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**ZONING ORDINANCE**  
**NEWTON COUNTY, GEORGIA**  
**April 29, 2003**

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NEWTON COUNTY DEPARTMENT OF  
PLANNING AND DEVELOPMENT

Text revised to incorporate amendments through  
June 8, 2005

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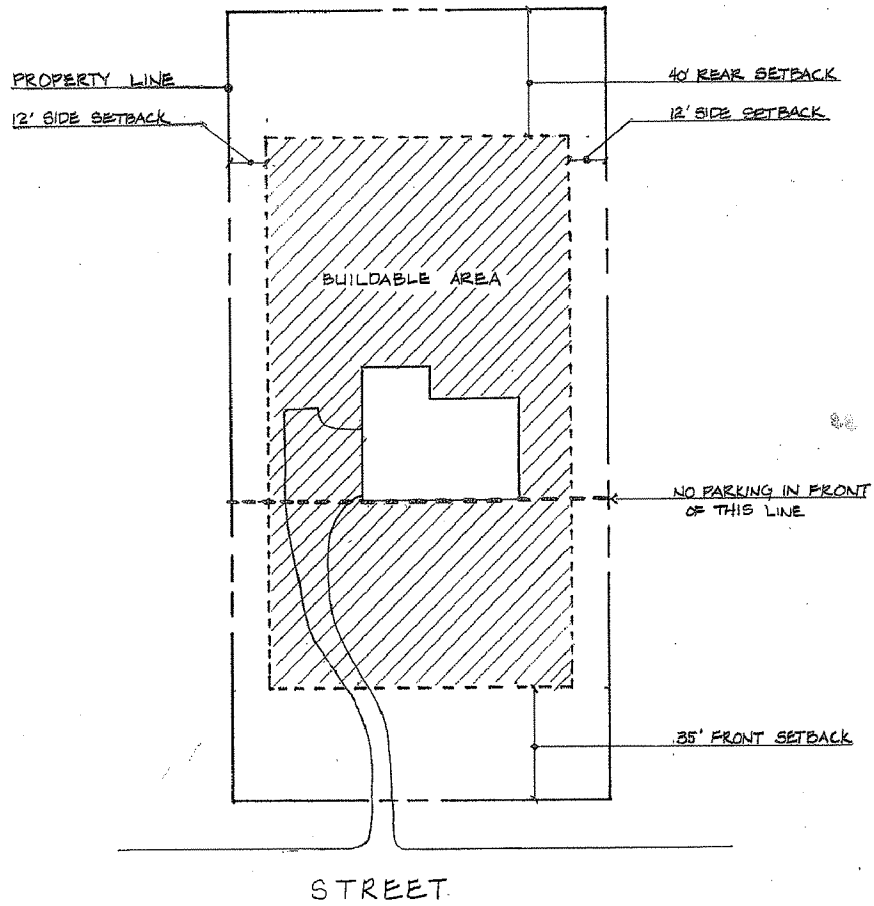
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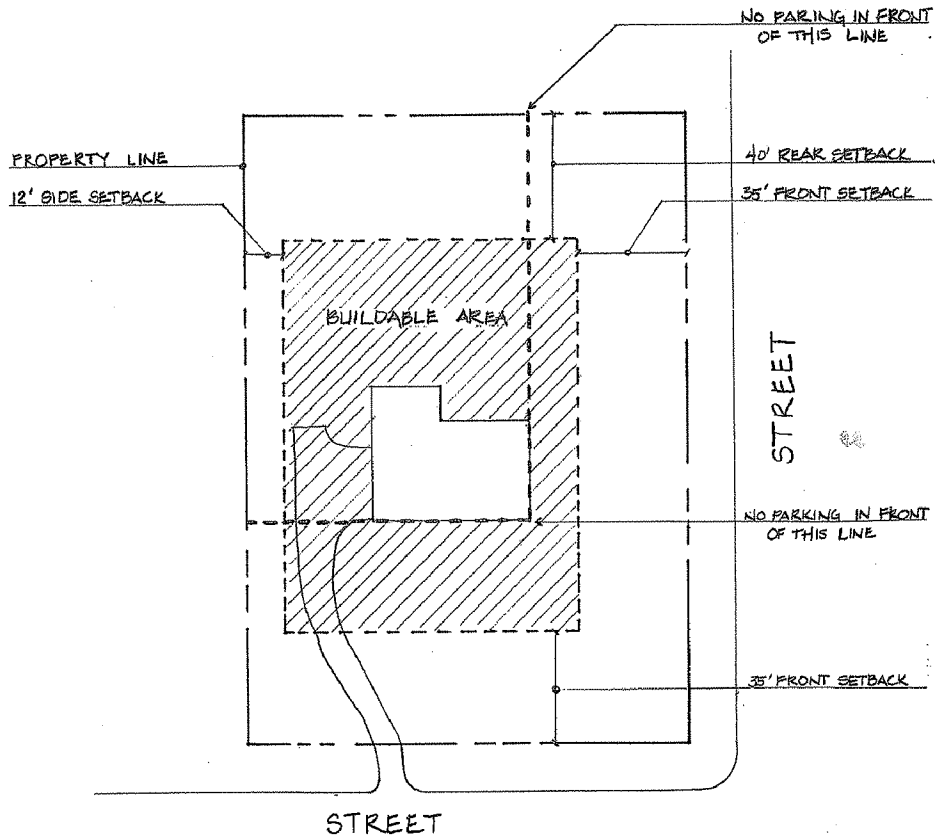






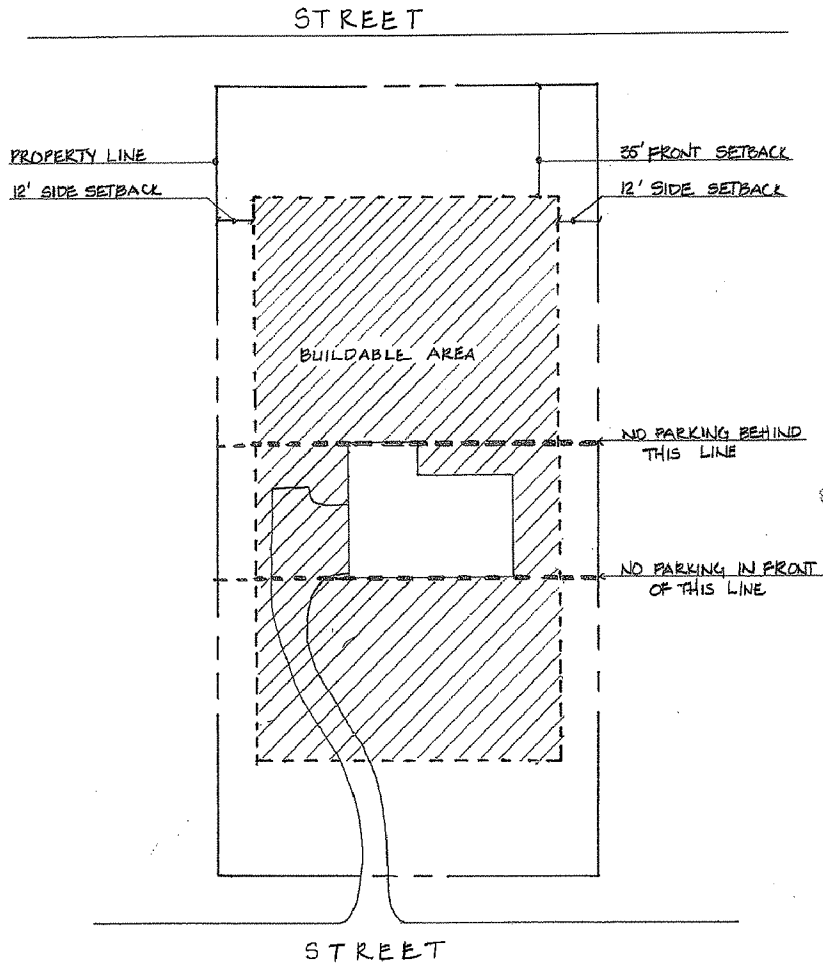
A. SINGLE FRONTAGE

SCALE: 1" = 40'



B. CORNER LOT

SCALE: 1" = 40'



C. DOUBLE FRONTAGE

SCALE: 1" = 40'

**ARTICLE 1 – GENERAL PROVISIONS**

**DIVISION 100: GENERAL PROVISIONS**

**Sec. 100-010 SHORT TITLE**

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Newton County, Georgia.”

**Sec. 100-020 PURPOSE**

This Ordinance is enacted by the Board of Commissioners in order to promote the public health, safety, morals, and general welfare of the residents of Newton County, Georgia, and to implement the Newton County Comprehensive Plan. To these ends, the Ordinance is intended to achieve the following purposes:

- A. To guide and regulate the orderly growth, development, redevelopment, and preservation of Newton County in accordance with a well-considered comprehensive plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.
- B. To protect the established character and the social and economic well being of both private and public property.
- C. To promote, in the public interest, the efficient utilization of land.
- D. To promote the preservation of open space.
- E. To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- F. To reduce or prevent congestion in the public streets.
- G. To facilitate the creation of a convenient, attractive, and harmonious community.
- H. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations.
- I. To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.
- J. To protect against the destruction of, or encroachment upon, historic areas.

- K. To protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health from fire, flood or other danger.
- L. To encourage economic development activities that provides desirable employment and enlarges the tax base.
- M. To promote the preservation of the unique natural and physical resources of the County, including forested areas, riverbeds, streambeds, and archaeological sites.
- N. To achieve compliance with all applicable state and federal regulations.
- O. To provide for and promote housing for all income groups and all citizens within the County.
- P. To implement the authority, powers, and duties of the Planning Commission and the Board of Zoning Appeals pursuant to state and local law, including but not limited to the Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4 and Ga. L. 1956, p. 3332, as amended.
- Q. To provide for protection of the constitutional rights and obligations of all citizens within the County.

**Sec. 100-030 ENACTMENT CLAUSE**

This Ordinance is enacted pursuant to Newton County’s authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4; by Newton County’s authority to enact regulations and exercise powers granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraphs 1 and 3; by authority granted by the State of Georgia including but not limited to 1956 Ga. Laws, p.3332 et seq., as amended; 1981 Ga. Laws p. 4304 et seq., as amended including but not limited to Section 9 (a) (10); and by O.C.G.A. Section 36-66-2 (b); by the County’s general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.

**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. (rev. 7/01/03)

**Sec. 100-040 APPLICATION OF ORDINANCES**

Except as hereinafter provided:

A. Use

No building, structure, premises or land shall hereafter be used or occupied and no building or part thereof shall be erected, remodeled, extended, enlarged, constructed, moved, or altered in a manner that increases the extent of non-conformity except in conformity with the regulations herein specified for the district in which it is or is to be located. See Division 530.

B. Building Heights

No building or other structure shall hereafter be erected, constructed, or altered so as to exceed the height limits of the applicable zoning district, unless otherwise specifically authorized.

C. Lots

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained. This Section shall not apply when a portion of a lot is acquired for public use within Newton County.

D. Pending Application For Building Permits

Nothing herein contained shall require any change in the plans, construction, size or designed use of any building, structure or part thereof, for which a building permit has been granted prior to the adoption of this Ordinance, provided construction shall start within sixty (60) days after the grant of such permit, or for any construction which has commenced before the effective date of this Ordinance provided said construction will be completed within one year of the effective date.

E. Approval Required To Move Building

No existing building or other structure shall be moved into any district unless in conformance with the Provisions of this Ordinance and until a permit therefore shall be granted by the Building Official. Any such relocated building shall meet the applicable standards of the Building Official.

F. Dwelling To Abut Public Street

No residential dwelling shall be erected on a lot which does not abut one public street for a minimum of forty (40) continuous feet. No private street or driveway shall serve more than two (2) principal residential dwellings unless otherwise permitted by this Ordinance.

**Sec. 100-050 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Official Zoning Map of Newton County, the following rules shall apply:

- A. Unless otherwise indicated the district boundaries are indicated as approximately following property lines, land lot lines, centerlines of streets, highways, alleys or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

- B. Where district boundaries are approximately parallel to the centerlines of streets, highways, or railroads, right-of-way of the same, or the centerlines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Maps.
  
- C. Where a public road, street or alley is officially vacated or abandoned, the ordinances applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
  
- D. In the event that property is de-annexed from a municipality or a municipality loses its status, a six month moratorium shall be placed on all rezoning applications and building permits for all properties affected.
  
- E. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Commissioners shall, upon application, determine the location of the boundary pursuant to a regularly advertised public hearing.

**Sec. 100-060      RELATIONSHIP TO COMPREHENSIVE PLAN**

- A. Relationship to Comprehensive Plan  
The Comprehensive Plan is hereby established as the official policy of the County concerning designated land uses, under which the unincorporated areas of Newton County are divided into the following land use categories:
  - 1. Development Node
  - 2. High Density Single-Family Residential
  - 3. Medium-Density Single-Family Residential
  - 4. Low-Density Single-Family Residential
  - 5. Rural Residential
  - 6. Multi-Family Residential
  - 7. Manufactured Home Residential
  - 8. Commercial
  - 9. Park/Recreation/Conservation
  - 10. Public/Institutional
  - 11. Industrial



12. Agriculture
13. Transportation/Communications/Utilities
14. Government
15. Undeveloped/Unused

**B. Relationship between Land Use Categories and Zoning Districts**

The Comprehensive Plan does not alter or affect the existing zoning districts in the county, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses.

The zoning districts that are permitted within each land use category shall be restricted to the following:

1. High Density Single-Family Residential: R-3, MSR, DR, Zero Lot Line Development
2. Medium Density Single-Family Residential: R-2, MSR
3. Low-Density Single-Family Residential: R-1
4. Rural Residential: A, A-R, RE, MHS
5. Multi-Family Residential: DR, RMF
6. Manufactured Home Residential: MHP
7. Commercial: C-N, C-H, C-G
8. Park/Recreation/Conservation: All districts
9. Public/Institutional: O-I and uses permitted as conditional uses in all districts.
10. Industrial: M-1, M-2
11. Agriculture: A
12. Transportation/Communications/Utilities: M-1, M-2, and uses permitted as conditional uses in all districts.
13. Government: All districts
14. Undeveloped/Unused: All districts

C. If a zoning district is not listed as permitted in a land use district, application must first be made to change the land use district prior to amending the zoning district. Such applications can proceed simultaneously, but no property can be zoned to a classification inconsistent with its land use district, as reflected in paragraph B.

**Sec. 100-070 ESTABLISHMENT OF ZONING DISTRICT MAP**

A. Districts

The boundaries of the zoning districts established in this Article are contained in an bound volume titled “Zoning District Map.” This map, together with all notations, references and other information thereon, is made a part of this Division and has the same force and effect as fully set forth or described in this Division. This map shall be maintained in the office of the Zoning Administrator and shall be accessible to the public at all times. The Zoning District Map covers the entire jurisdictional area of the County. It shall be the duty of the Zoning Administrator to maintain and keep the Zoning District Map at all times.

B. Zoning Map Certification

The official copy of the Zoning District Map shall be identified by the signature of the Chairman of the Board of Commissioners with the seal of Newton County affixed thereto, together with the effective date of this Ordinance. The map shall be updated periodically by the Zoning Administrator to reflect rezonings.

C. Zoning District Map Changes

If changes are made in district boundaries or other matters portrayed on the Zoning District Map, the Zoning Administrator shall enter such changes on the Zoning District Map. Changes made by the Zoning Administrator are administrative only, and do not comprise rezonings. If there is any dispute between the subsequent annotation by the Zoning Administrator and the action taken by the Board, the action of the Board as reflected in the minutes shall control.

D. Unauthorized Changes

No changes in district boundaries shall be made on the Zoning District Map, except in conformance with the procedures set forth in this Division. Any unauthorized change shall be considered a violation of this Division.

E. Location of Zoning District Map

Regardless of the existence of purported copies of the Zoning District Map that may from time to time be made or published, the Zoning District Map shall be located in the Planning Department, as described in Subsection (a) of this Section, and shall be the final authority as to the current zoning of property within the jurisdiction. The Planning Department is authorized to use working copies of the map, including computerized GIS maps, and shall make same available to the public.

F. Loss, Damage, Replacement

In the event that the Zoning District Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioner's may, by ordinance, adopt a replacement Zoning District Map that shall supersede the prior Zoning District Map. Unless the prior Zoning District Map has been lost, or has been totally destroyed, the prior Zoning District Map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment

G. Copies

The Planning Department may provide copies of maps to the general public in accordance with the Open Records Act and county fee schedule. In case of any dispute regarding such maps, the original maps maintained in accordance with this Section shall be considered to be determinative

**Sec. 100-070      RESERVED**

**Sec. 100-080      RELATIONSHIP TO PRIVATE AGREEMENTS**

This Ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant, or other private agreement or legal relationship provided that such easements, covenants, or other private agreements or legal relationships shall not supercede or enjoin the enforcement of the regulations of this Ordinance.

**Sec. 100-090      CONFLICT WITH OTHER REGULATIONS**

When the provisions of this Ordinance impose more restrictive standards than are required in or under any statute or other legal document, the requirements of this Ordinance shall govern. When the provisions of any statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

**Sec. 100-100      SEVERABILITY**

If any portion or provision of this Ordinance is found to be unconstitutional, such invalidity shall not affect any other portion of this Ordinance.

**Sec. 100-110      EFFECTIVE DATE**

This Ordinance shall take effect and shall be in force from and after the date of its adoption.



**DIVISION 105: DEFINITIONS**

**Sec. 105-010 RULES FOR INTERPRETATION OF LANGUAGE**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “lot” includes “plot” or “parcel.” The word “building” includes “structure.” The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words, “intended, arranged, or designed to be used or occupied.” The word “map” means the “Official Zoning District Maps for Newton County, Georgia.”

**Sec. 105-020 SPECIFIC DEFINITIONS**

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section:

**AASHTO**

American Association of State Highway and Transportation Officials.

**Accessory Use**

A use of land or a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**Administrative Variance/Approval**

A variance or administrative approval that is routine or too insignificant to require Board approval. For example: an administrative variance of 10% or less can be approved at the discretion of the staff for such things as building set back requirements. Staff may administratively approve a telecommunication tower in Industrial Zones as per the requirements of this ordinance. Decisions of the staff maybe appealed as per this ordinance.

**Adult Day Care Center**

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. (rev. 06/08/05)

**Adult entertainment business:** An establishment that

- (1) Sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10 percent of the total floor area for selling, renting, exhibiting, or displaying all materials;
- (2) Features nude persons or adult entertainment performances; or
- (3) Otherwise requires a County license as an adult entertainment business.

**Adult Entertainment Material or Performance**

Material that is a book, magazine, periodical, or other printed matter; photograph, film, motion picture, video cassette, slide, or other visual representation; sculpture or 3-dimensional representation; recording or other sound representation; or sexual paraphernalia that depicts or describes, or a live performance that depicts, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in the Newton County Adult Entertainment Ordinance.

**Agriculture – See Farming**

**Agricultural Processing Plant**

Agricultural processing plant means a structure, building, facility, area, open or enclosed, or any other location for the refinement, treatment, or conversion of agricultural products where a physical, chemical or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to, coolers, dehydrators, cold storage houses, hulling operations, feed processing, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale or shipment in their natural form including all customarily incidental uses. Agricultural processing plants include wineries.

**Airport**

A transportation terminal facility where aircraft take off and land.

**Airstrip, Private**

An area designated for the landing of private, non-commercial aircraft with no terminal facilities and no scheduled takeoffs and landings.

**Alcoholic Beverage Plant/Distillery**

Any building or portion of a building engaged in the making, producing or bottling of an alcoholic beverage. This also means: in the case of distilled spirits, any building or portion of a building engaged in distilling, rectifying, or blending any distilled spirits; in the case of malt beverage, any brewing.

**Alley**

A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Alteration**

Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

**Alternative Support Structure**

Clock support structures, bell support structures, church steeples, light/power poles, electric transmission support structures, signs, water storage tanks, and similar natural or

man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or support structures.

**Ambulance/Emergency Services**

Any service to citizens for injury or life threatening events including but not limited to ambulance, paramedic, or rescue services provided by a privately-owned entity.

**Amphitheater/Stadium**

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, musical productions, live performances, or sports venues on a paid admission basis to patrons seated outdoors.

**Animal Hospital / Vet Clinic**

A building or portion thereof designed and used to provide primary health services and medical or surgical care to domestic household pets generally with overnight boarding facilities for pets in care but without kenneling of animals.

**Antenna**

Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**Antenna, Amateur Radio**

A tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

**Antenna, Satellite Television**

An apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

**Apartment – See Dwelling, Multi-Family**

**Applicant**

A person seeking an action or approval under provisions of this ordinance.

**Aquifer**

Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water.

**Arcade, Game Room**

A business or portion of a business wherein coin-operated video games and pinball games of a non-sex-oriented or gambling nature are available for amusement.

**Art Studio**

A place designed to be used as a place of work as well as display and sale of work by an artist, artisan or craftsperson, including persons engaged in the application, teaching or

performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture and writing.

**Asphalt Plant**

A facility for the mixing of asphalt components, including hot mix asphalt, for transfer to the job site.

**Assembly Plant or Firm**

A structure, firm or company, whether private or incorporated, that performs the fitting together, or assembling of pre-manufactured parts into a complete article, sub-assembly, or product.

**Assisted Living Facility (ALF)**

A special combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms and/or living quarters, where the emphasis of the facility remains residential.

**Automobile Auction**

A facility that auctions motor vehicles to automobile dealers and not to the general public.

**Automobile Repair Shop**

Any area of land, including structures thereon, used for repair or otherwise servicing of automobiles, including major repairs and/or painting and bodywork.

**Automobile and Equipment Rental**

The use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment, and shall not include vehicle repair/services.

**Automobile Parts Store**

A establishment that sells new automobile parts, tires, and accessories.

**Automobile Repair / Body Shop**

This use includes major and minor categories. Generally, the use includes the repair, alteration, restoration, towing, painting, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats and other vehicles as a principle use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Major vehicle repair facilities deal with entire vehicles; minor facilities specialize in limited aspects of repair (e.g., muffle and radiator shops, quick-lube).

**Automobile Sales**

The use of any building, land area, or other premises for the display and sale or lease of any new or used car or light truck, and including outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use.



**Automobile Service Station**

Any area of land, including structures thereon, used for the retail sales of gasoline or oil, automobile accessories or incidental services including facilities for lubricating, washing and cleaning, or otherwise servicing automobiles, but excluding painting and major repair.

**Bank or Financial Institution**

Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

**Bakery**

A retail establishment engaged in the production of bakery goods for sale on site.

**Bar**

An establishment serving alcohol for consumption on the premises, as may be limited by zoning districts and other provisions of this Zoning Ordinance. Must meet all local, state and federal requirements to sell alcohol.

**Bed & Breakfast**

A building or group of buildings containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests. See Section 510-120.

**Billiard/Pool Hall**

Any commercial establishment that derives significant or substantial income from the operation of pool tables, billiard tables, or like or similar devised.

**Block**

A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

**Boarding House**

A building, other than a hotel, where, for compensation and/or by pre-arrangement, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

**Broadcast Studio, Radio/Television**

A place for radio (oral), television (visual), or musical broadcasting. Radio or television studio shall mean only that part of a radio or television station from which the signal originates and shall not include the transmitter or antennas parts of the station.

**Buffer**

That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate zoning districts from other zoning districts, or to protect environmentally sensitive areas. In the event that insufficient existing vegetation

or trees exist in the buffer zone, planting, fencing, or other supplemental screening shall be required, with a density or opacity to accomplish buffering as required by all approved ordinances. Roads, parking areas, above ground stormwater retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public rights-of-way and utility easements shall not be considered part of the buffer area.

**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. A transitional buffer area is in addition to any required yard area. See Division 520.

**Building**

Any structure attached to the ground which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

**Building, Accessory**

A subordinate building, the use of which is incidental to that of the dominant use of the principal building or land. See Section 510-020.

**Building, Alterations of**

Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any change in the location of a use within an existing building or on a developed site.

**Building Height**

The vertical distance measured from the average finished yard grade at its parallel juncture with the structure, to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

**Building Line**

A line into which no foundation wall or part of the structure of any building projects, with the exception of roof overhang, steps, and the sub-surface projection of footing. Such a line may coincide with the building setback line.

**Building, Principal**

A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which it is situated.

**Business Park**

A special or exclusive type of planned Mixed Use Business Office area designed and equipped to accommodate a community of businesses, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Business parks may be promoted or sponsored by private developers, community organizations, or government organizations.

**Bus Terminal**

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

**Campground**

A lot, or tract of land operated either as a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping in tents, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing, but not including golf, golf driving ranges, miniature golf, mechanical amusement devices or permanent housing facilities for guests. Campground does not mean Recreational Vehicle Park nor Manufactured Home Park as defined herein.

**Car Wash**

An area of land and/or a permanent structure/facility with mechanical or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Cemetery**

A place used or to be used and dedicated or designated for earth interments of human remains.

**Certificate of Appropriateness**

A document approving a proposal for new construction or for a material change in the appearance of a property or of a structure, site, or work of art located within Rural Overlay District, except for existing single family detached residential structures. The Certificate of Appropriateness must be obtained from the Newton County Planning Commission.

**Chemical Products Manufacturing**

Establishments that produce or use basic chemicals and establishments creating products predominantly by chemical processes.

**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. (rev. 06/08/05)

**Clinic**

An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.

**Club, Order or Lodge**

Buildings and facilities owned or operated by an incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational or similar activities, operated not primarily for profit or to render a service to the general public.

**Co-location**

The placement of the antennas of two or more service providers upon a single support structure or alternative support structure.

**College or University**

Any institution of higher learning, publicly or privately owned, for the education of students beyond the 12<sup>th</sup> grade. The term does not include business or trade schools.

**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. (rev. 06/08/05)

**Commission**

“The Newton County Planning Commission.”

**Common Driveway**

A private driveway which provides vehicular access to two (2) or more structures.

**Common Open Space**

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

**Composting Facility, Municipal Solid Waste**

An establishment converting municipal solid waste to humus through a controlled process of degrading organic matter by microorganisms.

**Composting Facility, Yard Trimmings**

An establishment converting yard trimmings to humus through a controlled process of degrading organic matter by microorganisms. This definition does not include composting conducted on a residential lot for home gardening purposes.

**Concept Plan**

A drawing which show the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project.

**Concert Hall**

A building or part of a building thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, musical productions, or live performances on a paid admission basis to patrons.

**Concrete Plant**

A facility for the mixing of concrete components for transfer to the job site.

**Conditional Use**

A use listed in the Zoning Ordinance as being permitted if it meets stated conditions and is approved by the Board of Commissioners of Newton County.

**Condominium**

A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

**Confined Feeding Lot Operation**

Areas where more than the following number of livestock are fed in a concentrated area: 1,000 beef cattle; 750 dairy cattle; 2,500 hogs. See Section 510-165.

**Conservation Area**

Land including surface water bodies, wetlands designated by the National Wetlands Inventory, the 100-year floodplain as identified on Federal Insurance Rate Maps, steep slopes generally exceeding 25 percent, areas of exposed rock, private cemeteries and burial grounds. To the maximum extent, these areas shall be left in a natural and undisturbed state, but shall be accessible for enjoyment by all residents of the subdivision. See Section 425-030 (A) (1).

**Conservation Development (Subdivision)**

A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under residential district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resource.

**Conservation Easement**

A conservation easement is a voluntary restriction placed by a landowner on the use of his or her property to protect resources such as wildlife habitat, agricultural lands, natural areas, scenic views, historic structures, or open spaces. The landowner retains title to the

property, and the easement is donated to a qualified conservation organization, such as a land trust, or a government agency.

**Conspicuous**

Visible from the nearest public thoroughfare. Readily visible to the general public.

**Convenience Store**

Any retail establishment offering for sale pre-packaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site or on-site consumption, including the sale and dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for motor vehicles. No vehicle repairs shall be permitted.

**Country Club**

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and clubhouses. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development.

**Crematory**

A building or structure operated in conjunction with a columbarium, mausoleum, cemetery, or mortuary containing one (1) or more furnaces for the reduction of bodies of deceased persons to cremated remains.

**Curb Cut**

The area of vehicular ingress and egress between property and an abutting public street.

**Dance School/Studio**

Facilities for individual and group instruction and training in the art of dance; includes production rehearsal.

**Day Spa**

An establishment offering a variety of personal health and beauty related services, including but not limited to weight reduction, massage therapy, hair styling, but expressly excluding any adult regulated uses.

**Density**

The total number of square feet, lots or dwelling units per acre of land unless specifically provided otherwise in this Ordinance.

**Department**

The Newton County Planning and Zoning Department.

**Development Nodes**

Development Nodes seek to increase concentrations of population and employment within nodes with the majority of commercial development concentrated at the center of the node. Development nodes encourage a mix of diverse and compatible land uses, and design development and public right-of-way improvements to be pedestrian oriented.

Fundamental characteristics of Nodal Developments include:

1. Pedestrian oriented. The emphasis is on walkability and alternate modes.
2. Residential uses representing a mix of density and housing types, achieving overall density targets, including required minimum densities.
3. Mixed uses so that services are available within walking distance (one quarter mile).
4. Public uses such as ample parks, open space and facilities which can be reached without driving.
5. Design elements that support pedestrian environments that encourage walking, and bicycling.

Nodal development is a positive and necessary strategy to fulfill the goals of the Newton County Comprehensive Plan. Refer to the Newton County Comprehensive Plan for guidance on development within nodes (page 11-1 thru 11-3).

**Development, Planned**

The development and subdivision of a parcel of property into a number of lots, to contain a number of residences or businesses, such as a subdivision, office park, strip shopping center, industrial park, and the like.

**Distribution and Mailing Facilities**

Uses which constitute the temporary storage and/or shipping of goods, including mail order processing, package distribution and mailing.

**District**

A section of Newton County within which the Zoning Ordinance requirements are uniform.

**DRASTIC**

The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035.

**Drive-through/Drive-in use**

An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while in their motor vehicles.

**Drug Store/Pharmacy**

A retail store which sells prescription drugs, patent medicines, and surgical and sickroom supplies.

**Dry Cleaning, Institutional**

A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**Dry Cleaning, Neighborhood**

A facility where retail customers drop off or pick up laundry or dry-cleaning, but where no processing of dry-cleaning takes place.

**Dwelling, Caretaker**

An accessory residence located on an extensive property and occupied by an employee or the property owner for the purpose of property maintenance, security, or night-time property management. See Section 510-260.

**Dwelling, Multi-Family**

A building designed, constructed, altered or used for more than two (2) adjoining dwelling units, with each dwelling unit having a party wall or walls and/or party floor or ceiling connecting it with at least one other dwelling unit. See Section 510-350.

**Dwelling, Single-Family**

A dwelling structure that is designed for the use of one family.

**Dwelling, Single-Family Attached**

A dwelling unit on an individual lot attached to another dwelling unit on an adjoining lot by a common party wall.

**Dwelling, Single-Family Detached**

A dwelling unit on an individual lot unattached to another dwelling unit.

**Dwelling, Single-Family Zero Lot Line**

A single family dwelling unit which is either: (1) erected in a row as part of a single building on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls, extending from the basement or cellar floor to the roof along the dividing lot line (See Townhouse), or (2) erected as a detached dwelling unit with side and/or front setback requirements relaxed so as to allow the dwelling unit to be built on the property line. See Section 510-570.

**Dwelling, Tenant**

A residential structure located on a farm and occupied by non-transient farm workers and employed by the owner of the farm on a full-time basis.



**Dwelling, Two-Family (Duplex)**

A building designed, constructed, altered or used for two (2) adjoining dwelling units, with each dwelling unit having a party wall connecting it with one other dwelling unit.

**Dwelling Unit**

One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**Dwelling Unit, Permanent**

Any dwelling unit erected on a site pursuant to building codes or other laws, intended for permanent residence, and permanently attached to a foundation, such as a single family dwelling, duplex, multi-family dwelling, site built home, apartment building, manufactured home or industrialized home. Excluded from this definition are vehicles, recreational vehicles, tents, boats, sheds and other similar structures, even when an attempt is made to permanent affix them to a foundation.

**Easement, Utility**

A grant by a property owner for the use of real property for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainage ways and gas lines.

**Election-cycle**

The time period starting sixty days before any primary or election (if there is no primary), and ending ten days after the scheduled election (or run-off, if one takes place) for any Federal election, Georgia statewide election, Newton County election, or municipal election for any city in Newton County.

**Equipment Sales and Service**

The use of any building, land area, or other premises for the display and sale or rental of light and/or heavy equipment (e.g. construction), including outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use.

**Escort**

A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to offers to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency**

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business for a fee, tip, or other consideration.

**Exterior Architectural Features**

The architectural style, general design, and general arrangement of the exterior of a building or other structure to which this section applies, including, but not limited to, the kind of texture of the building material; the type and style of all windows, doors, and signs; and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

**FAA**

The Federal Aviation Administration.

**FCC**

The Federal Communications Commission

**Fallout Shelter**

A structure or operation of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

**Family**

A group of individuals related by blood, marriage, adoption, or guardianship, or not more than six persons not so related, 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.

**Farm Equipment and Machinery Sales, Rental, Repair**

The sale or leasing of new and used farm equipment and machinery displayed, stored, and sold or leased on site including repair work.

**Farmers' Market**

A retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.

**Farming, Commercial**

Any primary use of a tract or parcel of land for the purpose of raising commercial agriculture products, including, but not limited to, soil crops, fish, fowl, timber or livestock, regardless of the quantity or value of production. This included the sale of products grown/produced on the land. See Section 510-230.

**Farming, General**

A use of a tract or parcel of land devoted to agricultural purposes, but specifically excluding the following activities and/or uses. See Section 510-240.

1. Feed lots, as defined herein
2. Poultry houses
3. Turkey ranges

4. Hog parlors
5. Dairy barns
6. Commercial slaughtering of livestock, poultry and/or fowl
7. Any other agricultural activity or use which is objectionable by reason of odor, noise, dust or sanitary conditions

This use includes the selling of products grown/produced on the land.

**Feedlot – See Confined Feeding Lot Operation**

**Feed, Seed Store (Farm Supply Store)**

An establishment where feed, seed, animal and agricultural supplies are primarily sold.

**Flea Market**

An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

**Flood Plain**

That area within the intermediate regional flood contour elevations subject to periodic flooding as designated in the Newton County Flood Damage Prevention Ordinance.

**Floor Area**

The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings; excluding unusable basement or cellar space, uncovered steps or fire escape, open porches, accessory off-street parking spaces, accessory off-street loading berths, and any space where the floor-to-ceiling height is less than six feet. [Note: Changes reflect definition from *The New Illustrated Book of Development Definitions*.]

**Flower/Florist Shop**

A business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

**Food Processing**

Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes:

1. Bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution are included under “Retail Stores, General Merchandise”)
2. Dairy products processing

3. Fats and oil products
4. Fruit and vegetable canning, preserving, and related processing
5. Grain mill products and by-products
6. Meat, poultry, and seafood canning, curing and by-product processing (not including facilities that also slaughter animals)
7. Miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

**Frontage, Building**

The width in linear feet of each exterior wall of a business which faces a street or public way.

**Frontage, Lot**

The distance for which the front boundary line of the lot and street line are coincident.

**Frontage, Road**

The distance on which a parcel of land adjoins a public street or right-of-way or easement, including proposed streets within a subdivision of land approved by Newton County.

**Funeral Home**

A building used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies and services.

**Furniture, Furnishings and Equipment Store**

Stores primarily selling; home furnishings including furniture, floor coverings, draperies, glass and chinaware, stoves, refrigerators, other household electrical and gas appliances including televisions and outdoor furniture including lawn furniture.

**Furniture, Cabinet, Woodworking shops**

Facilities producing primarily wood household and office furniture, cabinets and other such products.

**Garage Apartment**

A dwelling unit for one family erected above a private garage detached from the principal dwelling.

**Garage, Parking**

A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

**Garage, Private**

An accessory building or a portion of a principal building used for the parking or storage of automobiles of the occupants of the principal building. A carport shall not be considered a private garage.

**Garage, Repair**

A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipping and/or hiring of motor driven vehicles.

**Geographic antenna placement area**

The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

**Golf Course**

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses, shelters, pro-shops and golf cart storage facilities.

**Governing Authority**

The Board of Commissioners of Newton County, Georgia.

**Government facilities, administrative offices, and services**

Lands and buildings owned or operated by a local, state, or federal entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including the underground and overhead distribution and collection systems providing water, gas, electric, telephone, cable TV service, or sanitary or storm sewage drainage.

**Grade**

A reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer.

**Greenhouse**

Retail business whose principle activity is the selling of plants grown on the site and having outside storage, growing or display.

**Guest House**

A secondary building incidental to the principal residence which is used only for the non-commercial boarding of guests or full time on-premises workers.

**Hazardous Waste**

Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

**Height**

The vertical distance measured from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch.

**Height, Support Structure**

When referring to a support structure or other structure, means the distance measured from ground level to the highest point on the support structure or appurtenance.

**Heavy Equipment**

Any vehicles that have a Gross Vehicle Weight (GVW) of at least 13 tons, or any construction equipment, or any farm equipment.

**Historic and/or Architectural Significance Structure**

A building or structure that has a special historic or aesthetic interest or value as part of the development, heritage, or cultural character of the city, county, region, state, or nation.

**Homeless Shelter**

A building or buildings in which is provided overnight housing and sleeping accommodations for three (3) or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.

**Home Occupation**

An occupation for gain or support conducted only by members of a family residing on the premises and subject to conditions specified in Section 510-270.

**Hospice Care Facility**

A facility certified by the State of Georgia as a hospice, housing 2 to 8 nonrelated persons which provides an organized, medically directed, interdisciplinary program designed to provide palliative care to terminally ill patients. The purpose of such facilities is to provide palliative and supportive care to patients and their families to meet the special needs arising out of physical, emotional, spiritual, social and economic stresses which are experienced during the final stages of illness, death and bereavement

**Hospital**

A building or portion thereof designed and used to provide primary health services and medical or surgical care to persons designated as inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. This shall include related facilities such as, laboratories, outpatient clinics and medical offices.

**Hotel**

A building in which lodging or board and lodging is provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.

**Impervious Surface**

Areas which do not permit natural infiltration of rainfall, including, but not limited to rooftops, paved parking lots, driveways, paved roads and streets, patios, paved sidewalks, swimming pools, paved tennis courts and basketball courts, and any other exposed area surfaced in concrete or asphalt, except for gravel and pervious or porous paving materials.

**Industry**

A use engaged in the processing of raw materials or the manufacture of materials or products.

**Industry, Heavy**

A use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, Light**

The manufacture, service, repair or testing of products taking place in a totally enclosed building. There is no outside storage. Noise, odor, glare or emissions from the industrial activity are not detectable off of the property.

**Industrial Park**

A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

**Industrialized Building (Factory Built Housing)**

Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

**Industrialized Home**

A dwelling unit manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-110 et seq.), and the Rules of the Commissioners of the Georgia

## ***Newton County Zoning Ordinance***

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Department of Community Affairs issued pursuant thereto, and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.
5. A curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Council of American Build Officials (CABO). In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.
7. Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Council of American Build Officials (CABO).
9. The dwelling must be installed in accordance with O.C.G.A. § 8-2-110 et seq. and the rules promulgated thereunder.



**Institution**

A non-profit corporation or a non-profit establishment.

**Intermodal Freight Terminal/Facility**

An industrial establishment in which freight is transferred in containerized form from truck to railroad cars for transportation.

**Junked Vehicle**

Any wrecked or non-operable automobile, truck or other vehicle which does not bear a current license plate.

**Kennel**

An establishment for the boarding, caring for and keeping of more than 3 but not more than 10 dogs or cats or other small animals or combination thereof (except litters of animals of not more than 6 months of age), not for commercial purposes, but as a hobby such as the raising of show and hunting dogs.

**Kennel, Commercial**

An establishment for the boarding, caring for and keeping of more than a total of 3 dogs or cats or other small animals or combination thereof (except litters of animals of not more than 6 months of age), and also raising, breeding, caring for or boarding dogs, cats or other small animals for commercial purposes.

**Kindergarten**

A school for pre-elementary school children ranging in age from four (4) through six (6) years.

**Laboratories**

A place where scientific studies are conducted, including testing, research, or analysis of a medical, chemical, physical, biological, mechanical, or electronic nature.

**Laboratory, Medical**

An establishment devoted to experimental study such as testing and analyzing. Manufacturing of product or products is not to be permitted within this definition.

**Laboratory, Dental**

An establishment devoted to the small scale manufacturing of dental products.

**Land-Disturbing Activity**

Any use of land by any person in residential, industrial, educational, institutional or commercial development and in highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. This includes borrow and waste disposal activity not regulated by the provisions of the Mining Act of 1971 or the Department of Human Resources, Division of Health Services. Land Disturbing Activity shall not include agriculture or forestry activities conducted in conformance with Best Management Practices.

**Land Uses, Existing Prior River Corridor Protection Overlay**

Any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of the River Corridor Protection Overlay District falls within one of the following categories:

1. Is completed and in use;
2. Is under construction;
3. Is fully approved by the governing authority;
4. All materials have been submitted for approval by the governing authority; or
5. Is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.

**Landfill**

A method of disposing of waste on land by placing an earth cover thereon. The term “landfill” shall include Construction and Demolition Debris Landfill, Hazardous Waste Landfill, Industrial Waste Landfill, Inert Waste Landfill, Monofill, Municipal Solid Waste Landfill and Private Industry Landfill. The term “landfill” shall not include approved on-site disposal of inert waste at a building, land disturbing, or development site.

**Landfill Construction and Demolition Waste**

A landfill in which construction/demolition waste is disposed. Construction/demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial waste, wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste landfill material and other non-putrescible wastes which have a low potential for groundwater contamination.

**Landfill, Hazardous Waste**

A landfill in which hazardous waste is disposed. Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by U.S. EPA pursuant to the federal act codified as 40 C.F.R. Section 261.3 or by the Georgia Hazardous Waste Management Act.

**Landfill, Private**

A privately owned and operated landfill for the purpose of profit. This may be each or all of the above types of landfills.

**Land Trust**

A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements.

**Landing Area**

The area of an airport or private airstrip used for landing, taking-off or taxiing of aircraft.

**Laundromat**

A business that provides self-service, coin-operated washing, drying and/or ironing machines for clothing and similar laundry.

**Library**

A public or private facility for the use, but not the sale, of literary, reference, artistic and musical materials

**Livestock**

The term “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine, and other hoofed animals; poultry, ducks, geese and other species of the aviary family; and rabbits, mink, foxes, and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale. See Section 510-330.

**Livestock Quarters and Enclosures**

Any structure which surrounds or is used to shelter, care for, house, feed, exercise, train, exhibit, display or show any livestock, other than fenced pasture land for grazing. See Section 510-330.

**Loading Space**

A space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks, and other carriers.

**Lot**

A portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development.

**Lot, Corner**

A lot abutting upon two or more streets at their intersection.

**Lot, Double Frontage**

A lot other than a corner lot abutting two streets.

**Lot, Flag**

A lot, whose unusual configuration or placement is necessary due to geometric, topographic, and other physical features that make it impractical to extend a publicly dedicated street to serve lots located in the area, that abuts a publicly dedicated street that has been accepted for maintenance by Newton County. The abutment shall be by a narrow strip of land (flag stem) twenty (20) feet in width the entire length of the flag stem. The flag stem shall be no greater than three hundred (300) feet in length and physically capable of providing reasonable access to the lot.

**Lot, Reverse Frontage**

A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

**Lot of Record**

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

**Lot Remnant**

Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of said lot to adjoining lots.

**Lot Width**

The width of the lot at the street right-of-way or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

**Manufactured Home, Class A**

A dwelling unit, meeting the definition of “manufactured home” contained in O.C.G.A. § 8-2-160, fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq., and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.

5. A curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Council of American Build Officials (CABO). In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.
7. Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Council of American Build Officials (CABO).
8. The dwelling must be installed in accordance with O.C.G.A. § 8-2-160 et seq. and the rules promulgated thereunder.

**Manufactured Home, Class B**

A dwelling unit, meeting the definition of “manufactured home” contained in O.C.G.A. § 8-2-160, fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq., but which does not meet the criteria of a Class A manufactured home. The dwelling must be installed in accordance with O.C.G.A. § 8-2-160 et seq., and the rules promulgated thereunder.

**Manufactured Home, Class C**

A manufactured home or mobile home that does not meet the criteria of Class A or Class B Manufactured Homes.

**Manufactured Home Sales, Rental, Repair**

The sale or leasing of new and used manufactured homes displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

**Manufactured Housing Development**

A development or subdivision intended for use as a residential area occupied by multiple manufactured homes.

**Manufacturing**

The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

**Manufacturing, Heavy**

The processing of raw materials such as lumber, metals, food products or petroleum; or the assembly, fabrication or processing of goods that have impacts on adjacent properties; or uses that require large amounts of outside storage or equipment.

**Manufacturing, Light**

Manufacturing including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products which by the nature of the materials, equipment and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous element.

**Manufacturing, Outdoors**

A manufacturing establishment or operation which is not housed within a building.

**Manufacturing, Research Related**

The assembly or fabrication of products where scientific research comprises a significant component of the value added by manufacture for each unit of product. This definition includes but is not limited to, electronic products, pharmaceuticals, computer equipment, scientific equipment, optical equipment, precision instruments, medical equipment, and communications equipment. Heavy manufacturing is not included in this definition.

**Manufacturing, Selected**

The assembly or fabrication of products having few off-site impacts and generally taking place in an enclosed building.

**Massage Therapy**

The profession regulated by the State of Georgia in which the practitioner applies massage techniques (not sexual in orientation) with the intent of positively affecting the health and well-being of the client, and may adjunctively

1. Apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs,
2. Use hand held tools or devices designed as t-bars or knobbies, and
3. Instruct self care and stress management.

**Massage Studio/Parlor**

A studio or other location where a massage therapist qualified to practice massage therapy under state law practices massage therapy. This excludes any adult regulated uses.

**Massage School**

Any place or establishment or facility which provides instruction in the theory and practice of massage, unless such instruction is provided by a medical practitioner, chiropractor, acupuncturist, physical therapist, osteopath or similar professional person licensed by the State of Georgia or offered as part of a curriculum of a public or other school licensed by the State of Georgia.

**Material change in appearance**

A change that will affect only the exterior architectural features of a property or of any structure, site, or work of art within the Rural Village Overlay District, except for existing single family detached residential structures. Ordinary maintenance or repair of any exterior architectural feature in or on a structure that does not involve a change in design is expressly excluded from the definition of the term “material change in appearance.” Material change in appearance includes any one or more of the following:

1. A reconstruction or alteration of the size, shape, or facade of a property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements, except for a single family detached residence;
2. Demolition of a structure, except for a single family detached residence;
3. Relocation of a building or a structure, except for reconstruction or alteration of a single family detached residence, within the Rural Village Overlay District or from a location outside the District to a location within the District
4. Commencement of excavation, except for reconstruction or alteration of a single family detached residence;
5. A change in the location of advertising visible from the public way on the property; or
6. The erection, alteration, restoration, or removal of any building or other structures within the Rural Village Overlay Zone, except for existing single family detached residences, including walls, fences, steps, and pavements, or other appurtenant features.

**Mixed Use**

The development of a lot, tract or parcel of land, building or structure with two (2) or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

**Mobile Home – See Manufactured Home**

**Monofill**

A method of solid waste disposal that involves the land filling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste. Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and community activities, but does not include recovered materials; solid dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

**Motel**

A building or a group of buildings containing sleeping accommodations for short-term rental primarily to the motoring, and which does not include eating or bar facilities.

**Museum**

A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects.

**Night Club**

See Bar definition

**Node**

A place where activity and routes are concentrated. Also called a junction.

**Non-Conforming Use**

A use of land or building structure existing at the time of the enactment of this Ordinance, or at the time of any subsequent amendments and which does not conform with the ordinances of the use district in which it is located. See Division 530.

**Nursery, Commercial**

An establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

**Nursing Home, Nursing Care Facility**

An establishment providing inpatient nursing and rehabilitative services to patients who require health care but not hospital services. Care must be ordered by and under the direction of a physician. The facility must meet all State, Local and Federal requirements.



**Office, Mixed use**

Intensively developed office and mixed use centers where office uses represent fifty (50) percent or more of the intended use. Mixed commercial, entertainment, recreation, and residential land uses may be located in lesser amounts within this category.

**Office, Professional**

Includes the less intensive office and professional center uses including low-rise office parks, single freestanding office buildings, banks and similar financial institutions, and residential structures converted to office use.

**Open Space**

Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or homeowners association. Public open space is open space owned by a governmental jurisdiction.

**Outdoor Recreation**

This category includes greenways, trails, bikeways, paths, tennis courts, ballfields, playfields, courts, swimming pools, clubhouses, toilets, dressing rooms, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, bandshells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities.

**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, baseball batting cages, and tracks for motor sports. See Section 510-360.

**Outdoor Storage**

A place for storing goods related to an establishment on the same premises and not located within a building.

**Overlay District/Zone**

A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**Paper/Pulp Mill**

The manufacture of paper and paperboard, from both raw and recycled materials.

**Park**

A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

**Parking, Garage**

A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking garage may be totally below grade or wither partially or totally above grade with those levels being either open or enclosed.

**Parking, Lot**

A ground level open area that is used for the temporary parking of vehicles but which is not a required off-street parking area.

**Parking Spaces, Off-Street**

A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

**Pawnshop**

An establishment engaged in the business of lending money on the deposit or pledge of tangible personal property or in the business of purchasing tangible personal property on the condition of reselling the property to the seller at a stipulated price, where any of the income received by the establishment is generated through these activities.

**Perennial River**

A river or section of a river that flows continuously throughout the year.

**Perennial Stream**

A stream which flows throughout the whole year as indicated on a USGS Quad map.

**Personal Service Establishments**

An establishment where the primary purposes is providing for the care of physical components of a person or personal apparel. Examples are: beauty shops, cleaners, and shoe repair shops. This definition does not include such services as tattoo/body piercing shops, adult book/video stores.

**Preexisting Support Structure and Antennas**

Structures as set forth in subsection C.5 of Section 510-530 of these regulations.

**Personal Care Home, Under 6 Residents**

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 (2) but not more than six (6) adults who are not related to the owner or administrator by blood or marriage. See Section 510-380.

**Personal Care Home, 7-12 Residents**

Personal care home which offers care to at least seven (7) but not more than twelve (12) persons.

**Personal Care Home, Over 12 Residents**

Personal care home which offers care to thirteen (13) or more persons.

**Place of Public Assembly**

A lot, building or structure wherein persons assemble for public events.

**Place of Worship**

A lot or building wherein persons assemble for religious worship and which is maintained and controlled by a non-profit body organized to sustain public worship. The term shall also include any of the following: cathedral, chapel, church, synagogue, temple, mosque, tabernacle and other similar terms. See Section 510-410.

**Planned Commercial Center**

The development and subdivision of a parcel of property into a number of lots, to contain a number of commercial businesses.

**Planned Industrial Center**

The development and subdivision of a parcel of property into a number of lots, to contain a number of businesses, such as an industrial park, and the like.

**Planned Office Center**

The development and subdivision of a parcel of property into a number of lots, to contain a number of businesses, such as an office park, and the like.

**Planned Retail Center**

The development and subdivision of a parcel of property into a number of lots, to contain a number of businesses, such as a strip shopping center, and the like.

**Playschool**

A school for Pre-kindergarten children ranging in age from three (3) to four (4) years.

**Plat**

A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

**Pollution Susceptibility**

The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections, and other human activities in the recharge area.

**Pollution Susceptibility Maps**

Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium, and low groundwater pollution potential.

**Print Shop**

Establishment engaged in printing by letterpress, lithography, gravure, screen, offset or other common process, including electrostatic (xerographic) coping and other “quick printing” services.

**Professional**

When used in connection with “use” and “occupancy” a use ~~of~~ or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors within Newton County.

**Produce Stand**

A temporary structure designed or used for the display or sale of agricultural and related products.

**Protected River**

Any perennial river or watercourse with an average annual flow of 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. However, those segments of rivers covered by the Metropolitan River Protection Act or the Coastal Marshland Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limit of the jurisdiction of the Coastal Marshlands Protection Act.

**Public Facilities**

Transportation systems or facilities, water systems or facilities, waste water systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric utilities, gas utilities, cable facilities, and other public utilities.

**Public Use**

Use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by city, county, state or federal governments.

**Public Utility**

A common carrier supplying electricity, telephones, natural gas, water, sewage disposal, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, or any person or entity that provides wireless telecommunication services to the public.

**Quadrangle Map**

The most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.

**Quarry (Resource Extraction)**

A mine where rock, ore, stone, and similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, the production of dimension stone, and similar activities.

**Recharge Area**

Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer. See Division 410.

**Recovered Materials Processing Facility, Recycling Station**

Any facility utilized for the purpose of collecting, sorting, processing, and shipping materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum, whenever such use is principal to the site. See Section 510-450.

**Recreation, Active**

Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites or fields.

**Recreation, Passive**

Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

**Recreational Vehicle (RV)**

A camper, camp trailer, travel trailer, house car, motor home, trailer bus, trailer coach or similar vehicle, with or without motive power, designed for human habitation for recreational or emergency occupancy. Where a recreational vehicle is on or attached to a trailer used to carry or tow said vehicle, they shall together be considered one recreational vehicle. A recreational vehicle shall not include a pickup truck used for transportation to which a camper shell has been attached.

**Recreational Vehicle Park**

Any lot on which are temporarily parked two or more recreational vehicles for a period of less than ninety (90) days.

**Recycling Center/Station**

A use of land and/or structures for the receipt, sorting, packaging and forwarding of re-usable waste products, including but not limited to glass, aluminum, bimetal cans, newspapers, plastic and motor oil.

**Rehabilitation Center**

A facility operated for the purpose of assisting in the rehabilitation of disabled persons which provides one or more of the following types of services:

1. Testing, fitting, or training in the use of prosthetic devices;
2. Prevocational or conditioning therapy;

3. Physical, corrective, or occupational therapy; or
4. Adjustment training or evaluation or control of special disabilities; or a facility in which a coordinated approach is made to the physical, mental, and vocational evaluation of disabled persons and an integrated program of physical restoration and prevocational training is provided under competent professional supervision and direction.

**Repair Services**

An establishment primarily engaged in the provision of repair services to individual, or other businesses, but excluding automotive or other vehicle repair and farm machinery and tractor repair. Typical uses include appliance repair shops, furniture repair and reupholster shops, watch or jewelry repair shops, and musical instrument repair shops.

**Research Activities (Facility)**

The conduct of research, development, and testing in various fields of science, such as but not limited to chemistry, pharmacy, medicine, electricity, transportation and engineering.

**Reservoir Boundary**

The edge of a water supply reservoir defined by its normal pool level.

**Reservoir Watershed**

The entire drainage basin which contributes to a reservoir intended to be a source of public drinking water.

**Residential Dwelling**

Living in a fixed location, whether on a permanent or temporary basis; indicated by actions such as spending significant time at the location on more than one day, repeated eating and sleeping at the location, and performing other life activities at the location repeatedly.

**Restaurant**

An establishment where food and drink are prepared, served, and consumed primarily within the principal building or on an adjacent patio area.

**Restaurant, Drive-Through/In**

An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served receives food and/or drink, while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

**Retail**

The sale of commodities and service directly to consumers.

**Retail Stores, General Merchandise**

Retail trade establishments selling many lines of merchandise.

**Right-Of-Way**

A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

**Right-Of-Way Line**

The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

**Riparian Buffer**

An undisturbed natural area maintained alongside a lake, river, stream, or like water body that is shown on the most current U.S. Geological Survey documents. See Section 520-010.

**River Bank**

The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

**River Corridor**

All land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100 foot buffer shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in slope. Although not within the measured 100 foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan. Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for local comprehensive plans. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

**Rooming House**

A building other than a hotel where lodging for three (3) but not more than twenty (20) persons and with no meals served.

**Salvage Operation and/or Junk Yard**

Property used for outdoor storage, keeping, abandonment, sale or resale of junk, including scrap metal, rags, paper or other scrap materials, used lumber, tires, batteries, salvage building wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Sawmill**

Manufacturing, processing and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

**School, Business**

Public or private schools offering instruction in accounting, secretarial work, business administration, illustrative arts, information technology and similar subjects.

**School, Private**

Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

**School, Public**

Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which secures the major part of its funding from any governmental agency.

**School, Private, Residential**

A private school or similar institution that may include residential facilities and accessory kitchen, dining, and recreational facilities for program participants.

**School, Trade or Industrial**

Any public or private secondary or higher education facility primarily teaching skills that prepare students for jobs in a trade, and meets the State requirements for a vocational facility.

**Scenic Views**

Those geographic areas containing visually significant or unique natural features as identified in the Newton County Comprehensive Plan.

**Setback Line**

The shortest distance between the right-of-way line of a street or an adjacent property line and the nearest wall of the principal building or structure on a lot abutting thereon.

**Shopping Center**

A complex of three (3) or more business and commercial establishments, the whole planned, and developed and managed as a unit, sharing common parking facilities.

**Showrooms and Salesrooms**

An establishment whose principal business is the display and sale of manufactured products, supplies, and equipment, and which may include accessory offices.



**Sign**

Any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure or anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, poles, windows and similar devices.

**Sign, Area of**

The area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural frames and members not bearing advertising matter shall not be included in computation of surface area.

**Sign, Canopy**

A sign affixed to, superimposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway:

1. Flush – mounted in such a manner that a continuous plane with the canopy is formed.
2. Hanging – suspended from beneath the canopy.

**Sign, Double-Faced**

A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

**Sign, Election-Cycle**

A sign that can be erected during the election-cycle under the special provisions of Sec. 525-065 of this Division.

**Sign Face**

The part of a sign that is or can be used for advertising purposes.

**Sign, Freestanding – See Sign, Ground**

**Sign, Ground**

A sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

**Sign, Ground, Height**

The distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

**Sign, Illuminated, Direct**

A sign illuminated by an internal light source.

**Sign, Illuminated, Indirect**

A sign illuminated by an external light source directed primarily toward such sign.

**Sign, Monument-Style**

A sign permanently constructed, not on a pole, but rather with a base dressed with brick, stone, masonry or equal architectural material (excluding wood), designed to be placed at the entrance to a subdivision or commercial development. The base shall be at least two feet high, two feet wide and four feet long and shall be covered in brick, stone, masonry or similar permanent materials (excluding wood), with the sign resting on the base.

**Sign, Portable**

Signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported. Such signs include, but are not limited to, "A" and "T" type, sidewalk, sandwich, trailer signs, curb-type signs, banners or other commercial advertisement attached to vehicles and trailers. Inflatable figures and objects (e.g. creatures, beer cans) fall into this category.

**Sign, Projecting**

A sign projecting more than 6 inches from the outside wall or walls of any building upon which it is located.

**Sign, Public Purpose and Safety**

A sign erected by a municipal, county, state or federal governmental agency or office in furtherance of official business, public purposes or public safety.

**Sign, Roof**

A sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

**Sign Structure**

Poles, beams, columns, posts, foundations, and the like, which provide structural support of the sign surface area to which the sign is affixed.

**Sign, Wall**

A sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than 6 inches from the outside wall of such a building or structure. The total lettering on one side of a building or structure shall constitute one wall sign.

**Sign, Weekend**

A sign erected after 1:00 p.m. on Friday and taken down by 11:59 p.m. the following Sunday. Such signs are subject to the regulations of Sec. 525-065 of this Division.

**Sign, Window**

A sign placed in a window of a residential or non-residential structure, covering less than 25 percent of the area of the window.

**Site-Built Home**

A dwelling unit constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with the Council of American Building Officials (CABO) of the Council of American Building Officials (CABO) Congress International (SBCCI), and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint), or similar material as approved by the Zoning Administrator.
5. A landing must be installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of Council of American Building Officials (CABO).

**Site Built Home, Zero Lot Line**

A site built home that meets the requirements of this ordinance thereof, that is located on a lot in such a manor that one or more of its sides rest directly on a lot line.

**Soft Drink Beverage Bottling/Distribution Plant**

Any building or portion of a building engaged in the making, producing, bottling or distribution of non-alcoholic beverages.

**Solid Waste**

Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from residential and community activities, but does not

include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Sec. 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954.

**Solid Waste Transfer Station**

A site that has been approved by local, state, and federal entities for the transfer of solid waste as defined in this division.

**Storage Tank, Bulk**

An above ground container used for the storage of large volumes of liquids, which may or may not include such flammable materials as petroleum. See Section 510-520.

**Story**

That portion of a building, other than the cellar, included between the surface of the floor and the ceiling above it.

**Street**

A public or private thoroughfare which affords the principal means of access to abutting property. For a more detailed definition of street, please refer to the Newton County Development Regulations.

**Street, Arterial**

A street whose principal function is to carry large volume of traffic at higher speeds through the county or from one part of the county to another or to circulate traffic into, out of, or around the municipalities within the county.

**Street, Arterial Access**

A street that is parallel to and adjacent an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

**Street, Collector**

A through street having the primary function of connecting subdivisions or other areas to other collector streets or arterials or functioning as a central route within a subdivision channeling traffic from the local streets to an abutting thoroughfare.

**Street, Frontage**

A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

**Street, Half**

A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

**Street, Local, Residential**

A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.

**Street, Local, Non-residential**

A street that serves as access for predominantly abutting commercial, industrial or other nonresidential properties or development and not for through traffic.

**Street, Paved**

A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage; that part of a street having an improved surface.

**Street, Private**

An access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership.

**Street, Public (County)**

A right-of-way purchased or dedicated to and accepted by Newton County for vehicular traffic or over which Newton County may hold a prescriptive easement for public access, including designated and numbered U.S. and State highways.

**Street, Split-Level**

Streets which are constructed so as to have two separate traffic ways, each at a different level within the same right-of-way

**Street, Stub**

An extension of a street in a subdivision extending to the property boundary of the tract being developed and intended to provide continuity of the street pattern between subdivisions or between the individual phases of the same subdivision.

**Structure**

Anything constructed or erected on the ground or attached to something on the ground or attached to something on the ground, including, but not limited to, walled or roofed buildings such as manufactured homes or infrastructure such as storage tanks.

**Subdivider**

Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

**Subdivision, Residential/Commercial/Industrial/Office**

The division, for residential, commercial or industrial development, of a lot of record into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all division of land involving a new street or a change in existing streets, and includes resubdivision.

**Support Structure**

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-support lattice support structures, guy wired support structures, or monopole support structures. The term includes radio and television transmission support structures, cellular telecommunication support structures, man-made trees (with accessory buildings/structures) and other similar structures.

**Swimming Pool**

A structure whether in-ground, or above ground, for the containment of water in excess of eighteen (18) inches in depth or greater than one hundred (100) square feet in surface area for private, public, semi-public, or commercial use.

**Tattoo and Body Piercing Parlor/Studio**

An establishment that specifically provides the service of body piercing and/or tattooing.

**Temporary Building**

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or personal property that will be used for a temporary period of time with the intent to discontinue such use upon expiration of the time period.

**Temporary Commercial Use**

A commercial use established for a temporary period of time with the intent to discontinue such use upon the expiration of the time period.

**Theater/Cinema**

A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

**Theater/Cinema Drive Through**

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

**Townhouse**

A single-family dwelling unit which is erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.

**Trailer, Travel or Camp**

See 'Recreational Vehicle'

**Transitional Housing Facility**

A building or buildings in which is provided long-term but not permanent living accommodations for more than six (6) persons who have no permanent residence and are in need of long-term housing assistance.

**Truck Stop**

Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for truck and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

**Use, Principal**

The main use of land or buildings as opposed to a secondary or accessory use.

**Utility**

Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, railroads, and all equipment and structures necessary to provide such services for utilities licensed or authorized to serve Newton County.

**Variance**

A relaxation of the terms of this Ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Visual Quality**

The appropriate design, arrangement and location of support structures in relation to the built or natural environment to avoid abrupt or severe differences.

**Warehouse, Mini**

A building or portion thereof used for storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals. Mini-warehouses shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

**Water Supply Reservoir**

A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

**Water Supply Watershed**

The area of land upstream of a governmentally owned public drinking water intake.

**Wetlands**

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. See Division 420. Wetlands generally include swamps, marshes, bogs and similar areas. (33 CFR 32.93) The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as “coastal marshlands” by the State Coastal Marshlands Protection Act.

**Warehouse**

An establishment conducted within a completely enclosed building, that is engaged in the storage of materials, equipment or products that will be distributed to wholesalers or retailers.

**Warehousing, distribution, and enclosed storage**

A use engaged in enclosed storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, including accessory offices and showrooms, and including incidental retail sales. Bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions must meet all Federal, State and Local requirements.

**Wholesale Establishment**

A firm involved in the storage, movement or sale of goods for themselves or other firms, usually to retailers for resale to consumers, in relatively large quantities and usually at lower prices than retail.

**Winery**

A facility for processing grapes or other fruit into wine for sale on site or through wholesale or retail outlets.

**Workshop and Custom Small Industry**

A facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, custom care or motorcycle restoring, and other similar uses.

**Yard**

An area between a lot line and a setback, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.



**Yard, Front**

An area extending across the full width of the parcel between the front lot line and the required setback.

**Yard, Rear**

An area extending the full width of the parcel between a rear lot line and the required setback.

**Yard, Side**

An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

**Zero Lot Line Development**

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**Zoning Administrator**

The person, official or authorized representative designated by the Newton County Board of Commissioners as its agent for the administration of these regulations.



The following table summarizes development standards for residential zoning districts in Newton County. This table is provided for the convenience of the user. In the event of inconsistencies, the language in the Property Development Standards Sections of Divisions 205 through 250 of this Ordinance takes precedence.

**DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS TABLE**

District Name	Min Lot Area (sq. ft.)			Min Width At Building Line (feet)		Min Front Setback (feet)		Min Side Setback (feet)	Min Rear Setback (feet)	Min Road Frontage (feet)	Min House Size (sq. ft.) (heated floor area)	Max Lot Coverage
	Well & Septic	Water & Septic	Water & Sewer	Water & Septic	Water & Sewer	Major/Minor Arterial or Collector	Other					
A	10 acres			400		60		25	40	40	1,000	15%
RE	2 acres			200		60		25	40	40	1,550	15%
A-R	60,000	43,560	43,560	150		60	40	15	40	75	1,550	20%
R-1	51,000	25,500	NA	100 <sup>10</sup>		60	35	12	40	75	1,550	40%
R2	*	25,500	20,000	100	85 <sup>10</sup>	60	30	10	25	75	1,550	40%
R-3	*	25,500	17,000	85	75 <sup>10</sup>	60	25	7.5	25	60	1,550	40%
MSR	51,000	25,500	15,000	100	85	60	35	12/10	35	50	1,250	40%
DR	51,000 <sup>1</sup> 80,000 <sup>3</sup>	25,500 <sup>1</sup> 40,000 <sup>3</sup>	7,500 <sup>1</sup> 15,000 <sup>3</sup>	100 <sup>1</sup> 110 <sup>3</sup>	85 <sup>1</sup> 85 <sup>3</sup>	60	35	12	35	50	1,200 <sup>2</sup> 1,100 <sup>4</sup> 2,200 <sup>3</sup>	50% <sup>+</sup>
RMF	NA	25,500 <sup>5</sup>	12,000 <sup>5</sup>	100		60	25	15/20 <sup>7</sup>	35/20 <sup>8</sup>	75	750 <sup>5</sup>	70%
MHP	15 acres per park			85		50	35	50/20 <sup>9</sup>	10	200	720	40%
per unit	51,000	25,500	12,000									
MHS	10 acres per subdivision			100	85	60	35	12/10 <sup>6</sup>	35	200	720	25%
Per unit	51,000	25,500	15,000									

1. For single-family units.
2. For single-family detached units.
3. For two-family units.
4. For single family attached units
- \* Not permitted
5. Per dwelling unit. Average heated floor area for the entire project must be 900 sq. ft. or greater
6. Max density of 8 dwelling units per acre.
7. 12 feet where lot width is 100 feet; 10 feet where width is 85.
8. 15 feet from property line; no less than 20 feet between detached buildings.
9. 35 feet from property line; no less than 20 feet between detached buildings.

+ for total development

- 9. 50 feet from property lines; at least 20 feet between dwelling units.
- 10. In Cul-de-sacs the min width at building line is 40 feet.

The following table summarizes development standards for office, commercial, and industrial zoning districts in Newton County. This table is provided for the convenience of the user. In the event of inconsistencies, the language in the Property Development Standards Sections of Divisions 255 through 280 of this Ordinance takes precedence.

**DEVELOPMENT STANDARDS FOR OFFICE, COMMERCIAL, AND INDUSTRIAL ZONING DISTRICTS TABLE**

District Name	Min Lot Width (in feet)	Min Front Yard Setback (in feet)		Min Side Yard Setback (in feet)	Rear Yard Setback (in feet)	Max Impervious Surface	Max Height of Bldg. (in feet)	Min Floor Area
		On Arterial Street	On Collector Street					
O-I	100	25		0 <sup>1</sup> 10/20 <sup>2</sup>	15	60%	35	None
C-N	100	25		0 <sup>1</sup> 10/20 <sup>2</sup>	15	60%	35	None
C-H	100	25		0 <sup>1</sup> 10/20 <sup>2</sup>	15	60%	35	None
C-G	100	25		0 <sup>1</sup> 10/20 <sup>2</sup>	15	60%	35	None
M-1	100	60	40	10/20 <sup>3</sup> 40 <sup>4</sup>	15	60%	75	None
M-2	100	60	50	10/20 <sup>3</sup> 40 <sup>4</sup>	15	60%	75	None

**Notes:**

- 1. 0 feet with party walls.
- 2. 10 feet from property line and no less than 20 feet between buildings.
- 3. 10 feet from property line and no less than 20 feet between buildings under thirty-five (35) feet in height.
- 4. 40 feet between buildings over 35 feet in height.
- 5. The maximum impervious surface area for property within a designated Development Node is seventy-five percent (75%). (rev.7/01/03)

**ARTICLE 2 – BASE DISTRICT REGULATIONS**

**DIVISION 200: DIVISION OF COUNTY INTO DISTRICTS**

For the purpose of this Ordinance, the unincorporated area of Newton County is divided into districts as follows:

- A            Agricultural – Primarily larger acreage tracts over one hundred acres in size, with the majority of the land being used for agricultural purposes (i.e. soil crops, livestock, fish, fowl, and/or commercial timber).
  
- R-E         Rural Estate – Primarily a combination of agricultural uses (see above) and larger acreage, sparse residential uses.
  
- A-R         Agricultural Residential – Primarily large acreage or larger lot subdivisions of relatively low density development.
  
- R-1         Single-Family Residential – Low density residential development.
  
- R-2         Single-Family Residential – Medium density residential development.
  
- R-3         Single-Family Residential – High density residential development.
  
- MSR        Mixed Use Single-Family Residential - Medium to high density residential development.
  
- DR         Single- and Two-Family Residential – Primarily high density residential development of single or two family dwellings.
  
- RMF        Multi-Family Residential – High density residential development of multi-family (including two-family) dwellings.
  
- MHP        Manufactured Home Park – Medium density residential manufactured home development.
  
- MHS        Manufactured Home Subdivision – High density residential manufactured home development.
  
- O-I         Office-Institutional – Primarily professional, administrative or similar offices located near population centers and existing community facilities.
  
- C-N         Neighborhood Commercial – Primarily light retail or service businesses designed for the benefit of small residential areas.
  
- C-H         Highway Commercial – Light to Medium commercial uses which are primarily designed to serve the automotive traveling public.

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- C-G      General Commercial – Primarily heavy commercial and light industrial uses generally located near population centers which may generate increased traffic and congestion.
  
- M-1      Light Industrial – Primarily wholesale warehousing and light manufacturing and trade shops located near population centers.
  
- M-2      Heavy Industrial – Heavy manufacturing, processing and similar uses which may generate increased noise, congestion, etc.
  
- C.O.R.D. Community Oriented Residential Development – Coordinated large scale or comprehensive group development areas of special considerations.

**DIVISION 205: A-AGRICULTURAL DISTRICT**

**Sec. 205-010 PURPOSE AND INTENT**

The A-Agricultural District is composed of areas presently having a rural character and devoted primarily to farm operations within Newton County, including the raising of soil crops, livestock, fish, fowl, and commercial timber. Such areas are outlined in the Newton County Comprehensive Land Use Plan. Intensive development of land is unlikely to occur in the near future and is discouraged in these areas. For this reason, only minimum restrictions are imposed upon agricultural uses within this district.

**Sec. 205-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the A-Agricultural District in accordance with Division 505 of this Ordinance.

**Sec. 205-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the A-Agricultural District in accordance with Section 510-020 (B) of this Ordinance.

**Sec. 205-040 CONDITIONAL USES**

Conditional uses shall be permitted in the A-Agricultural District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 205-050 PROPERTY DEVELOPMENT STANDARDS**

**A. Minimum Lot Area**

The minimum lot area shall be 10 acres.

**B. Minimum Lot Width at Building Line**

The minimum lot width at the building line shall be 400 feet.

**C. Minimum Yard Requirements:**

1. Front: Sixty (60) feet from right-of-way line.

2. Side: Twenty-five (25) feet.

3. Rear: Forty (40) feet.

**D. Minimum Road Frontage**

The minimum road frontage shall be 40 feet.

**E. Minimum House Size**

The minimum floor area of the primary dwelling shall be 1,000 square feet (heated floor area).

F. Maximum Height

The maximum height of buildings shall be seventy-five (75) feet. Any building with a height exceeding forty (40) feet shall be set back a minimum of sixty (60) feet from the nearest property line.

F. Maximum Impervious Surface Coverage

The maximum impervious surface shall be fifteen (15) percent of the lot.

**DIVISION 210: RE RURAL ESTATE DISTRICTS**

**Sec. 210-010 PURPOSE AND INTENT**

The RE Rural Estate District is composed of areas having primarily a rural character which will generally be maintained for some length of time. These areas are characterized by large acreage tracts devoted to agricultural uses and sparsely populated residential areas. For this reason they are intended to be used as a buffer zone between the major agricultural uses and intensive land development districts.

**Sec. 210-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the RE Rural Estate District in accordance with Division 505 of this Ordinance.

**Sec. 210-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the RE Rural Estate District in accordance with Section 510-020 (B) of this Ordinance.

**Sec. 210-040 CONDITIONAL USES**

Conditional uses shall be permitted in the RE Rural Estate District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 210-050 PROPERTY DEVELOPMENT STANDARDS**

A. Minimum Lot Area

The minimum lot area for RE shall be 2 acres.

B. Minimum Lot Width at Building Line

The minimum lot width at the building line shall be 200 feet.

C. Minimum Yard Requirements:

1. Front: Sixty (60) feet from right-of-way line.
2. Side: Twenty-five (25) feet.
3. Rear: Forty (40) feet.



**D. Minimum Road Frontage**

The minimum road frontage shall be 40 feet.

**E. Minimum House Size**

The minimum floor area of the primary dwelling shall be 1,550 square feet (heated floor area).

**E. Maximum Height**

The maximum height of buildings shall be forty (40) feet.

**F. Maximum Impervious Surface Coverage**

The maximum impervious surface shall be 15 percent of the lot.

**DIVISION 215: A-R AGRICULTURAL RESIDENTIAL DISTRICT**

**Sec. 215-010 PURPOSE AND INTENT**

The A-R Agricultural Residential District is composed of relatively large acreage, low density developments of single-family dwellings. The purpose of this district is to provide protection for larger lot subdivisions against the encroachment of high density developments of a residential, commercial or industrial nature.

**Sec. 215-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the A-R Agricultural Residential District in accordance with Division 505 of this Ordinance.

**Sec. 215-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the A-R Agricultural Residential District in accordance with Section 510-020 (C) of this Ordinance.

**Sec. 215-040 CONDITIONAL USES**

Conditional uses shall be permitted in the A-R Agricultural Residential District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 215-050 PROPERTY DEVELOPMENT STANDARDS**

**A. Minimum Lot Area**

The minimum lot area shall be:

1. 60,000 square feet where both private well and individual septic tank are required;
2. 43,560 square feet where public or community water and individual septic tank are used;
3. 43,560 square feet where public or community water and sewer are used.

- B. Minimum Lot Width at Building Line  
The minimum lot width at the building line shall be 150 feet.
  
- C. Minimum Yard Requirements:
  - 1. Front: Sixty (60) feet from right-of-way line of a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan; or forty (40) feet from right-of-way line of any other street.
  
  - 2. Side: Fifteen (15) feet.
  
  - 3. Rear: Forty (40) feet.
  
- D. Minimum Road Frontage  
The minimum road frontage shall be 75 feet.
  
- E. Minimum House Size  
The minimum floor area of the primary dwelling shall be 1,550 square feet (heated floor area).
  
- F. Maximum Height  
The maximum height of buildings shall be forty (40) feet.
  
- F. Maximum Impervious Surface Coverage  
The maximum impervious surface shall be 20 percent of the lot.

**DIVISION 220: R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

**Sec. 220-010 PURPOSE AND INTENT**

The R-1 Single-Family Residential District is composed of low density single-family residential development land. The intent of this district is to outline areas in which it is desirable and likely that future development will occur. Most of the area is served by existing public facilities and the other areas will likely be served in the near future.

**Sec. 220-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the R-1 Single-Family Residential District in accordance with Division 505 of this Ordinance.

**Sec. 220-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the R-1 Single-Family Residential District in accordance with Section 510-020 (C) of this Ordinance.

**Sec. 220-040 CONDITIONAL USES**

Conditional uses shall be permitted in the R-1 Single-Family Residential District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 220-050 PROPERTY DEVELOPMENT STANDARDS**

**A. Architectural Standards**

1. Accents: Houses constructed with vinyl siding on all sides shall have front accents of brick, stone, masonry or stucco.
2. Fences:
  - a. Front yard: Wood or vinyl fencing in front yards is acceptable provided the fencing does not exceed four (4) feet in height. Chain link fences are not allowed in front yards.
  - b. Rear and side yards: Chain link, wood or vinyl fencing in rear and/or side yards is acceptable provided the fencing does not exceed eight (8) feet in height and does not include anti-climbing devices.
  - c. Corner lots: For corner lots, fencing is permitted in the side yard abutting the street as follows: Wood or vinyl fencing is acceptable up to the rear building line provided the fencing does not exceed four (4) feet in height. This requirement also applies behind the rear building line if the fence is within the side yard setback. Chain link fencing is not allowed in this area.

**B. Minimum Lot Area**

The minimum lot area shall be:

1. 51,000 square feet where both private well and individual septic tank are required;
2. 25,500 square feet where public or community water and individual septic tank or sewer are used;

**C. Minimum Lot Width at Building Line**

1. The minimum lot width at the building line shall be 100 feet.

**D. Minimum Yard Requirements:**

1. Front: Sixty (60) feet from right-of-way line of a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan; or thirty-five (35) feet from right-of-way line of any other street.
2. Side: Twelve (12) feet.
3. Rear: Forty (40) feet.

E. Minimum Road Frontage

- 1. The minimum road frontage shall be 75 feet.
- 2. The minimum road frontage in cul-de-sacs shall be 40 feet.

F. Minimum House Size

The minimum floor area of the primary dwelling shall be 1,550 square feet (heated floor area).

G. Maximum Height

The maximum height of buildings shall be forty (40) feet.

H. Maximum Impervious Surface Coverage

The maximum impervious surface shall be 40 percent of the lot.

**DIVISION 225: R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT**

**Sec. 225-010 PURPOSE AND INTENT**

The R-2 Single-Family Residential District is mainly comprised of medium density single-family subdivision development, including diverse types of single-family dwellings, and smaller dwelling units, where surrounding land uses are compatible with high density development and such development would not have an adverse impact on the surrounding areas. Appropriate areas should have adequate public facilities including significant community or public water and/or sewer systems. Since lot requirements are reduced and density is increased, it is critical that all factors relating to drainage, topography, and other environmental factors be examined carefully to ensure suitability.

**Sec. 225-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the R-2 Single-Family Residential District in accordance with Division 505 of this Ordinance.

**Sec. 225-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the R-2 Single-Family Residential District in accordance with Section 510-020 (C) of this Ordinance.

**Sec. 225-040 CONDITIONAL USES**

Conditional uses shall be permitted in the R-2 Single-Family Residential District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 225-050 PROPERTY DEVELOPMENT STANDARDS**

A. Architectural Standards

- 1. Accents: Houses constructed with vinyl siding on all sides shall have front accents of brick, stone, masonry or stucco.

2. Fences:

a. Front yard: Wood or vinyl fencing in front yards is acceptable provided the fencing does not exceed four (4) feet in height. Chain link fences are not allowed in front yards.

b. Rear and side yards: Chain link, wood or vinyl fencing in rear and/or side yards is acceptable provided the fencing does not exceed eight (8) feet in height and does not include anti-climbing devices.

c. Corner lots: For corner lots, fencing is permitted in the side yard abutting the street as follows: Wood or vinyl fencing is acceptable up to the rear building line provided the fencing does not exceed four (4) feet in height. This requirement also applies behind the rear building line if the fence is within the side yard setback. Chain link fencing is not allowed in this area.

B. Minimum Lot Area

The minimum lot area shall be:

1. 25,500 square feet where public or community water and individual septic tank are used;
2. 20,000 square feet where public or community water and sewer are used.

C. Minimum Lot Width at Building Line

1. 100 feet where public or community water and individual septic tank are used;
2. 85 feet where both public or community water and sewer systems are used.

D. Minimum Yard Requirements:

1. Front: Sixty (60) feet from right-of-way line of a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan; or thirty (30) feet from right-of-way line of any other street.
2. Side: Ten (10) feet.
3. Rear: twenty-five (25) feet.

E. Minimum Road Frontage

1. The minimum road frontage shall be 75 feet.
2. The minimum road frontage in cul-de-sacs shall be 40 feet.

**F. Minimum House Size**

The minimum floor area of the primary dwelling shall be 1,550 square feet (heated floor area).

**G. Maximum Height**

The maximum height of the building shall be forty (40) feet.

**H. Maximum Impervious Surface Coverage**

The maximum impervious surface shall be 40 percent of the lot.

**DIVISION 230: R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT**

**Sec. 230-010 PURPOSE AND INTENT**

The R-3 Single-Family Residential District is mainly comprised of high-density housing where surrounding land uses are compatible with high-density residential development or suitable transitions are provided. Appropriate areas should have adequate public facilities including community or public water and/or sewer systems. Since lot requirements are reduced and density is increased, it is critical that all factors relating to drainage, topography and other environmental factors be examined carefully to ensure suitability.

**Sec. 230-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the R-3 Single-Family Residential District in accordance with Division 505 of this Ordinance.

**Sec. 230-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the R-3 Single-Family Residential District in accordance with Section 510-020 (C) of this Ordinance.

**Sec. 230-040 CONDITIONAL USES**

Conditional uses shall be permitted in the R-3 Single-Family Residential District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 230-050 PROPERTY DEVELOPMENT STANDARDS**

**A. Architectural Standards**

1. Accents: Houses constructed with vinyl siding on all sides shall have front accents of brick, stone, masonry or stucco.
  
2. Fences:
  - a. Front yard: Wood or vinyl fencing in front yards is acceptable provided the fencing does not exceed four (4) feet in height. Chain link fences are not allowed in front yards.

b. Rear and side yards: Chain link, wood or vinyl fencing in rear and/or side yards is acceptable provided the fencing does not exceed eight (8) feet in height and does not include anti-climbing devices.

c. Corner lots: For corner lots, fencing is permitted in the side yard abutting the street as follows: Wood or vinyl fencing is acceptable up to the rear building line provided the fencing does not exceed four (4) feet in height. This requirement also applies behind the rear building line if the fence is within the side yard setback. Chain link fencing is not allowed in this area.

**B. Minimum Lot Area**

The minimum lot area shall be:

1. 25,500 square feet where public or community water and individual septic tank are used;
2. 17,000 square feet where public or community water and sewer are used.

**C. Minimum Lot Width at Building Line**

1. 85 feet where public or community water and individual septic tank are used;
2. 75 feet where both public or community water and sewer are used.

**D. Minimum Yard Requirements:**

1. Front: Sixty (60) feet from right-of-way line of a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan; or twenty-five (25) feet from right-of-way line of any other street.
2. Side: Ten (10) feet.
3. Rear: Twenty-five (25) feet.

**E. Minimum Road Frontage**

1. The minimum road frontage shall be 60 feet.
2. The minimum road frontage in cul-de-sacs shall be 40 feet.

**F. Minimum House Size**

The minimum floor area of the primary dwelling shall be 1,550 square feet (heated floor area).

**G. Maximum Height**

The maximum height of the building shall be forty (40) feet.

H. Maximum Impervious Surface Coverage  
The maximum impervious surface shall be 40 percent of the lot.

**DIVISION 236: MSR MIXED USE SINGLE-FAMILY RESIDENTIAL DISTRICT**

**Sec. 236-010 PURPOSE AND INTENT**

The MSR Mixed Use Single-Family Residential District is composed of medium to high density residential developments of ten acres or more, along with other areas with special considerations where it has been shown that existing land use has included diverse types of single family dwellings, including manufactured and industrial housing and smaller dwelling units. The intent of this district is to provide areas in which Manufactured homes can be intermingled with site built homes. Such development is encourage along existing public facilities, but provisions are made for areas which require individual wells and/or septic tanks. This district is not designed to be used for individual lots with Manufactured homes, and such zoning is prohibited.

**Sec. 236-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the MSR Mixed Use Single-Family Residential District in accordance with Division 505 of this Ordinance.

**Sec. 236-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the MSR Mixed Use Single-Family Residential District in accordance with 510-020 (C) of this Ordinance.

**Sec. 236-040 CONDITIONAL USES**

Conditional uses shall be permitted in the MSR Mixed Use Single-Family Residential District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 236-050 PROPERTY DEVELOPMENT STANDARDS**

A. Minimum Lot Area

The minimum lot area shall be:

1. 51,000 square feet where individual well and septic tank are used;
2. 25,500 square feet where public or community water and septic tank are used;
3. 15,000 square feet where both public or community water and sewer are used.

B. Minimum Lot Width at Building Line

1. 100 feet where individual well and septic tank is used;
2. 85 feet where both public or community water and sewer is used.



C. Minimum Yard Requirements:

1. Front: Sixty (60) feet from the right-of-way line of a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan; or thirty-five (35) from the right-of-way line of any other street.
2. Side: Twelve (12) feet where the lot width is 100 feet; ten (10) feet where the lot width is 85 feet.
3. Rear: Thirty-five (35) feet.

D. Minimum Road Frontage

The minimum road frontage shall be 50 feet.

E. Minimum House Size

The minimum floor area of the primary dwelling shall be 1,250 square feet (heated floor area).(rev.7/01/03)

F. Maximum height

The maximum height of the building shall be thirty-five (35) feet.

G. Maximum Impervious Surface Coverage

The maximum impervious surface shall be 40 percent of the lot.

**DIVISION 235: DR SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT**

**Sec. 235-010 PURPOSE AND INTENT**

The DR Single- and Two-Family Residential District is chiefly composed of high density subdivision development land of single or two-family dwellings (duplexes) and zero lot line development. These areas of higher density development should, where possible, be located on community or public water and/or sewer systems and should be designed so as to ensure harmony within these areas.

**Sec. 235-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the DR Single and Two-Family Residential District in accordance with Division 505 of this Ordinance.

**Sec. 235-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the DR Single and Two-Family Residential District in accordance with Section 510-020 (C) of this Ordinance.

**Sec. 235-040 CONDITIONAL USES**

Conditional uses shall be permitted in the DR Single and Two-Family Residential District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 235-050 PROPERTY DEVELOPMENT STANDARDS**

A. Minimum Lot Area

The minimum lot area shall be:

1. Single-Family:

- a. 51,000 square feet where both individual well and septic tank are required;
- b. 25,500 square feet where public or community water and septic tank are used;
- c. 7,500 square feet where both public or community water and sewer are used.

2. Two-Family:

- a. 80,000 square feet where both individual well and septic tank are required;
- b. 40,000 square feet where public or community water and sewer are used;
- c. 15,000 square feet where both public or community water and sewer are used.

C. Minimum Lot Width at Building Line

1. Single-Family:

- a. 100 feet where public or community water and individual septic tank are used;
- b. 85 feet where both public or community water and sewer are used.

2. Two-Family:

- a. 110 feet where public or community water and individual septic tank are used;
- b. 85 feet where both public or community water and sewer are used.

D. Minimum Yard Requirements:

- 1. Front: Sixty (60) feet from right-of-way line of a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan; or thirty-five (35) feet from right-of-way line of any other street.

2. Side (if detached):

- a. Twelve (12) feet between buildings;
- 3. Rear: Thirty-five (35) feet.
- E. Minimum Road Frontage  
The minimum road frontage shall be 50 feet.
- F. Minimum House Size  
The minimum floor area of the primary dwelling shall be:
  - 1. 1,200 square feet (heated floor area) for single-family detached units;
  - 2. 1,100 square feet (heated floor area) for single-family attached units;
  - 3. 2,200 square feet (heated floor area) for two-family units (1,100 per unit).
- G. Maximum Height  
The maximum height of buildings shall be forty (40) feet.
- H. Maximum Impervious Surface Coverage  
The maximum impervious surface shall be 50 percent of the total development.

**DIVISION 240: RMF MULTI-FAMILY RESIDENTIAL DISTRICT**

**Sec. 240-010 PURPOSE AND INTENT**

The RMF Multi-Family Residential District is composed primarily of high density residential developments of single-family attached (zero lot line), two-family or multi-family dwellings, but may allow for other types of residential dwellings within planned developments. Developments of this nature should be located on public water and sewer facilities, but exemptions may be made for developments using private or community facilities where approved by the Health Department.

**Sec. 240-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the RMF Multi-Family Residential District in accordance with Division 505 of this Ordinance.

**Sec. 240-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the RMF Multi-Family Residential District in accordance with Section 510-020 (C) of this Ordinance.

**Sec. 240-040 CONDITIONAL USES**

Conditional uses shall be permitted in the RMF Multi-Family Residential District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 240-050 PROPERTY DEVELOPMENT STANDARDS**

**A. Minimum Lot Area**

The minimum lot area shall be:

1. 25,500 square feet for single-family and duplex units where public or community water and individual septic tank are used;
2. 12,000 square feet for single-family and duplex units where public or community water and sewer are used.

**B. Minimum Lot Width at Building Line**

The minimum lot width at the building line shall be 100 feet.

**C. Minimum Yard Requirements:**

1. Front: Sixty (60) feet from right-of-way line of a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan; or twenty-five (25) feet from right-of-way line of any other street.
2. Side: 15 feet from property line; no less than 20 feet between detached buildings.
3. Rear: 35 feet from property line; no less than 20 feet between detached buildings.

**D. Minimum Road Frontage**

The minimum road frontage shall be 75 feet.

**E. Minimum Dwelling Unit Size**

1. The minimum floor area shall be 750 square feet (heated floor area) per dwelling unit; and
2. Average heated floor area for the entire development must be 900 square feet or greater.

**E. Maximum Density**

The maximum density of land, not including land in the 100-year floodplain or delineated wetlands, shall be 8 dwelling units per acre. In Development Nodes the maximum density shall be 12 dwelling units per acre.

**F. Maximum Height**

The maximum height of buildings shall be forty-five (45) feet.

**I. Maximum Impervious Surface Coverage**

The maximum impervious surface shall be 70 percent of the development area zoned RMF.

J. Land use transitional buffers shall be provided as required in Section 520-020.

K. Site planning and use standards for multi-family developments shall be required in conformance with Section 510-350.

## **DIVISION 245: MHP MANUFACTURED HOME PARK DISTRICT**

### **Sec. 245-010 PURPOSE AND INTENT**

The MHP Manufactured Home Park District is composed of residential developments of manufactured homes adhering to the following conditions outlined in Division 245. The purpose of this district is to set aside certain areas which are used exclusively for manufactured home parks and accessory uses. All new park communities or additions to existing park communities must first have site plans approved by Newton County to ensure that all factors relating to drainage, topography, and land development promote the health, safety, and harmony of the community.

### **Sec. 245-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the MHP Manufactured Home Park District in accordance with Division 505 of this Ordinance.

### **Sec 245-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the MHP Manufactured Home Park District in accordance with Section 510-020 (C) of this Ordinance.

### **Sec. 245-040 CONDITIONAL USES**

Conditional uses shall be permitted in the MHP Manufactured Home Park District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

### **Sec. 245-050 PROPERTY DEVELOPMENT STANDARDS**

In any district where manufactured home parks are permitted, the following minimum standards shall apply:

A. Minimum Area and Width:

1. The minimum parcel area for manufactured home parks shall be 15 acres.
2. The minimum road frontage shall be 200 feet.
3. The minimum width for residential sites shall be 85 feet.

**B. Minimum Number of Sites**

The minimum number of sites completed at the time of first occupancy shall be 25. The developer shall submit plans for a minimum of 50 sites at the time of first plan review. Final layout, including water, sewer, streets, drainage, health, and other applicable plans for a minimum of 50 sites shall be submitted for approval to the County at the time of the request for a certificate of occupancy for the initial 25 spaces.

**C. Minimum Floor Area**

The minimum heated floor area of each manufactured home shall be 720 square feet for all units.

**D. Minimum Site Area**

The minimum area for an individual manufactured home site shall be:

- 1. 12,000 square feet if both water and sewer are provided;
- 2. 25,500 square feet if public water and septic tank are provided;
- 3. 51,000 square feet if both individual wells and septic tanks are provided.

**E. Setback**

Manufactured homes shall be so located as to maintain a 20 foot minimum spacing between all homes and structural improvements regardless of the orientation. A ten (10) foot minimum internal rear yard/or service area shall be maintained between the internal lot line and the manufactured home and other structural improvements. A 20 foot minimum front yard shall be maintained between all internal streets and the manufactured home or other structural improvements. Required yards at the edges of the park development shall be 50 feet from all major or arterial roads as designated by Newton County; 35 feet from all collector or local roads as designated by Newton County; 50 feet from all other abutting property lines; and be treated as front yards for the district. No accessory uses shall be allowed in front yards.

**F. Residential Buffers**

Where lots on the perimeter of the development abut adjacent single-family development, they shall meet one of the following requirements:

- 1. Contain only manufactured housing meeting all residential design standards in accordance with these regulations; or
- 2. Provide a 25 foot landscaped buffer from the property line; or
- 3. Provide a screening material along the property line such as a solid fence or wall not less than 6 feet high.

**G. Improvement Standards**

Vehicular access and site improvements shall be provided in conformance with Division 510 of the Newton County Development Regulations.

**H. Maximum Impervious Surface Coverage**

The maximum impervious surface coverage shall be 40 percent of the gross site.

**I. Installation**

All manufactured homes located within the park shall require installation in accordance with Division 105 of this Ordinance and Division 515 of the Newton County Development Regulations.

**DIVISION 250: MHS MANUFACTURED HOME SUBDIVISION DISTRICT**

**Sec. 250-010 PURPOSE AND INTENT**

The MHS Manufactured Home Subdivision District is composed of medium to high density single-family manufactured home developments of ten (10) acres or more. The primary intent of this district is to provide areas in which property owners may place manufactured homes on individual lots within subdivisions. Such development should be located along existing public facilities, but provisions are made for areas which require individual wells and/or septic tanks. As in all districts, this type of development should be located around or near similar development, and should not substantially alter area land use.

**Sec. 250-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the MHS Manufactured Home Subdivision District in accordance with Division 505 of this Ordinance.

**Sec 250-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the MHS Manufactured Home Subdivision District in accordance with Section 510-020 (C) of this Ordinance.

**Sec. 250-040 CONDITIONAL USES**

Conditional uses shall be permitted in the MHS Manufactured Home Subdivision District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 250-050 PROPERTY DEVELOPMENT STANDARDS**

In any district where manufactured home subdivisions are allowed, the following minimum standards shall apply:

**A. Minimum Area and Road Frontage**

The minimum parcel area for a subdivision shall be 10 acres. The minimum road frontage shall be 200 feet.

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### **B. Minimum Number of Sites**

At least 20 lots shall be completed at the time of the first occupancy.

### **C. Minimum Floor Area**

The minimum floor area shall be 720 square feet.

### **D. Minimum Site Area**

Minimum lot area shall be:

1. 15,000 square feet if both public water and sewer are provided;
2. 25,500 square feet if public water and septic tank are provided;
3. 51,000 square feet if individual wells and septic tanks are provided.

### **E. Minimum Lot Width**

Minimum lot width shall be:

1. 85 feet if both public water and sewer are provided;
2. 100 feet for all other lots.

### **F. Maximum Impervious Surface Coverage**

The maximum impervious surface shall be 25 percent of the gross site.

### **G. Setback**

Required front yards shall be a minimum of 60 feet along arterials and 35 feet on other roads and shall contain no accessory buildings. All side yards shall be 12 feet where the lot width is 100 feet or more and 10 feet where the lot width is less than 100 feet. Rear yards shall be a minimum of 35 feet.

### **H. Residential Buffers**

Where lots on the perimeter of the development abut adjacent single family development, they shall:

1. Contain only manufactured housing meeting all residential design standards in accordance with these regulations; or
2. Provide a twenty-five (25) foot landscaped buffer from the property line; or
3. Provide a screening material, such as a solid fence or wall not less than 6 feet high, along the property line.

### **I. Installation**

All manufactured homes located within the subdivision shall require installation in accordance with Division 515 of the Newton County Development Regulations.



**Sec. 250-060 EXEMPTIONS**

All manufactured housing developments approved prior to the adoption of this Ordinance shall be declared conforming developments and shall be exempt from these regulations for minimum lot size, area, and setbacks when permits are requested for replacement of existing manufactured or mobile homes.

**DIVISION 255: O-I OFFICE-INSTITUTIONAL**

**Sec. 255-010 PURPOSE AND INTENT**

The O-I Office-Institutional District is primarily composed of a combination of service-oriented business and professional, administrative, non-profit, and public institutional or related offices located on or adjacent to community facilities. This district should, when possible, be employed as a buffer zone between predominantly residential and heavier commercial or industrial districts. Uses within this district should be those which do not generate excessive noise, traffic congestion or other health hazards and which will promote land use consistent with the Newton County Comprehensive Land Use Plan.

**Sec. 255-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the O-I Office-Institutional District in accordance with Division 505 of this Ordinance.

**Sec. 255-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the O-I Office-Institutional District in accordance with Section 510-020 (D) of this Ordinance.

**Sec. 255-040 CONDITIONAL USES**

Conditional uses shall be permitted in the O-I Office–Institutional District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.

**Sec. 255-050 PROPERTY DEVELOPMENT STANDARDS**

**A. Minimum Lot Frontage**

The minimum lot frontage shall be 100 feet.

**B. Minimum Setback Requirements:**

1. Front: twenty-five (25) feet.
2. Side: 0 feet with party walls; 10 feet from property line and no less than 20 feet between buildings.
3. Rear: Fifteen (15) feet

**C. Minimum Floor Area**

None

- D. The Maximum Impervious Surface Coverage  
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%). (rev.7/1/03)
  
- E. Height  
The maximum height of buildings shall be thirty-five (35) feet.
  
- F. Buffer Requirements  
Where abutting any residential district, screening is required in conformance with Section 520-020.
  
- G. Parking Requirements  
Off-street parking and loading space shall be provided in accordance with Division 515 of this Ordinance.

**DIVISION 260: C-N NEIGHBORHOOD COMMERCIAL**

**Sec. 260-010 PURPOSE AND INTENT**

The C-N Neighborhood Commercial District is primarily composed of service businesses or light retail establishments generally designed to serve nearby residential areas. It is the intent of this district to provide convenient commercial establishments that are primarily used by persons residing in the area. All businesses shall be those which are not objectionable by reason of odor, dust, bright lights, noise, vibration, or traffic congestion, and should, when possible, be conducted within a completely enclosed building. Such uses are encouraged as Planned Unit Developments, but provisions are made for individual development subject to the following conditions:

- A. Such use will not substantially alter nor adversely affect nearby residential properties.
  
- B. The site plan for such use provides for adequate ingress or egress of vehicular traffic and will not cause safety, health or traffic problems in the area.
  
- C. The proposal is justified based on facts presented to indicate the need for such use, as called for in the Newton County Comprehensive Land Use Plan.

**Sec. 260-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the C-N Neighborhood Commercial District in accordance with Division 505 of this Ordinance.

**Sec. 260-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the C-N Neighborhood Commercial District in accordance with Section 510-020 (D) of this Ordinance.

**Sec. 260-040 CONDITIONAL USES**

Conditional uses shall be permitted in the C-N Neighborhood Commercial District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance and the additional standards of Section 260-010.

**Sec. 260-050 PROPERTY DEVELOPMENT STANDARDS**

A. Minimum Lot Frontage:

The minimum lot frontage shall be 100 feet.

B. Minimum Setback Requirements:

1. Front: twenty-five (25) feet.

2. Side: 0 feet with party walls; 10 feet from property line and no less than 20 feet between buildings.

3. Rear: Fifteen (15) feet

C. Minimum Floor Area:

None

D. Maximum Impervious Surface Coverage

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%). (rev 7/1/03)

E. Maximum Height

The maximum height of buildings shall be thirty-five (35) feet.

F. Buffer Requirements

Where abutting any residential district, screening is required in conformance with Section 520-020.

G. Parking Requirements

Off-street parking and loading space shall be provided in accordance with Division 515 of this Ordinance.

**DIVISION 265: C-H HIGHWAY COMMERCIAL**

**Sec. 265-010 PURPOSE AND INTENT**

The C-H Highway Commercial District is composed of light to medium intensity commercial uses which are primarily designed to serve the automotive traveling public and should be located on major or minor arterial or collector streets as defined in the Newton County Comprehensive Land Use Plan. Such uses should be those which are not objectionable by reason of odor, dust, bright lights, noise, or vibration and should, when possible, be conducted within a completely enclosed building. Individual development of such uses should be allowed subject to the following conditions:

- A. Such proposed use is not inconsistent with current or projected neighboring land use and zoning.
- B. The site plan for proposed use shall provide for adequate ingress and egress of vehicular traffic and shall not cause safety, health, or unreasonable traffic problems in the area.
- C. The proposed use is justified based on facts presented to indicate the need for such use, as called for in the Newton County Comprehensive Land Use Plan.

**Sec. 265-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the C-H Highway Commercial District in accordance with Division 505 of this Ordinance.

**Sec. 265-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the C-H Highway Commercial District in accordance with Section 510-020 (D) of this Ordinance.

**Sec. 265-040 CONDITIONAL USES**

Conditional uses shall be permitted in the C-H Highway Commercial District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance and the additional standards of Section 265-010.

**Sec. 265-050 PROPERTY DEVELOPMENT STANDARDS**

- A. Minimum Lot Frontage  
The minimum lot frontage shall be 100 feet.
- B. Minimum Setback Requirements:
  - 1. Front: Twenty-five (25) feet.
  - 2. Side: 0 feet with party walls; 10 feet from property line and no less than 20 feet between buildings.
  - 3. Rear: Fifteen (15) feet.
- C. Minimum Floor Area:

None

**D. Maximum Impervious Surface Coverage**

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%). (rev.7/1/03)

**E. Maximum Height**

The maximum height of buildings shall be 35 feet.

**F. Buffer Requirements**

Where abutting any residential district, screening is required in conformance with Section 520-020.

**G. Parking Requirements**

Off-street parking and loading space shall be provided in accordance with Division 515 of this Ordinance.

**DIVISION 270: C-G GENERAL COMMERCIAL**

**Sec. 270-010 PURPOSE AND INTENT**

The C-G General Commercial District is primarily composed of heavy commercial and light industrial uses usually located near population centers and which may generate increased traffic and congestion. The intent of this district is to provide for special areas which, due to their location or current land use, have been set aside to allow uses which may not be allowed in the lighter commercial districts, but are not generally objectionable by reason of dust, odor, bright lights, noise or vibration. This district should generally be utilized as a buffer between heavier industrial and lighter commercial zones, and uses within this district should, when possible, be carried on within a completely enclosed building. Individual development of such uses should be allowed subject to the following conditions:

- A. Such proposed use is not inconsistent with neighboring zoning and current land use, and will when necessary provide adequate buffer between adjoining heavier industrial and lighter commercial, residential or agricultural districts;
- B. The site plan for the proposed use provides for adequate ingress and egress of vehicular traffic and will not cause safety, health or unreasonable traffic problems in the area; and
- C. The proposed use is justified based on facts presented to indicate the need for such use, as called for in the Newton County Comprehensive Land Use Plan.

**Sec. 270-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the C-G General Commerce District in accordance with Division 505 of this Ordinance.

**Sec. 270-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the C-G General Commerce District in accordance with Section 510-020 (D) of this Ordinance.

**Sec. 270-040 CONDITIONAL USES**

Conditional uses shall be permitted in the C-G General Commerce District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance and the additional standards of Section 270-010.

**Sec. 270-050 PROPERTY DEVELOPMENT STANDARDS**

A. Minimum Lot Frontage:

The minimum lot frontage shall be 100 feet.

B. Minimum Setback Requirements:

1. Front: Twenty-five (25) feet.
2. Side: 0 feet with party walls; 10 feet from property line and no less than 20 feet between buildings.
3. Rear: Fifteen (15) feet.

C. Minimum Floor Area:

None

D. Maximum Impervious Surface Coverage

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%). (rev 7/1/03)

E. Maximum Height

The maximum height of buildings shall be thirty-five (35) feet.

F. Buffer Requirements

Where abutting any residential district, screening is required in conformance with Section 520-020.

G. Parking Requirements

Off-street parking and loading space shall be provided in accordance with Division 515 of this Ordinance.

**DIVISION 275: M-1 LIGHT INDUSTRIAL**

**Sec. 275-010 PURPOSE AND INTENT**

The M-1 Light Industrial District is composed primarily of wholesale warehousing, trade shops, and light manufacturing uses, usually located on or near existing community facilities and transportation corridors. The intent of this district is to establish areas of industrial use which would be less objectionable by reasons of dust, odor, noise, congestion, etc., than those of the M-2 Heavy Industrial district. Such uses should be encouraged near existing similar uses in accordance with policies outlined in the Newton County Comprehensive Land Use. Provisions are made for individual development under the following conditions:

- A. Such proposed use will not substantially affect or alter nearby property values;
- B. Such proposed use is consistent with goals and policies of the Newton County Comprehensive Land Use Plan;
- C. The site plan for such use provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic problems in the area; and
- D. The proposed use is justified based on facts presented to indicate the need for such use, as called for in the Newton County Comprehensive Land Use Plan.

**Sec. 275-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the M-1 Light Industrial District in accordance with Division 505 of this Ordinance.

**Sec. 275-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the M-1 Light Industrial District in accordance with Section 510-020 (E) of this Ordinance.

**Sec. 275-040 CONDITIONAL USES**

Conditional uses shall be permitted in the M-1 Light Industrial District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance and the additional standards of 275-010.

**Sec. 275-050 PROPERTY DEVELOPMENT STANDARDS**

**A. Minimum Lot Frontage**

Minimum lot frontage on an arterial or collector street as defined in the Newton County Comprehensive Land Use Plan shall be 100 feet.

**B. Minimum Setback Requirements**

**1. Front:**

- a. 60 feet on arterial street;

- b. 40 feet on collector.
- 2. Side:
  - a. 10 feet from property line and no less than 20 feet between buildings under 35 feet in height.
  - b. 40 feet between buildings over 35 feet in height.
- 3. Rear: Fifteen (15) feet
- C. Maximum Impervious Surface  
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%). (rev 7/1/03)
- D. Minimum Floor Area:  
None.
- E. Maximum Height of Buildings:  
The maximum height of buildings shall be 75 feet.
- F. Buffer Requirements:  
Where abutting any residential district, screening is required in conformance with Section 520-020.
- G. Parking Requirements:  
Off-street parking and loading space shall be provided in accordance with Division 515 of this Ordinance.

**DIVISION 280: M-2 HEAVY INDUSTRIAL**

**Sec. 280-010 PURPOSE AND INTENT**

The M-2 Heavy Industrial District is primarily composed of heavy or intense industrial uses. Such uses should be as isolated as possible from major residential areas, but should be reasonably accessible to community facilities such as water, sewer, etc. and major transportation corridors. Since this district provides the least protection from the encroachment of undesirable uses, extreme care should be taken by governing authorities to locate such uses in existing industrial parks, until such areas are filled, or until the need for additional areas is evident. Other districts outlined as buffer areas should be employed where possible between this district and other less intensive areas, particularly residential or light commercial districts.



**Sec. 280-020 PRINCIPAL USES AND STRUCTURES**

Principal uses and structures shall be allowed in the M-2 Heavy Industrial District in accordance with Division 505 of this Ordinance.

**Sec. 280-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the M-2 Heavy Industrial District in accordance with Section 510-020 (E) of this Ordinance.

**Sec. 280-040 CONDITIONAL USES**

- A. Conditional uses shall be permitted in the M-2 Heavy Industrial District in accordance with Division 505 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Division 510 of this Ordinance.
- B. In addition to the criteria for a conditional use permit established in Section 620-060, the following criteria shall also be addressed for a conditional use within the M-2 Heavy Industrial District:
  - 1. The proximity of the proposed use to existing residential structures or residentially zoned property;
  - 2. Whether the proposed use will generate pollutants of the air or water and, if so, the method proposed by the applicant for insuring that the proposed use will comply with all state and federal environmental regulations;
  - 3. Whether the proposed use will generate excessive traffic, noise, vibration, smoke, dust, gas fumes, odors, radiation, or create a fire or explosion hazard which may be objectionable due to proximity to surrounding structures, or which will adversely affect the existing use or usability of adjacent or nearby property;
  - 4. How neighboring properties may be affected by the height of any proposed structure; and
  - 5. Whether the use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with surrounding land uses and would not be in conflict with the overall general objectives of the Comprehensive Plan.

**Sec. 280-050 PROPERTY DEVELOPMENT REGULATIONS**

- A. Minimum Lot Frontage  
Minimum lot frontage on an arterial or collector street as defined in the Newton County Comprehensive Land Use Plan shall be 100 feet.
- B. Minimum Setback Requirements
  - 1. Front:

- a. 60 feet on arterial street;
  - b. 50 feet on collector.
2. Side:
- a. 10 from property line and no less than 20 feet between buildings under 35 feet in height.
  - b. 40 feet between buildings over 35 feet in height.
3. Rear: Fifteen (15) feet
- C. Maximum Impervious Surface  
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%). (rev 7/1/03)
- D. Minimum Floor Area:  
None.
- E. Maximum Height of Buildings:  
The maximum height of buildings shall be 75 feet.
- F. Buffer Requirements:  
Where abutting any residential district, screening is required in conformance with Section 520-020.
- G. Parking Requirements:  
Off-street parking and loading space shall be provided in accordance with Division 515 of this Ordinance.

**DIVISION 285: MULTI-COUNTY MIXED USE BUSINESS PARK**

**Sec. 285-010 PURPOSE AND INTENT**

The Multi-County Mixed Use Business Park District is intended to provide large tracts of land suitable for the planned development of a mixed-use business park that provides new jobs and increases the tax base. It shall provide an attractive environment well suited to light manufacturing, research, development, professional offices and related commercial uses.

The Multi-County Mixed Use Business Park district is permitted under the following conditions:

- A. It is a part of a large-scale development of 1,000 acres or more located in at least two contiguous counties;
- B. It is developed under a single, unified entity providing control of property development;
- C. It contains a mixture of uses;
- D. It is developed in conformity with a master plan for future uses that is prepared by the applicant and approved by the Board of Commissioners; and
- E. It provides adequate infrastructure for current and future transportation, water resource management and community services.

The permitted uses, standards and provisions of the Multi-County Mixed Use Business Park district may be modified in specific ways by the Board of Commissioners through the application of one or more overlay districts within the Multi-County Mixed Use Business Park, including:

- A. Residential Neighborhood Development Overlay District (Division 430);
- B. Town Center Overlay District (Division 435); and
- C. Others designated from time to time by the Board of Commissioners.

**Sec. 285-020      PRINCIPAL USES AND STRUCTURES**

- A. Principal uses and structures allowed in the Multi-County Mixed Use Business Park District shall include:
  - 1. Offices;
  - 2. Research and product development facilities;
  - 3. Light manufacturing facilities, including light assembly and fabrication; commercial uses within 1,200 feet of a state or federal highway other than an Interstate highway; and
  - 4. Other uses allowed in the Use Table below.
- B. Application of this table shall be in accordance with the following codes:
  - A - An authorized use;
  - AC – Authorized as an accessory commercial use
  - CU - Conditional Use
- C. Uses that are not specifically authorized as a principal, accessory, or conditional use in the table below are prohibited, and may only be authorized if similar to an authorized use listed below and granted by written interpretation of the Planning Director.

**Use Table**

<b>Type of Use</b>	<b>Business Park</b>	<b>Within 1,200 feet of State/Federal Highway</b>
Accessory Use, Commercial	A	
Accessory Use, Residential		
Amphitheater/Stadium, Concert Hall		
Assembly Plant (light assembly, e.g. electronics)	A	
Automobile Service Station		A
Auto Wash		A
Bank	AC	A
Clothing, Dry Goods		A
Convenience Store	AC	A
Day Care, Child	AC	A
Day Care, Adult	AC	A
Department Store		A
Discount Store		A
Drug Store	AC	A
Dry Cleaning	AC	A
Dwelling, Multi-Family		
Dwelling, Single-Family Attached		
Dwelling, Single-Family Detached		
Dwelling, Two-Family		
Dwelling, Zero Lot Line (Townhouse)		
Electric Substation	A	
Electronics, Video sales and rental	AC	
Entertainment (Not Adult Entertainment)		
Farmers' Market		
Flower Shop	AC	
Health Club	AC	
Home Occupation		
Hotel, Motel		
Ice Cream, Confectionery Shop	AC	
Library	A	
Manufacturing, Heavy		
Manufacturing, Light	A	
Medical, Dental Laboratory		A
Medical, Dental Clinic		A
Office, Professional	A	
Office Supply Sales, Service	AC	A
Outdoor Recreation	A	
Outdoor Recreation Facilities, Commercial		
Outdoor Storage		
Park, Private	A	
Parking Lot or Deck	A	
Personal Care Home, Group Home		
Place of Public Assembly	A	
Place of Worship	A	A
Printing Shop, Copy Center	AC	A

<b>Type of Use</b>	<b>Business Park</b>	<b>Within 1,200 feet of State/Federal Highway</b>
Professional Services	AC	A
Recreation Center and Club, Private	A- see note 1	
Restaurant, Drive-Through		A
Restaurant	AC	A
Retail Sales		A
School, Private	A	
Site Built Home		
Site Built Home, Zero Lot Line		
Subdivision, Commercial		A
Subdivision, Industrial	A	
Swimming Pool	A	
Telecommunications Tower	CU	
Temporary Building	A	
Theater		A
Utilities, Structures and Bldgs., Public	A – see note 2	
Warehousing, Industrial, Wholesale		

**Notes:**

1. Private recreation facilities include golf courses, gymnasiums, swimming pools, tennis courts, outdoor play areas, bikeways, walking trails, picnic pavilions, clubhouses, and similar recreation facilities, including accessory uses common to these facilities.
2. Utility structures necessary for the transmission or distribution of service. Private utility facilities necessary for the transmission or distribution of electric power, natural gas, or telephone service. Standard distribution lines shall be placed underground.

**Sec. 285-030 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in the Multi-County Mixed Use Business Park District in conformity with the Use Table in Section 285-020 and subject to Section 510-020-D.1-7 of the Newton County Zoning Ordinance, with the following exception:

- A. Storage, sales and distribution may be permitted as accessory uses related to the principal uses allowed in the Multi-County Mixed Use Business Park District.

**Sec. 285-040 CONDITIONAL USES**

- A. Conditional uses shall be permitted in the Multi-County Mixed Use Business Park District in accordance with the Use Table subject to the procedures of the Newton County Zoning Ordinance Division 625.
- B. Each authorized or conditional use must meet certain standards peculiar to the use as provided in Division 510 of the Newton County Zoning Ordinance.

**Sec. 285-050 GENERAL REQUIREMENTS**

- A. Density
  - 1. Average density shall not exceed 10,000 square feet of gross building area per gross acre of the entire property.
  - 2. Maximum density of any lot shall not exceed 20,000 square feet of gross building area per gross acre of the site.
  
- B. Program for Unified Control

Each applicant for the Multi-County Mixed Use Business Park District shall provide evidence of the unified control of the entire District. During the development process more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to all of the terms and conditions of the plan approved by the Board of Commissioners for the property as a whole.
  
- C. Open Space Conservation
  - 1. No less than 15 percent of the Multi-County Mixed Use Business Park District shall consist of open space that may be pervious or impervious areas, buffers, including riparian and transitional buffers, greenways, trails, and outdoor recreation areas. This requirement shall apply to the Multi-County Mixed Use Business Park District as a whole and shall not be construed to apply to individual phases or to each county of which it may be a part.
  - 2. To the extent possible, lands containing streams, lakes, 100-year floodplains, wetlands, slopes over 15 percent, and exposed rock shall remain undisturbed and included in open space.
  - 3. To the extent possible, open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development.
  - 4. Common open space areas shall be owned, administered, and maintained as provided in Section 425-080 of the Newton County Zoning Ordinance.

**Sec. 285-060 STANDARDS OF DEVELOPMENT**

- A. Minimum Lot Frontage: 50 feet on a public street
  
- B. Minimum Building Setback Requirements
  - 1. Front: 15 feet

3. Side: 10 feet from property line, but no less than 20 feet shall separate between buildings that are over 35 feet in height.

4. Rear: 25 feet

**C. Impervious Surface**

1. The maximum impervious surface is 60 percent of the lot, except for lots developed for commercial uses, which shall be developed with a maximum impervious surface of 75 percent.

2. The average impervious surface of the entire district shall not exceed 50 percent.

**D. Maximum Height of Buildings:** 75 feet or five stories, whichever is greater.

**E. Buffer Requirements:**

Where property in this district abuts residential property, it shall provide buffers no less than 25 feet in width as provided in Section 520-020-B of the Newton County Zoning Ordinance.

**F. Parking Requirements:**

1. Off-street parking and loading space shall be provided to county standards and shall provide the number of spaces required by Division 515 of the Newton County Zoning Ordinance with the following exceptions:

<b>Land Use</b>	<b>Minimum Parking Requirements</b>
Office buildings, including research and development, banks, business, commercial and professional office buildings	Three (3) spaces per 1,000 sq. ft. of gross floor area, but not less than 6 spaces.
General business, commercial food stores, or personal services catering to the retail trade.	Five (5) spaces per 1,000 sq. ft. of floor area used by customers.

**G. Streets and Rights of Way**

1. All streets shall be dedicated public streets, except as may be permitted in an Overlay District, and shall conform to Newton County standards.

2. Streets that are not state or federal highways shall be constructed with a design speed not to exceed 35 miles per hour in commercial and industrial areas and 25 miles per hour in residential areas, except as follows:

- a. Streets primarily serving industrial, commercial, and office buildings shall provide vehicle travel lanes not to exceed 12 feet in width, not including on-street parking and bicycle lanes.
  - b. Streets primarily serving residential buildings shall provide vehicle travel lanes not to exceed 11 feet in width, not including on-street parking and bicycle lanes.
  - c. Intersection radii shall not be greater than 35 feet.
  - d. Within the watershed of the Little River, curb and gutter construction shall not be required.
  - e. Streets containing four or more travel lanes shall provide landscaped medians of at least fourteen feet in width.
  - f. All intersections shall provide pedestrian crosswalks.
  - g. Where intersections are signalized, they shall provide signal phases and indicators for pedestrians in accordance with the Manual of Uniform Traffic Control Devices.
3. Landscape plans shall be prepared as a component of the final engineering plans for each public street. Street trees shall be permitted in accordance with approved landscape plans.
  4. Right of way widths shall generally be in accordance with Newton County standards and shall provide adequate space for:
    - a. Shoulders on both sides of travel lanes containing a minimum of ten feet measured from the outside edge of pavement for the placement of underground utilities, sidewalks, bike lanes, and landscaping as required by the approved site development plans of the applicable overlay districts.
    - b. Alternative right of way widths and shoulder widths shall be permitted in an Overlay District in accordance with approved preliminary plans.

#### H. Sidewalks

1. Sidewalks shall provide safe, continuous pathways for pedestrians.
2. Sidewalks shall be located on all public streets.



I. Landscape Strips Adjacent to Public Rights of Way

1. Landscape strips not less than five feet in width shall be provided on both sides of all public streets. The landscape strip shall be planted with row of native trees of 2" minimum caliper planted not less than 40 feet on center.
2. No street tree shall be planted closer than 2 feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure. No street tree shall be placed closer than ten feet from the face of a building or the edge of a driveway.
3. Street trees shall be chosen from the following list:

Eastern Redbud	Florida Maple
Chinese Tallow Tree	Red Maple
Goldenrain Tree	Trident Maple
Imperial Honeylocust	Chinese Fringetree
Regent Japanese Pagoda Tree	European Hornbeam
Sourwood	American Hornbeam
Zelkova	Hybrid Crape Myrtle
Baldcypress	Armstrong Maple
Shumard Oak	Chinese Elm
Nuttal Oak	Serviceberry
Willow Oak	

4. When the landscape strip is between the street and a parking lot, it shall be increased in width to at least 10 feet, and in addition to street trees, it shall provide screening of that portion of the parking lot immediately adjacent to the street. This can be accomplished through use of a raised berm, evergreen hedge, or through other means approved by the Planning Director.

J. Earth Stabilization

When a development within this district requires clearing land for which no further construction is anticipated within 12 months, the developer shall stabilize disturbed soil within 90 days, and maintain such vegetation until construction is begun on the cleared areas.

K. Utilities

1. All utilities shall be placed underground except for major electric transmission lines and sub-stations.
2. Public water and sewer service shall be provided for all occupied buildings required to provide toilets.

3. Streetlights shall be provided along all public streets.

L. Signage

1. Signs for the approved development and for individual establishments used for commercial, office, institutional and other non-residential uses shall be permitted in accordance with Division 525 of the Newton County Zoning Ordinance.
2. The entity providing unified control of the development of the Business Park shall have the right to develop an alternative sign program for the property with standards that meet or exceed the requirements of Division 525 of the Newton County Zoning Ordinance. Upon approval of the Board of Commissioners, all project signage shall be permitted only in accordance with the approved alternative signage program.

**ARTICLE 3 - C.O.R.D. - COMMUNITY ORIENTED RESIDENTIAL DEVELOPMENT**

**DIVISION 300: C.O.R.D. - COMMUNITY ORIENTED RESIDENTIAL DEVELOPMENT**

**Sec. 300-010 PURPOSE AND INTENT**

The purpose and intent of the Board of Commissioners in establishing the C.O.R.D. (Community Oriented Residential Development) District is to establish a zoning district classification which promotes the public health, safety, and general welfare by permitting greater flexibility in site planning and building arrangements under a unified plan of development rather than lot-by-lot regulation, consistent with the policies and intent of the Newton County Comprehensive Land Use Plan and Zoning Ordinance. The C.O.R.D. district is not intended to encourage greater density of development, but rather to encourage:

- A. More diversity in residential patterns;
- B. Creativeness and innovation in land planning;
- C. Quality development of attractive and cohesive design;
- D. Compatibility with surrounding land uses;
- E. Provision of adequate public facilities and services; and
- F. Amenities to serve the recreational, educational, and social needs of residents in order to create a more self-sufficient community.

**Sec. 300-020 STANDARDS FOR C.O.R.D. DEVELOPMENT**

All C.O.R.D. developments shall require careful consideration by the governing authorities and should be allowed only on the following conditions:

- A. The proposed Community Oriented Residential Development district accomplishes, by the use of permitted flexibility and variation in design, a development that has a greater net benefit to the County than that resulting from conventional development under the Development Regulations. Net benefit to the County may be demonstrated by one or more of the following factors:
  - 1. Creation of a community of compact scale and design, which encourages pedestrian circulation;
  - 2. Creation of a design featuring amenities and accessory uses that increases the energy efficiency and self-sufficiency of the neighborhood with respect to its use of single-occupant automobiles without undermining the basic residential character of the neighborhood. Community facilities and accessory

- commercial uses are so located as to be accessible to residents of the community within a five-minute walk;
3. Interconnected usable open space;
  4. Recreation facilities;
  5. Other public facilities;
  6. Aesthetic features and harmonious design.
- B. Said proposed use would not substantially alter or adversely affect nearby property values.
- C. Said proposed use would not be incompatible with existing land use within the area; the perimeter of the Community Oriented Residential Development district is compatible with the existing or permitted land use of both the property that directly adjoins the subject property and the property that is located directly across the street from the subject property.
- D. Said proposed use would not be inconsistent with the goals and policies of the Newton County Comprehensive Land Use Plan or with the purposes of this Ordinance.
- E. The site plan for said proposed use provides for adequate ingress and egress of vehicular traffic and would not create safety, health or unreasonable traffic problems in the area.
- F. There are adequate provisions made for community facilities such as water, sewer, recreation, and open space; the Community Oriented Residential Development district results in less burden on present and projected public services and utilities than would result from conventional subdivision development.
- G. Off-street parking and loading area space shall be provided in accordance with Division 515 of this Ordinance.
- H. The proposal is justified based on facts presented to indicate the need for such development, as called for in the Newton County Comprehensive Land Use Plan.
- I. Program for Unified Control  
Each applicant for the Community Oriented Residential Development zoning classification shall provide a legal mechanism for unified control of the entire parcel. During the development process more than one builder may participate in the development of the approved plan so long as each parcel of land remains

subject to all of the terms and conditions of the plan approved by the Board of Commissioners for the property as a whole.

**J. Maintenance and Protection of Land Held in Common Ownership**

Each applicant shall present as a part of the application for the C.O.R.D. zoning designation a legal mechanism plan under which all land to be held in common ownership and used for open space purposes shall be protected in perpetuity as provided in Section 425-080 of this Ordinance.

**K. Public Streets Required**

1. All streets within Community Oriented Residential Development districts shall be public streets. The design and construction of said streets shall comply in all respects with the requirements of the Newton County Development Regulations, and any other applicable provision of the Code.

2. All public streets serving the development, both existing and proposed, must be suitable in design and adequate in capacity to carry the anticipated traffic within the proposed project and in the vicinity of the proposed project.

**L. Sidewalk Requirements**

Sidewalks must be constructed in accordance with the Newton County Development Regulations.

**M. Off-Street Parking Requirements**

Off-street parking requirements for uses and structures authorized and permitted in the C.O.R.D. District are as required in Section 515-020 for each use, except as follows:

1. Accessory commercial uses shall provide parking as follows:

a. Retail uses: not more than one space for each 250 square feet of floor space devoted to such use;

b. No parking space for any accessory commercial use shall be permitted to be located in the front yard of such accessory commercial use.

**N. Transitional Buffers**

Transitional buffers as provided in Section 520-020 are required with respect to external boundaries of the C.O.R.D. development. Transitional buffers are not required between adjacent land uses within the C.O.R.D. development except where otherwise required in this Division of the Zoning Ordinance.

**O. Landscaping**

All C.O.R.D. developments must meet the requirements of the Development Regulations regarding tree protection and landscaping.

- P. Phasing of Projects  
C.O.R.D. development may be phased. Where an applicant desires to phase such development, the schedule for development shall be submitted and is subject to approval as a condition of zoning. In all cases where a project is permitted to be phased, each phase of the project shall contain the required parking spaces, open space, recreation space, landscaping, and utilities required for that phase.

**Sec. 300-030 APPLICATION PROCEDURES**

- A. Review and Approval Procedures  
Each application for C.O.R.D. district classification shall be filed with the Planning Department and shall be reviewed and public hearings conducted with public notice provided in compliance with Section 620-020.
  
- B. Each application for a C.O.R.D. shall include the following:
  - 1. A complete application for zoning approval in a manner consistent with a rezoning application as provided in Section 620-050.
  
  - 2. A narrative addressing the proposed development explaining how it meets the policies and intent of the Newton County Comprehensive Land Use Plan and the purpose, intent, and standards of this Ordinance. The narrative shall include a tabulation for each phase of the development of the number of acres in each land use, as authorized in this Section, number of dwelling units by type, square feet of each housing unit type, residential density, commercial square footage and density, open space acreage, number, type and size of recreational facilities and other amenities, potential traffic generation, number of parking spaces by land use, overall character and architectural style, creative or innovative features of the development, the relationship of the proposed development to surrounding natural features and existing development, and other distinctive features of the plan.
  
  - 3. A statement from the Newton County Water and Sewer Authority and the Environmental Health Department that the water supply and wastewater treatment methods and systems proposed for the C.O.R.D. development are appropriate and adequate.
  
  - 4. All applications shall be accompanied by six (6) copies of a plat drawn to a designated scale of not less than one inch equals one-hundred feet (1" = 100'), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24" x 36", and one 8½" x 11" reduction of the plat. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:

- a. Boundaries of the entire property, with bearings and distances of the perimeter property lines and indication of boundaries of each phase of development, if applicable.
- b. Total area of the property in acres.
- c. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.
- e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Newton County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
- f. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
- g. A plan showing limits of clearing, existing vegetation, and any proposed landscaping and screening, including existing vegetation to be preserved.
- h. A delineation of all existing structures and whether they will be retained or demolished.
- i. Location of proposed housing unit types.
- j. Development density and lot sizes for each dwelling unit type.
- k. Designation of minimum lot areas and yards that will be provided on lots adjacent to the peripheral lot lines of the subdivision.
- l. Location, character, and amount of accessory commercial space in C.O.R.D. development.
- m. Use, location, square footage, density, and height of other non-residential uses.
- n. Spacing between buildings.
- o. Location of accessory buildings and uses.
- p. Areas to be held in joint ownership, common ownership or control in perpetuity.

- q. Location, where applicable, of proposed trails, recreation areas, parks, schools, libraries, churches, and other public or community uses, facilities, or structures on the site.
  - r. Public right(s)-of-way, indicating names, route numbers and width, any required or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
  - s. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
  - t. Number and location of off-street parking spaces, including a written justification when the applicant is simultaneously applying for approval of a reduction in the number of parking spaces otherwise required by Section 515-020.
  - u. Location of sidewalks and bicycle facilities.
  - v. Indication that the property is served by public water and/or sewer or private water and/or septic field with conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.
  - w. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
  - x. Location, width, and planting list for required transitional buffers at external site boundaries.
  - y. Landscaping plans showing areas of landscape, spacing, and species of trees and shrubs.
  - z. Seal and signature of professional person preparing the plat.
5. In addition, the preliminary site plan shall indicate the boundaries of all contiguous land under control or ownership of the applicant, and the current location, size, ownership, and use of each parcel adjoining the proposed C.O.R.D. development.
6. A traffic study shall be required if applicable per Section 500-080 of this Ordinance and Division 705 of the Newton County Development Regulations.



7. If signage is requested in addition to the signs permitted under Division 525 of this Ordinance, the Application shall include a description of the additional signage.

**Sec. 300-040 APPROVAL PROCESS**

- A. Following receipt of a complete application and fee the Zoning Administrator shall prepare the proper advertisement and notice for a public hearing of the Planning Commission and Board of Commissioners, as provided in Section 620-020, to consider whether to approve the proposed C.O.R.D. development.
- B. The Zoning Administrator shall prepare a report to the Planning Commission analyzing the proposed project with respect to its consistency with the Newton County Comprehensive Land Use Plan, the standards governing the exercise of zoning, and each of the additional factors and standards as provided in Section 620-060.
- C. Review and recommendation by the Planning Commission shall be based upon the consistency of the proposed development with the policies and intent of the Newton County Comprehensive Land Use Plan, the standards governing exercise of the power of rezoning, as well as with respect to the additional standards specified in Section 620-060.
- D. Action by the Planning Commission  
At the public hearing, the Planning Commission shall vote to take one of the following courses of action:
  1. Table the review until a specified date, not to exceed thirty days in order to consider additional information;
  2. Recommend that the Board of Commissioners deny the application for C.O.R.D. development;
  3. Recommend that the Board of Commissioners approve the application as submitted, conditioned on the faithful execution of the preliminary site plan; or
  4. Recommend that the Board of Commissioners approve the application, conditioned on the faithful execution of the preliminary site plan as modified by additional conditions and stipulations recorded in written form.
- E. Action by the Board of Commissioners  
Within 30 days following the public hearing of the Planning Commission, the Board of Commissioners shall, following proper public notice and advertisement as provided in Section 620-020, conduct a public hearing to receive the report of the Planning Commission, take public comment as provided in Section 620-030, and take one of the following courses of action with respect to the application for preliminary plan approval for the proposed C.O.R.D.:

1. Refer the application back to the Planning Commission for a further report to be received by a certain time, not to exceed thirty days;
  2. Deny the application for C.O.R.D. development;
  3. Approve the application as submitted, conditioned on the faithful execution of the preliminary site plan; or
  4. Approve the application, conditioned on the faithful execution of the preliminary site plan as modified by additional conditions and stipulations recorded in written form.
- F. Approval by the Board of Commissioners of a preliminary plan for a C.O.R.D. development shall constitute approval of a Concept Plan as a major subdivision as provided in Section 415-020 of the Newton County Development Regulations.
- G. Final Site Plan and Plat  
Prior to issuance of any building permit within any C.O.R.D. development, a final plat shall be submitted to and approved by the Director of Planning as provided in Section 415-050 of the Newton County Development Regulations and the final plat shall be ratified by the Board of Commissioners as provided in Section 415-050 of the Newton County Development Regulations. Said final plat shall be consistent with the preliminary plan approved by the Board of Commissioners unless minor modifications are approved pursuant to Section 300-050 (A) of this Ordinance.
- H. Variances and Conditions of Rezoning or C.O.R.D. Approval  
In enacting an ordinance designating a parcel of land as a C.O.R.D., the Board of Commissioners may enact a plan which provides for variances and conditions of rezoning or C.O.R.D. approval from rules applying generally in this Ordinance, or for variances and conditions of rezoning or C.O.R.D. approval from the requirements generally applicable in this district. This shall include the authorization of any signage not permitted by Division 525 of this Ordinance. Any such variance or conditions of rezoning or C.O.R.D. approval shall be subject to the criteria contained in Section 620-060 as is applicable. After approval of any such C.O.R.D. development plan by the Board of Commissioners, no action is required by the Board of Zoning Appeals.
- I. Recording of Final Plat by Director of Planning  
After final approval of a final plat for a C.O.R.D. development by the Board of Commissioners the Director of Planning shall record said final plat with the Clerk of Superior Court of Newton County.