and by inserting in lieu thereof the following:

Sec. 430-050 Residential lots

The number of residential lots allowed in an Open Space Conservation Residential Overlay district shall be calculated by the Zoning Administrator based on the density allowed for the underlying zoning or overlay district of which the parcel is a part. The maximum number of residential lots permitted shall be the result of dividing the total acreage of the parcel by the minimum lot size in the underlying zoning or overlay district.

OPEN SPACE DEVELOPMENT DENSITY TABLE

Zoning/ Overlay District	Minimum lot size In the underlying zoning district (sq. ft.)			Maximum lots per acre		
	1 Well and Septic	2 - Water and Septic	3- Water and Sewer	1	2	3
A	10 Acres			0.10		
RE/ Watershed Overlay*	2 acres			0.50		
AR	51,000	43,560	--	.85	1.0	--
R-1	51,000	25,500	25,500	.85	1.71	1.71
R-2	NA	25,500	20,000	NA	1.71	2.18
R-3	NA	25,500	17,000	NA	1.71	2.56

* See Division 415 and Division 420, Part One

In watershed overlay districts served by sewer, if a minimum of one-half (50%) of the parcel is conserved as open space, the maximum number of residential lots calculated above may be increased by multiplying that number by 1.3.

Examples utilizing a 100-acre tract of land are found in the table on the following page.

Sec. 430-060 DEVELOPMENT STANDARDS FOR LOTS AND BUILDINGS

A. Minimum Lot Size

The minimum lot size in an open space development shall be the greater of:

1. One-half the minimum lot size in the underlying zoning or overlay district;
2. The minimum size approved by the Newton County Environmental Health Department if the lot is to be served by a septic system; or
3. If the property is located in a watershed overlay district:
 - a. One acre if served by a septic system; or
 - b. One-half acre if served by sewer.

SECTION 6

Article 5 of the 2003 Zoning Ordinance, Newton County, Georgia is hereby amended by deleting Section 500-090 in its entirety and by inserting in lieu thereof the following:

Sec. 500-090 DEVELOPMENT OF REGIONAL IMPACT

When an application for rezoning, conditional use permit or preliminary plat review includes any of the uses listed below and that use exceeds the listed thresholds of intensity, it shall be deemed to be a Development of Regional Impact (DRI). The application for such rezoning, conditional use permit or preliminary plat review shall include three (3) copies of a completed traffic study prepared in conformity with Division 605 of the Newton County Development Regulations and two (2) copies of completed forms provided by the Zoning Administrator for review of Development of Regional Impact by the Northeast Georgia Regional Development Center (NEGRDC) and other affected state and local government agencies as they shall deem appropriate. No action shall occur on such a rezoning, conditional use permit or preliminary plat review application by the Newton County Board of Commissioners until a recommendation is received from the NEGRDC regarding the Development of Regional Impact, provided that such application shall have been complete in every respect and was received by the Board of Commissioners within 90 days of the date that the completed DRI review application forms were received by the NEGRDC. Newton County is a metropolitan region and the numbers under metropolitan regions apply in determining whether the development is a DRI.

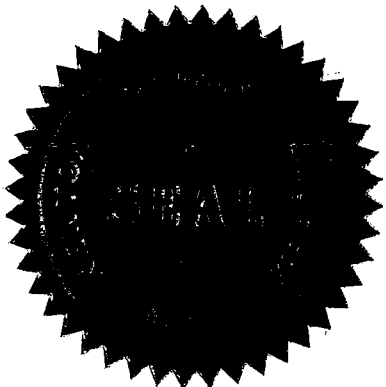
SECTION 7

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 July 1, 2003.

Adopted and approved by the Board of Commissioners on the 1st day of July, 2003, 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 June 24, 2003, after a public hearing on said date.

Richard Coleman
Richard Coleman, Chairman
Newton County Planning Commission

Non-Watershed Areas

Traditional lot yield - Septic				33% Conservation Subdivision - Septic				50% Conservation Subdivision - Septic			
Min. Lot Size	Max. # Lots	Typical # Lots		Max. # Lots	Min. Lot Size	Lot Gain		Max. # Lots	Min. Lot Size	Lot Gain	
A 10 acres	10	9		10	5 acres	1		N/A	N/A	N/A	
RE 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	
AR 1 acre	100	90		100	25,500 sq. ft.	10		N/A	N/A	N/A	
R1 25,500 sq. ft.	170	153		N/A	N/A	N/A		N/A	N/A	N/A	
R2 25,500 sq. ft.	170	153		N/A	N/A	N/A		N/A	N/A	N/A	
R3 25,500 sq. ft.	170	153		N/A	N/A	N/A		N/A	N/A	N/A	

Traditional lot yield - Sewer				33% Conservation Subdivision - Sewer				50% Conservation Subdivision - Sewer			
Min. Lot Size	Max. # Lots	Typical # Lots		Max. # Lots	Min. Lot Size	Lot Gain		Max. # Lots	Min. Lot Size	Lot Gain	
A 10 acres	10	9		10	5 acres	1		N/A	N/A	N/A	
RE 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	
AR 1 acre	100	90		100	0.5 acres	10		N/A	N/A	N/A	
R1 25,500 sq. ft.	170	153		170	12,250 sq. ft.	17		N/A	N/A	N/A	
R2 20,000 sq. ft.	217	195		217	10,000 sq. ft.	22		N/A	N/A	N/A	
R3 17,000 sq. ft.	256	230		256	8,500 sq. ft.	25		N/A	N/A	N/A	

* Typical # Lots determined by reserving 10% of land area for infrastructure (i.e. roads)
 * Minimum lots size in Conservation Subdivision is GREATER of one-half of Min. Lot Size or 25,500 sq. ft. if served by septic
 * Above calculations assume 100 acre tract with no streams or 100 year floodplain and perfect soils

Watershed Overlay Districts

Traditional lot yield - Septic				33% Conservation Subdivision - Septic				50% Conservation Subdivision - Septic			
Min. Lot Size	Max. # Lots	Typical # Lots		Max. # Lots	Min. Lot Size	Lot Gain		Max. # Lots	Min. Lot Size	Lot Gain	
A 10 acres	10	9		10	5 acres	1		N/A	N/A	N/A	
RE 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	
AR 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	
R1 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	
R2 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	
R3 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	

Traditional lot yield - Sewer				33% Conservation Subdivision - Sewer				50% Conservation Subdivision - Sewer			
Min. Lot Size	Max. # Lots	Typical # Lots		Max. # Lots	Min. Lot Size	Lot Gain		Max. # Lots	Min. Lot Size	Lot Gain	
A 10 acres	50	45		10	5 acres	1		N/A	N/A	N/A	
RE 2 acres	50	45		50	1 acre	5		N/A	N/A	N/A	
AR 2 acres	50	45		50	0.5 acres	5		65	0.5 acres	20	
R1 2 acres	50	45		50	0.5 acres	5		65	0.5 acres	20	
R2 2 acres	50	45		50	0.5 acres	5		65	0.5 acres	20	
R3 2 acres	50	45		50	0.5 acres	5		65	0.5 acres	20	

* Maximum number of lots determined by zoning district down to a 2-acre minimum lot size
 * Typical # Lots determined by reserving 10% of land area for infrastructure (i.e. roads)
 * Above calculations assume 100 acre tract with no streams or 100 year floodplain and perfect soils
 * Minimum lots size is one acre for lots served by septic systems and one-half acre for sewerad lots